

Revised General Ordinances
of the
Borough of Lakehurst

COUNTY OF OCEAN
STATE OF NEW JERSEY

1999

Year 2000 Governing Body

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CODED SYSTEMS CORPORATION
120 MAIN STREET
AVON, NEW JERSEY 07717

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of the

Borough of Lakehurst

COUNTY OF OCEAN

STATE OF NEW JERSEY

1999

Volume II

(Chapter XXV, Land Development)

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Borough of Lakehurst
Volume II

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CHAPTER XXV
LAND DEVELOPMENT

25-1 TITLE.

This chapter shall be known and may be cited as the "Land Development Ordinance of the Borough of Lakehurst, New Jersey. (Ord. No. 11/78; Ord. No. 5/24/81 § A I)

25-2 PURPOSE.

There is hereby ordained by the Borough Council for the Borough of Lakehurst, New Jersey, pursuant to the provisions of P.L. 1975, c. 291, a Land Development Ordinance for the following purposes: to effectuate the Master Plan, enacted to guide the appropriate development and redevelopment of land in a manner which will promote the public health, safety, morals and general welfare; regulate the use of land within zoning districts; secure safety from fire, flood, panic, and other natural and manmade disasters; provide adequate light, air, and open space; limit and restrict buildings according to their type and the nature and extent of their use, and regulate the nature and extent of the use of land for trade, industry, residence, open space or other purposes; regulate the bulk, height, number of stories, and size of buildings and other structures; avoid a conflict with the development and general welfare of neighboring municipalities, the County and the State; establish appropriate population densities and concentrations contributing to the well-being of persons, neighborhoods, communities and regions and the preservation of the environment; provide sufficient space for residential, recreational, commercial and industrial uses and open space; encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging the location of such facilities and routes which result in

congestion or blight; promote a desirable visual environment; promote the conservation of open space and valuable natural resources and to prevent urban sprawl and degradation of the environment through improper use of land; and encourage coordination of various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land; and to implement the Pinelands Protection Act (N.J.S. 13:18a-1 to 29) and the Pinelands Comprehensive Management Plan so as to preserve and protect the significant and unique resources of the Pinelands. (Ord. No. 11/78; Ord. No. 5/24/82 § A II)

25-3 DEFINITIONS.

25-3.1 General. Any word or term not defined shall be utilized with a meaning of standard usage for the context in which the word is used. (Ord. No. 11/78; Ord. No. 5/24/81 § 300)

25-3.2 Municipal Land Use Law. The following terms utilized in this chapter are used as defined in the Municipal Land Use Law as amended (Chapter 291, P.L. 1975): Applicant; application for development; buildings; capital improvement; circulation; common open space; conditional use; County Master Plan; County Planning Board; days; developer; development regulation; division; erosion; final approval; governing body; interested party; major subdivision; master plan; mayor; nonconforming lot; nonconforming structure; nonconforming use; Official County Map; off-site; off-tract; on-site; on-tract; open space; party immediately concerned; Planning Board; plat; preliminary approval; preliminary floor plans and elevations; public areas; public development proposal; public drainage way; public open space; quorum; residential cluster; residential density; resubdivision; sedimentation; site plan; standards of performance; street; structure; subdivision; variance. (Ord. No. 11/78; Ord. No. 5/24/82; § 301; Ord. No. 95-13 § 1)

25-3.3 Pinelands Comprehensive Management Plan.

The following terms utilized in this chapter are used as defined in the New Jersey Pinelands Comprehensive Management Plan, adopted by the New Jersey Pinelands Commission pursuant to Section 7 of the Pinelands Protection Act (N.J.S. 13:18A-1 to 29) as amended: agricultural commercial establishment; animals, threatened or endangered; application for development; building; camper; campsite; certificate of appropriateness; certificate of filing; commission; comprehensive management plan; construction; contiguous land; drainage; dwelling; dwelling unit; electric distribution lines; electric transmission lines; enlargement; family; fire hazard; fish and wildlife management; forestry; habitat; historic resource; hydrophytes; impermeable surface; interested person or party; interim rules and regulations; land; landscaping; local community facility; mobile home; parcel; person; Pinelands Area; Pinelands Development Review Board; Pinelands Protection Act; plants, threatened or endangered; record tree; recreational facility, intensive; recreational facility, low intensive; scenic corridor; sign; submerged lands; seasonal high water table; vegetation; wetlands; and wetland soils. (Ord. No. 11/78; Ord. No. 5/24/82 § 302; Ord. No. 12/82 § I; Ord. No. 7/20/89 § 1; Ord. No. 97-05 § 1)

25-3.4 Specific. For the purpose of clarity and use certain words and terms used in this chapter are to be interpreted as defined below:

Accessory use or building shall mean a subordinate use or building, the purpose of which is incidental to that of a main use or building on the same lot, except that any structure containing living space or a building with a floor area in excess of nine hundred (900) square feet shall not be considered an accessory building.

Act shall mean the Municipal Land Use Law, Chapter 291, Laws of N.J. 1975.

Administrative Official shall mean the Borough Clerk.

Adverse effect shall mean development designs, situations, or existing features on a developer's property, or any nearby property, creating, imposing, aggravating or leading to impractical, unsafe, unsatisfactory or non-complying conditions such as a layout inconsistent with the zoning regulations; insufficient street width; unsuitable street grade; unsuitable street location; inconvenient street grade; inconvenient street system; inadequate utilities such as water, drainage, and sewerage; unsuitable size, shape and location for any area reserved for public use or land for open space in a planned development; infringement upon land designated as subject to flooding; and the creation of conditions leading to soil erosion from wind or water from excavation or grading, all as set forth in N.J.S. 40:55D-38 and measured against the design and performance standards of this chapter.

Agricultural use shall mean land which is devoted to the production for sale of plants and/or animals.

Alteration or addition shall mean a change or modification in the structural members of an existing building or the enlargement of a structure or the movement of a structure from one location to another.

Apartment shall mean a dwelling unit in a building having two (2) or more units where entranceways, hallways, basements, attics, heating systems, yards, and similar services in the building are shared in common, singularly or in combination.

Approval agency shall mean any board, body, authority or person within the Borough with authority to approve or disapprove subdivisions, site plans, zoning permits, construction permits or other applications for development.

Approving authority shall mean the Planning Board of the municipality unless a different agency is designated by this chapter when acting pursuant to the authority of the Act.

Automobile service station shall mean any premises used for the retail sales of gasoline, oil or other products necessary for the maintenance and operation of motor vehicles and for servicing and repairs thereof, but where no vehicular painting and/or work is done and where no junked or unregistered vehicles are kept or stored.

Basement shall mean a story partly underground and having more than one half (1/2) of its height above the average level of the finished grade at the front of the building.

Billboard shall mean and include any off-site sign used to identify the product made or the activity being pursued by any individual, service, business, commercial or industrial enterprise, for the purpose of appraising the public of the locations of such enterprise and/or type of activity in which it is engaged.

Boarding house shall mean any building or that part of any building where rooming units are rented with or without meals for more than three (3) persons.

Building coverage shall mean the area of a lot covered by buildings measured on a horizontal plane around the periphery of the foundation(s) and including the area under the roof of any structure supported by columns or otherwise, but not having walls, as measured around the extremities of the roof above the columns.

Building height shall mean the vertical distance measured to the highest point of the building from the average elevation of the finished grade at the foundation.

Building line shall mean a line formed by the intersection of a horizontal plane at average grade level and a vertical plane that coincides with the exterior surface of the building on any side. In the case of a cantilevered or projected section of a building, the vertical plane shall coincide with the most projected surface. All yard requirements are measured to the building line.

Building, principal shall mean a building in which is conducted the main or principal use of the lot on which the building is situated.

Cartway shall mean the section of a street, road, or highway right-of-way located between the curblines which is normally used by vehicular type traffic, commonly known as the paved areas of the street.

Cellar shall mean a story wholly or partly below immediate grade having more than one half (1/2) its height (measured from floor to ceiling) below immediate grade at the front of the building.

Development (major) shall mean any division of land into five (5) or more lots; any construction or expansion of any housing development of five (5) or more dwelling units; any construction or expansion of any commercial or industrial use or structure on a site of more than three (3) acres; or any grading, clearing, or disturbance of an area in excess of five thousand (5,000) square feet.

Development (minor) shall mean all development other than major development.

Development (non-Pinelands area) shall mean the division of a parcel of land into two (2) or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or any mining, excavation, or landfill, and any use or change in use of any building or other structure, or land or extension of use of land.

Development (Pinelands area) shall mean the change of or enlargement of any use or disturbance of any land, the performance of any building or mining operation, the division of land into two (2) or more parcels, and the creation or termination of rights of access or riparian rights including, but not limited to:

- a. A change in the type of use of a structure or land;

- b. A reconstruction, alteration of the size, or material change in the external appearance of a structure or land;
- c. A material increase in the intensity of use of land, such as an increase in the number of businesses, manufacturing establishments, offices or dwelling units in a structure or on land;
- d. Commencement of resource extraction or drilling or excavation on a parcel of land;
- e. Demolition of a structure or removal of trees;
- f. Commencement of forestry activities;
- g. Deposit of refuse, solid or liquid waste or fill on a parcel of land.
- h. In connection with the use of land, the making of any material change in noise levels, thermal conditions, or emissions of waste material; and
- i. Alteration, either physically or chemically, of a shore, bank, or flood plain, seacoast, river, stream, lake, pond, wetlands, or artificial body of water.

Development permit shall mean a document signed by the Construction Code Official (1) which is required by ordinance as a condition precedent to the commencement of a use or any development including the erection, construction, reconstruction, alteration, conversion or installation of a structure or building, and (2) which acknowledges that such development complies with the provisions of this chapter or variance therefrom duly authorized by a municipal agency.

Dwelling, detached shall mean a building surrounded by open space on the same zoning lot.

Dwelling, multi-family shall mean a building used, designed for or occupied by three (3) or more independent families, with separate housekeeping and cooking facilities

for each including apartment houses, boarding houses, and flats.

Dwelling, one family shall mean a detached building and dwelling unit used, designed for and/or occupied exclusively by one (1) family only living as a single nonprofit housekeeping unit.

Dwelling, two family shall mean a building used, designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each, living independently of each other.

Engineer (municipal) shall mean the official licensed professional engineer appointed by the Borough.

Engineer (planning board) shall mean the official licensed professional engineer appointed by the planning board pursuant to subsection 25-9.5 of this chapter.

Essential service shall mean underground gas, electrical, telephone, telegraph, steam or water transmission or distribution systems, including mains, drains, sewers, pipes, conduits, cables; and including normal above ground appurtenances such as fire alarm boxes, police call boxes, light standards, poles, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by public utilities or municipal or other governmental agencies or for the public health or safety or general welfare.

Family shall mean any number of persons living together as a single family or housekeeping, nonprofit unit and using certain rooms and housekeeping facilities in common, such persons shall be related by blood, marriage, or adoption.

Fence shall mean an artificially constructed barrier forming a total or partial enclosure of yard areas, and designed to prevent straying from within or intrusion from

without the enclosure, or to provide a visual barrier for the purpose of assuring privacy.

Flood fringe shall mean that portion of flood hazard area outside of the floodway.

Flood hazard area shall mean the floodway and the relatively flat area adjoining the floodway which has been or may be hereafter covered by flood water and which area, the improper development and general use of which, would constitute a threat to the public safety, health and general welfare. The flood hazard area shall constitute the total area inundated by the flood hazard design flood.

Floodplain shall mean the generally flat terrain subject to periodic flooding adjacent to streams, ponds, lakes, or swamps.

Floodway shall mean the channel of a natural stream and portions of the flood plain adjoining the channel which are reasonably required to carry and discharge the flood water or flood flow of any natural stream. This shall constitute the portions of the flood plain needed for the passage of the floodway design flood without an appreciable rise in the water surface profile.

Floor area shall mean the sum of the gross horizontal area of flooring of a structure measured by using the exterior of the building but excluding garages, breezeways, unheated porches, basements or cellars. For business and commercial uses such areas shall include all floor space having headroom of at least seven (7') feet.

Garage, private shall mean a building or space accessory to the principal building which provides the storage of motor vehicles and in which no occupation, business or service for profit is carried on.

Garage, public shall mean any garage other than a private garage, available to the public operated for gain, and which is used for the equipping, adjusting, storage, rental, repair, inspecting, greasing, washing, polishing, or other cleaning,

maintenance and servicing of automobiles or other motor vehicles, including the supply of gasoline or oil or other fuel for the vehicular propulsion. This term shall include gasoline and oil pumps maintained in conjunction therewith but shall not be construed to include motor vehicle show rooms for new or used motor vehicles.

Garden apartments shall mean one (1) or more multi-family buildings not more than two and one-half (2 1/2) stories above the ground level or not more than three (3) livable floor levels, and on a landscaped site; designed and erected as an integrated development with singleness of use and operation and which contains such common facilities as pedestrian walks, open spaces and recreation areas in accord with minimum standards stated in this chapter, off-street parking, and/or garage facilities concomitant with unit density, complete utility system, free two-way access provided from two (2) or more directions.

Grade, finished shall mean the completed surfaces of lawns, walks and roads brought to grades as shown on municipally reviewed plans or designs conforming to established municipal standards.

Gross habitable floor area shall mean the sum of the gross horizontal areas of the floor or several floors of a dwelling measured between the inside face of exterior walls or from the centerline of walls separating two (2) dwelling units, having a clear ceiling height of seven feet, four (7' 4") inches or greater, but not including any unfinished cellar or basement, or any garage space, breezeway, interior patios, enclosed porches or accessory building space.

Home occupation shall mean any gainful employment, or occupation, involving the production or repair of goods by one (1) or more members of the resident family, which shall constitute, either entirely or partly, the means of livelihood of such member or members, and which shall be conducted in clearly secondary or accessory use to the primary residential use of the principal structure. Such occupation

may be pursued in the principal dwelling structure, or in a secondary building, which is accessory to such principal structure. Home occupations may include, but are not limited to, such activities as dressmaking, millinery, watchmaking, electrical, radio repair and carpentry. The wholesale or retail sale of goods or services in structures designed or altered to make such activities the primary use of the site or involving the wholesale or retail sale of goods and services not produced or repaired on-site shall not be construed hereunder to be a home occupation.

Home professional office shall mean any professional office conducted entirely within the dwelling or accessory building to the dwelling which is the bonafide residence of the practitioner.

Hotel shall mean a building containing rooms used, rented, or hired out to be occupied for sleeping purposes by guests, and where only a general kitchen and dining room are provided within the building or as an accessory building.

Industrial or office park shall mean a total tract comprehensively planned, designed, and approved for industrial or office uses whether or not the buildings are erected in one development stage or over a period of time, but where the streets, utilities and lots and/or tenant's parcels are set forth on a plan for the entire tract prior to construction of any portion of the tract. As development takes place in accordance with the approved plans, changes may be made in the plans for the undeveloped section to accommodate subsequent land needs, provided the modifications conform to logical extensions of installed segments of streets, drainage, utilities and other facilities.

Junk yard shall mean an area or structure used for the collecting, storage, buying, trading, or abandonment of any refuse and/or discarded material, or the dismantling, demolition, salvaging or abandonment of processing structures, automobiles, or other vehicle equipment and machinery or parts thereof; with the deposit of domestic,

commercial, industrial or sanitary waste or garbage excluded.

Land shall mean real property including improvements and fixtures on, above, or below the surface.

Loading space shall mean an off-street space or berth on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading or unloading material.

Lot shall mean a parcel or area of land, the dimensions, location and extent of which are determined by the latest official records or by the latest approved map of a subdivision of which the lot is a part.

Lot area shall mean the total horizontal area of land which is determined by the limits of the lot lines bounding that area and expressed in terms of square feet or acres. Any portion of a lot included in a public right-of-way shall not be included in calculating lot area. Where an easement is obtained or exists for public purposes, the area of the easement shall be included in the calculation of the lot area.

Lot, corner shall mean a lot having at least two (2) adjacent sides fronting on intersecting roads. The greater frontage shall be deemed a side lot line and the lesser frontage the front lot line. In the event of equal frontage the front lot line shall be that line which the main entry of the structure faces.

Lot depth shall mean the horizontal distance between the front lot line and a line drawn parallel to the front line through the midpoint of the rear lot line.

Lot frontage shall mean the horizontal distance between the side lot lines measured along the street lines. The minimum lot frontage shall be the same as the lot width except that on curved alignments with an outside radius of less than five hundred (500) feet, the lot frontage may be

reduced to not be less than seventy-five (75%) percent of the required minimum lot width.

Lot line shall mean any line forming a portion of the exterior boundary of a lot. The lot line is the same as the street line for that portion of a lot abutting a street. Lot lines extend vertically in both directions from ground level.

Lot width shall mean the straight and horizontal distance between side lot lines measured at setback points on each side lot line at the minimum building setback from the street line.

Maintenance guarantee shall mean any security, other than cash, which may be accepted for the maintenance of any improvements required by this chapter.

Mobile home shall mean an independent dwelling unit manufactured in one (1) or more sections; designed for long term occupancy; containing living and sleeping accommodations, a flush toilet, a tub or shower, bath and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; and designed to be transported on its own wheels after fabrication, or on flat bed or on other trailers, arriving at the site where it is to be occupied as a complete dwelling, usually including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations. For purposes of this chapter, travel trailers and campers are not considered mobile homes.

Mobile home park shall mean any lot upon which two (2) or more mobile homes are located and used for dwelling purposes.

Motel shall mean a series of rental units, with individual entrances from the building to each unit, operated as a single business for the purpose of providing lodging to transient guests.

Office shall mean a place for the transaction of business where reports are prepared, records kept, or services

rendered, but where no retail sales are offered and where no manufacturing, assembling or fabricating takes place.

Off-street parking space shall mean an off-street parking area for passenger vehicles including the storage area of each vehicle and necessary maneuvering area of each vehicle. Space for maneuvering incidental to parking or unloading shall not encroach upon any public way. Every off-street parking facility shall be accessible from a public street. Accessory garage space(s) for the storage of one (1) or two (2) automobiles shall be considered off-street parking space(s).

Permitted use shall mean any use of land or buildings as permitted by this chapter.

Performance guarantee shall mean any security, which may be accepted by the municipality, including cash; provided that the municipality shall not require more than ten (10%) percent of the total performance guaranteed in cash.

Pinelands area, Lakehurst shall mean all that portion of the Borough west of the main line of the Central Railroad of New Jersey.

Planned Retirement Community Development shall mean an area of land containing dwellings and recreational, cultural and medical facilities and services for the benefit of the permanent residents who are, wherever possible, persons fifty-two (52) years of age or over.

Plat, final shall mean the plat of all or a portion of the development prepared and submitted to the approving authority for final approval in accordance with Section 25-19 of this chapter.

Plat, preliminary shall mean the plat prepared and submitted to the approving authority as a part of the application for preliminary approval in accordance with Section 25-19 of this chapter.

Plat, sketch shall mean the plat prepared and submitted to the approving authority for purposes of classification and discussion in accordance with Section 25-19 of this chapter.

Principal use shall mean the main purpose for which any lot and/or building is used.

Private school shall mean an institution of education whose general course work is comparable to the public school system and whose curriculum is approved by the New Jersey Department of Education or the New Jersey Department of Higher Education.

Professional office shall mean the office of a member of a recognized profession which shall be so designated by the approving authority upon finding by such approving authority that such occupation is professional in character and requires academic training, licensing, and training and experience as a condition for the practice thereof, and that the practice of such occupation shall in no way adversely affect the safe and comfortable enjoyment of property rights in any zone to any greater extent than would the permitted uses listed in that district. The issuance of a State or local license for regulation of any such occupation shall not, alone, be deemed indicative of professional standing. When such office is combined with a residence, the conditions of a home professional office shall apply.

Restaurant shall mean an establishment, however designated, regularly and principally used for the purpose of providing meals to the public having an adequate kitchen and dining room equipped for the preparing, cooking and serving of foods for its customers and in which no other business, except such as is incidental to such establishment is conducted. However, a snack bar at a public or community recreation facility operated solely by the public agency controlling the recreation facility for the convenience of the patrons of the facility, shall not be deemed a restaurant for the purposes of this chapter.

Restaurant, fast food shall mean an establishment where patrons are served prepared foods, soft drinks, ice cream, and similar confections for principal consumption outside the confines of the principal building or in automobiles parked upon the premises, regardless of whether or not, in addition thereto, seats or other accommodations are provided for the patrons.

Retail store shall mean an establishment with a primary purpose of the sale of goods or articles individually or in small quantities directly to the consumer.

Right-of-way shall mean the total width and length of the course of a street, water course, water body, utility alignment, or other way and within which all improvements and rights of access are confined.

Setback line shall mean a line drawn parallel to a street line or lot line and drawn to the building line nearest to the street line or lot line beyond which a building shall not project. The minimum yard requirements shall be the minimum required setbacks. All setbacks from public street shall be measured from the required right-of-way width.

Shopping center shall mean a group of integrated developments devoted to retail, service and entertainment activities housed in enclosed building or buildings and utilizing such common facilities as customer and employees' parking areas, pedestrian walk areas, utilities, loading and unloading space, common open areas and such other appropriate necessary and appropriate accessory uses.

Sight triangle shall mean a triangular area abutting two (2) intersecting streets where vision is unobstructed. The sight triangle is formed by the intersecting street sidelines and a line connecting a point on each sideline a set distance from the intersection.

Sign shall mean any announcement, declaration, display, illustration or insignia placed in a position to be seen by the general public from any street or public way.

Site plan, exempt shall mean site plan approval by the approving authority shall not be required for individual single family and two (2) family dwellings as well as accessory buildings to agricultural and horticultural uses, unless such uses are located in a flood hazard area or involve a home occupation. Building alterations which do not involve a change in use, additional parking, or additional building area shall be exempt. Changes in use which do not require additional parking shall be exempt.

Site plan, minor shall mean a site plan for development or building alteration requiring less than ten (10) parking spaces as required in this chapter and containing less than two thousand five hundred (2,500) new or additional square feet of floor space.

Site plan, major shall mean all site plans not defined as minor or exempt.

Sketch plat shall mean a map of a subdivision or site plan of sufficient accuracy, used for the purpose of discussion and classification of the application.

Story shall mean that portion of a building comprised between a floor and the floor or roof next above it. A half (1/2) story is a story at the top of a building, the area of which is less than the area of the story below it, and the height of which shall not be less than seven and one-half (7.5) feet above at least one-third (1/3) the area of the floor.

Street line shall mean that line determining the limit of the rights of the public, either existing or contemplated. Where a definite right-of-way width has not been established, the street line shall be assumed to be at a point twenty-five (25) feet from the centerline of the existing pavement.

Structural alteration shall mean any change in either the supporting members of a building, such as bearing walls,

columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.

Subdivision , minor shall mean a subdivision of land that does not involve:

- a. The creation of more than three (3) lots, including remainder of the original lot;
- b. Planned development;
- c. Any new streets;
- d. Extension of any off-tract improvement;
- e. Any lands part of a previous minor subdivision within two (2) years preceding the present application.

Swimming pool shall mean facilities constructed above or below ground having a depth of more than two (2) feet and/or a water surface of one hundred (100) square feet or more and designed and maintained for swimming purposes. Swimming pools shall include all buildings, structures, equipment and appurtenances thereto.

Townhouse shall mean one (1) dwelling unit in a line of three (3) or more attached dwelling units with each dwelling unit extending from the ground to the roof and having individual outside access and no interior facilities, conveniences, or services shared with other dwelling units making up the overall building.

Tract shall mean an area of land comprised of one (1) or more lots having sufficient dimensions and area to meet the requirements of this chapter for the use(s) intended.

Travel trailer shall mean a vehicular, portable structure built on a chassis designed as a temporary dwelling for travel, recreation, vacation and other short term uses which may contain cooking, sleeping, sanitary and general living facilities.

Utility shall mean services provided to a use including, but not limited to, sewage treatment, water supply, gas, electric, telephone, and cable TV.

Utility distribution lines shall mean main lines, conduits or pipes located in a street, road, alley or easement through which natural gas, electricity, water, sewage, or storm water discharge is distributed to or from service lines extending from the main line to the distribution system of the building or premises served.

Warehousing shall mean any building, premises or land in which or upon which the principal business, operation or industry involves the storage of goods and materials.

Words and phrases. Unless the natural construction of the word indicates otherwise, all words used in the present tense include the future; the singular number includes the plural and the plural the singular. The word "building" includes the word "structure" or any part thereof; the word "occupied" includes the word "designed or intended to be occupied;" the word "used" includes "arranged," "designed" or "intended to be used", the word "person" includes individuals, firms, copartnerships and corporations. The word "shall" is always mandatory and not directory. The word "may" is permissive. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" and "occupied for".

Yard shall mean an open space extending between the closest point of any building line and a lot line or street line. In an apartment, townhouse, industrial park or other development where more than one (1) building may be erected on a lot, yards shall also be the open space extending between structures. All yard dimensions shall be measured horizontally and at right angles to either a straight street line, lot line, or building facade or perpendicular to the point of tangent of curved lines and facades. The minimum distance between buildings in developments where there is more than one (1) building on

a lot shall be the sum of the two (2) yards of the structures and in no event shall two (2) structures be closer to one another than the sum of both yards.

Yard, front shall mean the area extending across the full width of a lot line between the street line and the building line. For apartments, townhouses, industrial park or other development where more than one (1) building may be erected on a lot, the front yard shall be measured from the designated front of the building to an imaginary line a designated distance away from the front of the building.

Yard, rear shall mean the open space extending across the full width of the lot between the rear lot line and the building line. For apartments, townhouses, industrial park or other developments where more than one (1) building may be erected on a lot, the rear yards shall be measured from the designated rear of the building to an imaginary line a designated distance away from the rear of the building.

Yard, side shall mean an open space extending from the front yard to the rear yard and lying between each side lot line and the closest point of the building line. The side yard for apartments, townhouses, industrial park or other developments where more than one (1) building may be erected on a lot shall be measured from the designated side of the building to an imaginary line a designated distance away from the side of the building.

(Ord. No. 11/78; Ord. No. 5/24/82; Ord. No. 12/82 § 303; Ord. No. 12/82 § II; Ord. No. 7/20/89 § 2; Ord. No. 90-08 § 1)

25-4 PERMITS AND APPROVALS.

25-4.1 Development Permits, Building Permits, Certificates of Occupancy. No development permit, building permit, or certificate of occupancy shall be issued for any parcel of land or structure which was sold or on which improvements or other development were undertaken in

violation of the provisions of this chapter or for use of a lot which was created by subdivision after the effective date of, and not in conformity with the provisions of this chapter. No development shall be commenced except in conformance with this chapter in accordance with appropriate approvals and the issuance of required permits. (Ord. No. 11/78; Ord. No. 5/24/82 § 400)

25-4.2 Development Permits, Site Plan Approval, Subdivision Approval. A development permit shall be issued by the duly designated official or agency before the issuance of either a certificate of occupancy to a new occupant of an existing building or portion of an existing building or before the issuance of a building permit, or the commencement of any development as defined herein.

Except as specifically exempted pursuant to subsection 25-4.3 of this chapter, site plan and/or subdivision approval shall be required prior to the issuance of a development permit and the commencement of development as defined herein.

- a. In the Pinelands Area (Lakehurst), the applicant shall notify the Pinelands Commission of the issuance of a development permit. Notice shall be given in accordance with subsection 25-11.8. No development authorized by a development permit shall commence until the requisite period for Commission review and action has elapsed. If, within fifteen (15) days of receiving notification of the issuance of a development permit, the Executive Director of the Commission calls up the proposed development for review by the Commission, then no development shall occur until the Pinelands Commission has taken action on the proposed development. If the Pinelands Commission approves the proposed development subject to conditions, the approving authority shall, within thirty (30) days, modify its approval to include all conditions imposed, and the proposed development shall conform to the conditions. If the Commission disapproves the local

approval, the approving authority shall revoke such approval.

- b. The following types of development shall not be subject to Commission notification and review, and permits approved by the duly designated official shall take effect immediately:
1. The improvement, expansion or reconstruction of any one single-family dwelling or appurtenance thereto;
 2. The improvement, expansion, construction or reconstruction of any structure accessory to a single-family dwelling;
 3. The improvement, expansion, construction or reconstruction of any structure used exclusively for agricultural or horticultural purposes;
 4. The construction, repair or removal of any sign;
 5. The repair of existing utilities and the installation of utilities to serve existing or approved development;
 6. The clearing of less than five thousand (5,000) square feet of land not in conjunction with an activity requiring a building permit.
(Ord. No. 11/78; Ord. No. 5/24/82 § 401; Ord. No. 12/82 § III; Ord. No. 7/20/89 § 3)

25-4.3 Exempt Development.

- a. *Subdivisions and Lot Consolidations.* Divisions of land not considered a subdivision as defined below shall be exempt from compliance with the requirements of this chapter. Such divisions shall include: the division of land for agricultural purposes where all resulting parcels are five (5) acres or larger in size; divisions by testamentary or intestate provisions; divisions of property by Court Order; and conveyances so as to

combine existing lots by deed or other instrument, as the case may be. It shall be permissible to consolidate contiguous tax lots if the lots were created under the "Map Filing Law", through subdivisions for agricultural purposes or through deed or through creation of separate lots by deed by filing a written request with the Municipal Engineer requesting a change in the tax map and authorizing such a change and the reasons for same. A fee of twenty-five (\$25.00) dollars payable to the Borough, to defray the cost with a copy of the written request shall be submitted to the Administrative Officer.

The conveyance of one (1) 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 this chapter and are shown and designated as separate lots, tracts or parcels on the tax maps of the Borough, shall not be considered a subdivision under this chapter.

- b. *Site Plans.* Site plan approval by the approving authority shall not be required for individual single family and two (2) family dwellings as well as accessory buildings to agricultural and horticultural uses, unless such uses are located in a flood hazard area or involve a home occupation. Building alterations which do not involve a change in use, additional parking, or additional building area shall be exempt. Changes in use which do not require additional parking shall be exempt.

Construction or installation of underground facilities which do not alter the general use, appearance or grade of the site, shall be exempt provided that the commercial underground installation of fuel oil tanks or tanks for the storage of flammable or combustible liquids or materials shall have been approved by the Lakehurst Borough Fire Department.

- c. *Pinelands Area.* Notwithstanding the above, an application for development within the Pinelands Area shall be required to adhere to the requirements of subsection 25-4.7.

(Ord. No. 11/78; Ord. No. 5/24/82; Ord. No. 12/82 § IV; Ord. No. 7/20/89 § 4)

25-4.4 Certificate of Occupancy. It shall be unlawful to use or permit the use of any building or part thereof hereafter created, changed, converted, altered or enlarged, wholly or in part, until a certificate of occupancy shall have been issued by the duly designated official or agency and no certificate shall be issued unless the land, building and use thereof comply with this chapter; all matters incorporated on the approved subdivision or site plan have been completed and certified by the Municipal Engineer; and the building and health codes are complied with. (Ord. No. 11/78; Ord. No. 5/24/82 § 403)

25-4.5 Resolutions of Approval. Prior to the subdivision or resubdivision of land within the municipality and as a condition of filing of subdivision plats with the County Recording Officer, a resolution of approval of the Planning Board is required as is the approval of site plans by resolution of the Planning Board as a condition for the issuance of a development permit except as otherwise provided herein. The resolution of approval of the Board of Adjustment shall substitute for that of the Planning Board whenever the Board of Adjustment has jurisdiction over the subdivision or site plan pursuant to subsection 25-10.5c of this chapter. (Ord. No. 11/78; Ord. No. 5/24/82)

25-4.6 Public Development. All development proposed by the Borough of Lakehurst or any agency thereof will comply with all the requirements for public development set forth in N.J.A.C. 7:50-4.41 et seq. (Ord. No. 12/82 § V)

25-4.7 Pinelands Review Procedures.**a. *Applicability of Procedures.***

1. No person shall carry out any development within the Pinelands Area without obtaining approval from an approval agency and without obtaining development approval in accordance with the procedures set forth in this section.
2. Except as provided in paragraph 3. below, the following shall not be subject to the procedures set forth in this section.
 - (a) The improvement, expansion, or reconstruction within five (5) years of destruction or demolition of any single family dwelling unit or appurtenance thereto;
 - (b) The improvement, expansion, construction, or reconstruction of any structure accessory to a single family dwelling;
 - (c) The improvement, expansion, construction, or reconstruction of any structure used exclusively for agricultural or horticultural purposes;
 - (d) The construction, repair, or removal of any sign, except for the construction or replacement of any off-site commercial advertising sign;
 - (e) The repair of existing utility distribution lines;
 - (f) The clearing of less than one thousand five hundred (1,500) square feet of land;
 - (g) The construction of any addition or accessory structure for any nonresidential use or any multifamily residential structure provided that the addition or structure will be located

on or below an existing impermeable surface, that the existing use is served by public sewers, and that the addition or structure will cover an area of no more than one thousand (1,000) square feet; or

- (h) The demolition of any structure that is less than fifty (50) years old.
- (i) The installation of utility distribution lines, except for sewage lines, to serve areas which are effectively developed or development which has received all necessary approvals and permits;
- (j) The repair or replacement of any existing on-site waste water disposal system;
- (k) The repaving of existing paved roads, provided no increase in the paved width of the roads will occur;
- (l) The clearing of land solely for agricultural purposes;
- (m) Fences, provided no more than one thousand five hundred (1,500) square feet of land is to be cleared;
- (n) Above-ground telephone equipment cabinets;
- (o) Tree pruning;
- (p) The following forestry activities:
 - (1) Normal and customary forestry practices on residentially improved parcels of land that are five (5) acres or less in size;
 - (2) Tree harvesting, provided that no more than one (1) cord of wood per five (5) acres of land is harvested in any one (1) year and that no more than five (5)

cords of wood are harvested from the entire parcel in any one (1) year;

- (3) Tree planting, provided that the area to be planted does not exceed five (5) acres in any one (1) year, no soil disturbance occurs other than that caused by the planting activity and no trees other than those authorized by N.J.A.C. 7:50-6.25 are to be planted; and
 - (4) Forest stand improvement designed to selectively thin trees and brush, provided that no clearing or soil disturbance occurs and that the total land area on the parcel in which the activity occurs does not exceed five (5) acres in any one (1) year;
 - (q) Prescribed burning and the clearing and maintaining of fire breaks; or
 - (r) Normal and customary landscape plantings, unless a landscaping plan is required pursuant to subsection 25-27.47c.
- 3. The exceptions contained in paragraph 2. above shall not apply to any historic resources designated by the Pinelands Commission pursuant to N.J.A.C. 7:50-6.154.
 - 4. Nothing herein shall preclude any local or State agency from reviewing, in accordance with the provisions of any applicable ordinance or regulation, any proposed development which does not require an application to the Pinelands Commission pursuant to this section.
- b. *Application Requirements for Minor Development.*
- 1. Any application for approval of minor development shall include at least the following information:

- (a) The applicant's name and address and his interest in the subject property.
- (b) The owner's name and address, if different from the applicant's, and the owner's signed consent to the filing of the application;
- (c) The legal description, including block and lot designation and street address, if any, of the subject property;
- (d) A description of all existing uses of the subject property;
- (e) A brief written statement generally describing the proposed development;
- (f) A USGS Quadrangle map, or copy thereof, and a copy of the municipal tax map sheet on which the boundaries of the subject property and the Pinelands management area designation and the zoning designation are shown;
- (g) A plat or plan showing the location of all boundaries of the subject property, the location of all proposed development, and existing or proposed facilities to provide water for the use and consumption of occupants of all buildings and sanitary facilities which will serve the proposed development. The following information shall be included with respect to existing or proposed sanitary facilities:
 - (1) On-site Treatment Facilities. Location, size, type and capacity of any proposed on-site wastewater treatment facilities; and
 - (2) Soil Borings and Percolation Tests. If on-site sewage disposal is proposed,

results of soil borings and percolation tests in accordance with N.J.S. 58:11-23 et seq., and the regulations adopted pursuant thereto, shall be submitted at suitable location with a tract map showing location, logs, elevations of all test holes, indicating where ground water was encountered, estimating the seasonal high water table and demonstrating that such facility is adequate to meet the water quality standards contained in Section 25-27 of this chapter.

- (h) A location map, including the area extending at least three hundred (300) feet beyond each boundary of the subject property, showing ownership boundary lines, the boundary of the proposed development, owners of holdings adjoining and adjacent to the subject property, existing facilities, buildings and structures on the site, all proposed development, wetlands, streams (including intermittent streams), rivers, lakes and other water bodies and existing roads;
- (i) A soils map including a County soils survey which conforms to the guidelines of the United States Department of Agriculture Soil Conservation Service, showing the location of all proposed development;
- (j) A map showing existing vegetation, identifying predominant vegetation types in the area, and showing proposed landscaping of the subject property, including the location of the tree line before and after development and all areas to be disturbed as a result of the proposed development;

- (k) A certificate of filing from the Pinelands Commission issued pursuant to N.J.A.C. 7:50-4.34 or, until January 14, 1991, evidence of prior approval from the Pinelands Development Review Board or the Pinelands Commission pursuant to the Interim Rules and Regulations; and
 - (l) When prior approval for the development has been granted by an approval agency, evidence of Pinelands Commission review pursuant to subsection 25-4.7f.
- c. *Application Requirements for Other Development.*
- 1. All applications for major development shall be accompanied by the information required in N.J.A.C. 4.2(b)5, as well as the following:
 - (a) A certificate of filing from the Pinelands Commission issued pursuant to N.J.A.C. 7:50-4.34 or, until January 14, 1991, evidence of prior approval from the Pinelands Development Review Board or the Pinelands Commission pursuant to the Interim Rules and Regulations; and
 - (b) When prior approval for the development has been granted by an approval agency, evidence of Pinelands Commission review pursuant to subsection 25-4.6f.
 - 2. In addition to paragraphs c, 1(a) and 1(b) above, any application for forestry operations shall be subject to the requirements of N.J.A.C. 7:50-6.43.
- d. *Notices to the Pinelands Commission.*
- 1. **Application Submission and Modifications.** Written notification will be given by the approval agency to the Pinelands Commission within seven (7) days after a determination is made by the Borough that

an application for development is complete or if a determination is made by the Borough Council that the application has been modified. The notice shall contain:

- (a) The name and address of the applicant;
- (b) The application number of the certificate of filing issued by the Pinelands Commission and the date on which it was issued;
- (c) The date on which the application, or any change thereto, was filed and any application number or other identifying number assigned to the application by the Planning Board;
- (d) Any written reports or comments received by the Planning Board on the application for development which have not been previously submitted to the Commission;
- (e) The content of any change made to the application since it was filed with the Commission, including a copy of any revised plan or reports; and
- (f) The nature of the municipal approval being sought.

2. Meetings and Hearings. Where a meeting, hearing, or other formal proceeding on an application for development approval in the Pinelands Area is required, the applicant shall provide notice to the Pinelands Commission by regular mail or delivery of the same to the principal office of the Commission at least five (5) days prior to such meeting or hearing. Such notice shall contain at least the following information:

- (a) The name and address of the applicant;

- (b) The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued;
 - (c) The date, time and location of the meeting, hearing or other formal proceeding;
 - (d) The name of the approval agency or representative thereof which will be conducting the meeting, hearing or other formal proceeding;
 - (e) Any written reports or comments received by the Planning Board on the application for development which have not been previously submitted to the Commission; and
 - (f) The purpose for which the meeting, hearing, or other formal proceeding is to be held.
3. Notice of Approvals and Denials. The Pinelands Commission shall be notified of all approvals or denials of development in the Pinelands Area, whether the approval occurs by action or inaction of any approval agency or an appeal of any agency's decision. The applicant shall within five (5) days of the approval give notice by certified mail to the Pinelands Commission. Such notice shall contain the following information:
- (a) The name and address of the applicant;
 - (b) The legal description and street address, if any, of the property which the applicant proposes to develop;
 - (c) The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued, if any;
 - (d) The date on which the approval agency's approval or denial was issued;

- (e) Any written reports or comments received concerning the application for development approval not previously submitted to the Commission;
- (f) Any revisions to the application not previously submitted to the Commission;
- (g) A copy of the resolution, permit, or other documentation of the approval or denial which was granted; and
- (h) The names and addresses of all persons who actively participated in the proceedings.

e. *Review by the Pinelands Commission.*

1. Upon receipt by the Pinelands Commission of a notice of approval pursuant to subsection 25-4.7d, 3. above, the application for development approval shall be reviewed in accordance with the provisions in N.J.A.C. 7:50-4.37 through N.J.A.C. 7:50-4.42. The approval of the approval agency shall not be effective and no development shall be carried out prior to a determination of whether the development approval will be reviewed by the Commission. If the applicant is notified that the Commission will review the application for development, no development shall be carried out until such review has been completed.
2. Until January 14, 1991, approvals issued by the Pinelands Development Review Board or the Pinelands Commission under the Interim Rules and Regulations shall serve as the basis for Pinelands Commission review of the local approval under this section.
3. Although the Pinelands Commission shall be notified of all denials, no such denial actions are subject to further review and action by the Pinelands Commission.

- f. *Condition on Prior Approvals of the Borough of Lakehurst.*
1. Where a prior approval has been granted by the approval agency, no subsequent approval of an application for development approval shall be obtained until one of the following is satisfied:
 - (a) Notification is received from the Pinelands Commission that review of the prior local approval is not required; or
 - (b) Review of the prior local approval has been completed pursuant to N.J.A.C. 7:50-4.37 through 4.42 and a Final Order regarding the approval is received by the Borough of Lakehurst from the Pinelands Commission.
- g. *Effect of Pinelands Commission Decision on Borough of Lakehurst Approval.* If the Pinelands Commission disapproves an application for development previously approved by an approved agency, such approval shall be revoked by the approval agency within thirty (30) days and the agency shall thereafter deny approval of the application. If the Commission approves the decision of an approval agency subject to conditions, the approval agency which had previously approved the application shall, within thirty (30) days, modify its approval to include all conditions imposed by the Commission and, if final approval of the application is required, shall grant final approval only if the application for approval demonstrates that the conditions specified by the Commission have been met by the applicant.
- h. *Participation of Pinelands Commission in Public Hearings.* The Pinelands Commission may participate in a hearing held by an approval agency involving the development of land in the Pinelands Area pursuant to N.J.A.C. 7:50-4.36.

- i. *Environmental Commission Review.* All applications for major development and forestry shall be referred to the Environmental Commission for review and comment. (Ord. No. 7/20/89 § 5; Ord. No. 97-05 §§ 3, 4, 5)

25-5—25-8 RESERVED.

25-9 PLANNING BOARD.

25-9.1 Establishment. There is hereby established pursuant to C.291 P.L. 1975 in the Borough of Lakehurst, a Planning Board of nine (9) members consisting of the following four (4) classes:

- a. Class I. The Mayor. The Mayor shall not participate in consideration of applications for development which involve relief pursuant to subsection d of N.J.S. 40:55D-70.
- b. Class II. One of the officials of the municipality other than a member of the Governing Body to be appointed by the Mayor; provided that if there is an Environmental Commission, the member of the Environmental Commission who is also a member of the Planning Board, as required N.J.S. 40:56A-1, shall be deemed to be the Class II Planning Board member for purposes of this act in the event that there be among the Class IV, or alternate members of the Planning Board, both a member of the Zoning Board of Adjustment and member of the Board of Education.
- c. Class III. A member of the Governing Body to be appointed by the Governing Body. The Class III member shall not participate in consideration of applications for development which involve relief pursuant to subsection d of N.J.S. 40:55D-70.

- d. Class IV. Six (6) other citizens of the municipality to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, position or employment, except that one such member may be a member of the Board of Education. A member of the Environmental Commission, who is also a member of the Planning Board as required N.J.S. 40:56A-1 shall be a Class IV Planning Board member.

No member of the Planning Board shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest. Any member other than a Class I member, after public hearing if he requests one, may be removed by the Governing Body for cause.

(Ord. No. 11/78; Ord. No. 5/24/82 § 500; Ord. No. 95-13 § 2)

25-9.2 Terms. The term of the member composing Class I shall correspond to his official tenure. The terms of the members composing Class II and Class III shall be for one (1) year or terminate at the completion of their respective terms of office, whichever occurs first. The term of a Class IV member who is also a member of the Environmental Commission shall be for three (3) years or terminate at the completion of his term of office as a member of the Environmental Commission, whichever occurs first. The terms of all Class IV members first appointed under the Act shall be so determined that to the greatest practicable extent the expiration of such terms shall be distributed evenly over the first four (4) years after their appointment; provided that the initial Class IV term of no member shall exceed four (4) years. Thereafter, the Class IV term of each such member shall be four (4) years. If a vacancy in any class shall occur otherwise than by expiration of the Planning Board Term, it shall be filled by appointment, as above provided, for the unexpired term. No member of the Planning Board shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest. Any member other than a Class I member,

after a public hearing if he requests one, may be removed by the Governing Body for cause. (Ord. No. 11/78; Ord. No. 5/24/82 § 501)

25-9.3 Absence. When any hearing before a Planning Board shall carry over two (2) or more meetings, a member of the Board who was absent for one (1) or more of the meetings, shall be eligible to vote on the matter upon which the hearing was conducted, notwithstanding his absence from one (1) or more of the meetings; provided, however, that such Board member has available to him a transcript or recording of the meeting from which he was absent, and certifies in writing to the Board that he has read such transcript or listened to such recording. (Ord. No. 11/78; Ord. No. 5/24/82 § 502)

25-9.4 Alternates. The Mayor may appoint two (2) Class IV alternates to the Planning Board for terms of two (2) years; provided, however, the initial terms of such members shall be one (1) and two (2) years respectively. Such alternate members shall be designated by the Planning Board Chairman as "Alternate No. 1" and "Alternate No. 2" and shall serve in rotation during the absence or disqualification of any regular member or members of the Board.

No alternate member shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest. An alternate member may, after public hearing if he requests one, be removed by the Governing Body for cause.

Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of as alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate Number 1 shall vote. (Ord. No. 11/78; Ord. No. 5/24/82 § 503; Ord. No. 95-13 § 3)

25-9.5 Organization of the Planning Board. The Planning Board shall elect a Chairman and Vice Chairman from the members of Class IV, and select a Secretary and Assistant Secretary who may or may not be a member of the Planning Board or a municipal employee. It may employ, or contract for, and fix the compensation of legal counsel, other than the Borough Attorney, a planning consultant, a professional engineer, and other staff and services as it may deem necessary, not exceeding, exclusive of gifts or grants, the amount appropriated by the Borough Council for its use. (Ord. No. 11/78; Ord. No. 5/24/82 § 504)

25-9.6 Rules and Regulations. The Board may adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this chapter. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law of 1953 (N.J.S. 2A:67A-1 et seq.) shall apply. (Ord. No. 11/78; Ord. No. 5/24/82 § 505)

25-9.7 Powers and Duties Generally. The Planning Board is authorized to adopt by-laws governing its procedural operation. It shall also have the following powers and duties:

- a. To make and adopt and from time to time amend a master plan for the physical development of the municipality which in the Board's judgment bears essential relation to the planning of the municipality in accordance with the provisions of N.J.S. 40:55D-28.
- b. To administer the provisions of the Land Development Ordinance of the municipality in accordance with the provisions of the ordinances and the Municipal Land Use Law of 1975, N.J.S. 40:55S-1 et seq.
- c. To participate in the preparation and review of programs or plans required by State or Federal law or regulations.

- d. To assemble data on a continuing basis as part of a continuous planning process.
- e. To annually prepare a program of municipal capital improvement projects projected over a term of six (6) years, and amendments thereto, and recommend same to the Governing Body.
- f. To consider and make report to the Governing Body within thirty-five (35) days after referral as to any proposed development regulation submitted to it pursuant to the provisions of N.J.S. 40:55D-26(2), and also pass upon other matters specifically referred to the Planning Board by the Governing Body, pursuant to the provisions of N.J.S. 40:55D-26(b).
- g. When reviewing applications for approval of subdivision plats, site plans or conditional uses, to grant to the same extent and subject to the same restrictions as the Zoning Board of Adjustment.
 - 1. Variances pursuant to subsection 57c of Ch. 291 Laws of N.J. 1975 from lot area, lot dimensional set back and yard requirements provided that such relief from lot area requirements shall not be granted for more than one (1) lot.
 - 2. Direction pursuant to N.J.S. 40:55D-34 for issuance of permit for building and structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved pursuant to N.J.S. 40:55D-32.
 - 3. Direction pursuant to N.J.S. 40:55D-34 of the Act for issuance of a permit for a building or structure not related to a street.

Whenever relief is requested to this subsection, notice of a hearing on the application for development shall include reference to the request for a variance or direction for issuance of a permit as the case may be.

4. Any municipal variance approval which grants relief from the density or lot area requirements set forth in Section 25-30 for a residential or principal nonresidential use shall require that Pinelands Development Credits be used for all dwelling units or lots in excess of that permitted without the variance.
- h. To perform such other advisory duties as are assigned to it by ordinance or resolution of the Governing Body for the aid and assistance of the Governing Body or other agencies or officers.
- i. The approving authority, when acting upon applications for preliminary or minor subdivision approval or preliminary site plan approval, may grant such exceptions from the "Design and Performance Standards" in Section 25-27 as may be reasonable and within the general purpose and intent of the provisions for review and approval of subdivisions and/or site plans if the literal enforcement of one or more provisions is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.
- j. The Planning Board shall have those powers and follow those procedures as hereinafter set forth in Section 25-10, entitled "Powers of the Planning Board" through subsection 25-10.6 entitled "Time for Decision". Throughout those sections any current reference to "Zoning Board of Adjustment" should now read "Planning Board".
(Ord. No. 11/78; Ord. No. 5/24/82 § 506; Ord. No. 7/20/89 § 6; Ord. No. 93-05 § 1; Ord. No. 95-13 § IV; Ord. No. 97-05 § 6)

25-9.8 Time.

- a. *Minor Subdivisions and Minor Site Plans.* Minor subdivision approvals and minor site plan approvals shall be granted or denied within forty-five (45) days of

the date of submission of a complete application to the Planning Board 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 Board approval unless within such period a plat in conformity with such subdivision 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 Recording Officer, the Municipal Engineer and the Municipal Tax Assessor. Any such subdivision plat or deed must be signed by the chairman and a secretary of the Planning Board before it will be accepted for filing by the County Recording Officer. Approval of a minor site plan shall expire two (2) years from the date of Planning Board approval unless a building permit shall have been issued.

- b. *Preliminary Approval Major Subdivisions.* Upon submission of a complete application for a subdivision of ten (10) or fewer lots, the Planning Board shall grant or deny preliminary approval within forty-five (45) days of the date of such submission or with such further time as may be consented to by the developer. Upon submission of a complete application for a subdivision of more than ten (10) lots, the Planning Board shall grant or deny preliminary approval within ninety-five (95) days of the date of such submission or within such further time as may be consented to by the developer. Otherwise, the Planning Board shall be deemed to have granted preliminary approval for either size subdivision.
- c. *Ancillary Powers.* Whenever the Planning Board is called upon to exercise its ancillary powers before the granting of a variance as set forth in subsection 25-9.7 of this chapter, the Planning Board shall grant or deny approval of the application within ninety-five (95) days after submission by the developer of a complete application or within such further time as may be

consented to by the applicant. Failure of the Planning 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 Board to act shall be issued on request of the applicant.

- d. *Final Subdivision Approval.* Application for final subdivision approval shall be granted or denied within forty-five (45) days of submission of a complete application or within such further time as may be consented to by the applicant. 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 have been duly filed by the developer with the County Recording Officer. The Planning Board may, for good cause shown, extend the period for recording for additional period not to exceed one hundred ninety (190) days from the date of the signing of the plat.
- e. *Preliminary Site Plan Approval.* Upon the submission of a complete application for a site plan for ten (10) acres of land or less, the Planning Board shall grant or deny preliminary approval within forty-five (45) days of the date of such submission or within such further time as may be consented to by the developer. Upon the submission of a complete application for a site plan of more than ten (10) acres, the Planning Board shall grant or deny preliminary approval within ninety-five (95) days of the date of such submission or within such further time as may be consented to by the developer. Otherwise, the Planning Board shall be deemed to have granted preliminary approval of the site plan.
- f. *Final Site Plan Approval.* Final approval shall be granted or denied within forty-five (45) days after submission of a complete application or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute final approval and a

certificate of the administrative officer as to the failure of the Planning 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.

Whenever review or approval of the application by the County Planning Board is required N.J.S. 40:26-6.6g2 the Planning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.

- g. *Conditional Use Approval.* Approval shall be granted or denied within ninety-five (95) days of submission of a complete application by a developer to the administrative official or within such further time as may be consented to by the applicant.
- h. *Pinelands Commission Review.* In the Pinelands Area (Lakehurst), notwithstanding the provisions of this subsection, where any approval results from the failure of the approving authority to act within the prescribed period, the applicant shall provide notice to the Pinelands Commission, and the permit shall not become effective until the requirements of subsection 25-4.7d, 3 and e. are met.
(Ord. No. 11/78; Ord. No. 5/24/82 § 507; Ord. No. 7/20/89 § 7)

25-9.9 Applications, Procedure for Filing. Application for development within the jurisdiction of the Planning Board, pursuant to the provisions of C.291 P.L. 1975 and this chapter, shall be filed with the administrative officer. The administrative officer shall inform the applicant of steps to be taken to initiate applications and the regular meeting dates as well as provide all necessary forms, applications and copies of

Board Rules and Regulations. (Ord. No. 11/78; Ord. No. 5/24/82 § 508)

25-10 ZONING POWERS OF THE PLANNING BOARD.

25-10.1 Powers Generally.

- a. Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by the administrative official based on or made in the enforcement of Section 25-30 of this chapter.
- b. Hear and decide in accordance with the provisions of the zoning section of this chapter, requests for interpretation of the zoning map or Section 25-30 of this chapter or for decisions upon other special questions upon which such board is authorized to pass by the zoning provisions of this chapter.
- c.
 1. Where : (a) By reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting the specific piece of property, or (c) by reasons of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to Section 25-30 would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property, grant, upon an application or appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship;
 2. Where in an application or appeal relating to a specific piece of property, the purposes of this

chapter would be advanced by a deviation from the Zoning Ordinance requirements and the benefit of the deviation would substantially outweigh any detriment, grant a variance to allow departure from regulations pursuant to Section 25-30 of this chapter; provided however, that no variance from those departures enumerated in paragraph d. of this subsection shall be granted under this subsection.

- d. In particular cases and for special reasons, grant a variance to allow departure from regulations pursuant to Section 25-30 of this chapter to permit:
 1. A use or principal structure in a district restricted against such use or principal structure.
 2. An expansion of a nonconforming use.
 3. Deviation from a specification or standard pursuant to N.J.S. 40:55D-67 pertaining solely to a conditional use.
 4. An increase in the permitted floor area ratio as defined in N.J.S. 40:55D-4.
 5. An increase in the permitted density as defined in N.J.S. 40:55D-4, except as applied to the required lot area for a lot or lots for detached one (1) or two (2) family unit buildings, which lot or lots are either an isolated undersized lot or lots resulting for a minor subdivision.
 6. A height of a principal structure which exceeds by ten (10) feet or ten (10%) percent the maximum height permitted in the district for a principal structure. A variance under this paragraph shall be granted only by an affirmative vote of at least five (5) members.

If an application for development requests one or more variances but not a variance for a purpose enumerated

in paragraph d. of this subsection, the decision on the requested variance or variances shall be rendered under paragraph c. of this subsection.

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

- e. Any municipal variance approval which grants relief from the density or lot area requirements set forth in Section 25-30 for a residential or principal nonresidential use shall require that Pinelands Development Credits be used for all dwelling units or lots in excess of that permitted without the variance. (Ord. No. 11/78; Ord. No. 5/24/82 § 605; Ord. No. 93-05 § 2; Ord. No. 95-13 § 6; Ord. No. 97-05 § 7)

25-10.2 Appeals and Applications.

- a. Appeals to the Board of Adjustment may be taken by any interested party affected by a decision of the administrative official of the Borough based on or made in the enforcement of the Zoning Ordinance or Official Map. Such appeal shall be taken within sixty-five (65) days by filing a notice of appeal with the administrative official specifying the grounds of such appeal. The officer from whom the appeal is taken shall immediately transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- b. A developer may file an application for development with the Board of Adjustment for action under any of its powers without prior application to the administrative official.
- c. The Board of Adjustment shall have the power to grant to the same extent and subject to the same restrictions as the Planning Board subdivision or site plan approval

pursuant to Section 25-18 of this chapter, for conditional use approval pursuant to Section 25-18 of this chapter whenever the Board of Adjustment is reviewing an application for approval of a variance pursuant to subsection 25-10.1d of this chapter.

- d. Whenever an application for development requests relief pursuant to paragraph c. of this subsection, the Board of Adjustment shall grant or deny approval of the application within one hundred twenty (120) days after submission by a developer of a complete application to the administrative official or within such further time as may be consented to by the applicant. Failure of the Board of Adjustment to act within the period prescribed shall constitute approval of the application and a certificate of the secretary of the Board of Adjustment as to the failure of the Board of Adjustment to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the County Recording Officer for purposes of filing subdivision plats.
- e. Whenever review or approval of the application by the County Planning Board is required by Section 5 of P.L. 1968, C.285, in the case of a subdivision, or Section 8 of P.L. 1968, C.285, in the case of a site plan, the Board of Adjustment shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or by failure to report thereupon within the required time.
- f. Application under this subsection may be referred to any appropriate person or agency for its report; provided that such reference shall not extend the period of time within which the Zoning Board of Adjustment shall act.
- g. An appeal to the Board of Adjustment shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made unless the

administrative official from whose action the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him, 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, proceedings shall not be stayed other than by an order of the Superior Court upon notice to the officer from whom the appeal is taken and undue cause shown. (Ord. No. 11/78; Ord. No. 5/24/82 § 606)

25-10.3 Power to Reverse or Modify Decisions. In exercising the above mentioned power, the Board of Adjustment may, in conformity with the provisions of C.291 P.L. 1975 or amendments thereto or subsequent statutes applying or the Pinelands Comprehensive Management Plan, reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination appealed from, and make such other requirement, decision or determination as ought to be made, and to that end have all powers of the Administrative Official from whom the appeal was taken. (Ord. No. 11/78; Ord. No. 5/24/82 § 607)

25-10.4 Expiration of Variance. Any variance from the terms of this chapter hereafter granted by the Board of Adjustment permitting the erection or alteration of any structure or structures, or permitting a specified use of any premises shall expire by limitation unless such construction or alteration shall have been actually commenced on each and every structure permitted by the variance, or unless such permitted use has actually been commenced within nine (9) months from the date of entry of the judgment or determination of the Board of Adjustment; except however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Board of Adjustment to the Governing Body, or to a court of competent jurisdiction, until the termination in any manner of such appeal or proceeding. (Ord. No. 11/78; Ord. No. 5/24/82 § 608)

25-10.5 Additional Powers. The Zoning Board of Adjustment shall in addition to the powers specified in subsection 25-10.1 have power given by law to:

- a. Direct issuance of a permit pursuant to N.J.S. 40:55D-34 for a building or structure in the bed of a mapped street or public drainageway, flood control basin or public area reserved on the official map.
- b. Direct issuance of a permit pursuant to N.J.S. 40:55D-36 for a building or structure not related to a street.
- c. The Board of Adjustment shall have the power to grant to the same extent and subject to the same restrictions and following the same procedures prescribed in this chapter, as the Planning Board subdivision or site plan approval pursuant to Article 5 of ch. 291 P.L. 1975 or conditional use approval pursuant to N.J.S. 40:55D-67 whenever the Board is reviewing an application for approval of a use variance pursuant to subsection 25-10.1d of this chapter.

(Ord. No. 11/78; Ord. No. 5/24/82 § 609)

25-10.6 Time for Decision. The Board of Adjustment shall render its decision not later than one hundred twenty (120) days after the date (a) an appeal is taken from the decision of the administrative official, or (b) the submission of complete application for development to the Board pursuant to the provisions of N.J.S. 40:55-D-70(b).

Failure of the Board to render a decision within such one hundred twenty (120) day period or within such further time as may be consented to by the applicant shall constitute a decision favorable to the applicant.

In the Pinelands Area (Lakehurst), notwithstanding the provisions of this section, approvals granted as a result of the approving authority's failure to act within the prescribed time period shall not become effective until the requirements of

subsection 25-4.7 paragraphs d, 3 and e. are met. (Ord. No. 11/78; Ord. No. 5/24/82 § 610; Ord. No. 7/20/89 § 8)

25-11 PROVISIONS APPLICABLE TO BOTH THE PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT.

25-11.1 Conflicts of Interest. No member of the Planning Board shall act on any matter in which he has either directly or indirectly any personal or financial interest. Whenever any such member shall disqualify himself from acting on a particular matter, he shall not continue to sit with the Board on the hearing of such matter nor participate in any discussion or decision relating thereto. (Ord. No. 11/78; Ord. No. 5/24/82 § 700; Ord. No. 95-13 § 7)

25-11.2 Meetings.

- a. Meetings of the Planning Board shall be scheduled not less than once a month and any meeting so scheduled shall be held as scheduled unless canceled for lack of applications for development to process.
- b. Special meetings may be provided for at the call of the Chairman or on the request of any two (2) Board members, which shall be held on notice to its members and the public in accordance with all applicable legal requirements.
- c. No action shall be taken at any meeting without a quorum being present.
- d. All actions shall be taken by majority vote of a quorum except as otherwise required by any provision of C.291 Laws of N.J. 1975.
- e. All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Law, ch. 231, Laws of N.J. 1975. An

executive session for the purpose of discussing and studying any matters to come before the Board shall not be deemed a regular or special meeting in accordance with the provisions of N.J.S. 40:55D-9.

(Ord. No. 11/78; Ord. No. 5/24/82 § 701; Ord. No. 95-13 § 7)

25-11.3 Minutes. Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Board and of the persons appearing by attorney, the action taken by the Board, the findings, if any, made by it and reasons therefor. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the Municipal Clerk. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceeding concerning the subject matter of such minutes. Such interested party may be charged a fee for reproduction of the minutes for his use as provided for in the rules of the Board. Copies of the minutes shall be forwarded to the Municipal Clerk, Planning Board Engineer, Municipal Engineer, the Planning Board Attorney, the Administrative Official, and the Pinelands Commission. (Ord. No. 11/78; Ord. No. 5/24/82 § 702)

25-11.4 Fees and Documents. Fees and documents for applications or for the rendering of any service by the Planning Board or any member of their administrative staffs which is not otherwise provided by this chapter and may be provided for and adopted as part of the rules of the Board and copies of the rules shall be available to the public. (Ord. No. 11/78; Ord. No. 5/24/82 § 703; Ord. No. 95-13 § 7)

25-11.5 Hearings.

- a. *Rules.* The Planning Board may make rules governing the conduct of hearings before such bodies which rules shall not be inconsistent with the provisions of N.J.S. 40:55D-1 et seq. of this chapter.

- b. *Oaths.* The officer presiding at the hearing or such person as he may designate shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the "County and Municipal Investigations Law" P.L. 1953, C. 1938 N.J.S 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 of cross examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.
- 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.* The Board shall provide for the verbatim recording of the proceedings by either stenographer, mechanical or electronic means at the expense of the Board. The Board shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at his expense.
- f. *Pinelands Commission Participation in Public Hearings.* The Pinelands Commission may participate in a hearing held in the Borough of Lakehurst involving the development of land in the Pinelands Area pursuant to N.J.A.C. 7:50-4.26.
(Ord. No. 11/78; Ord. No. 5/24/82 § 704; Ord. No. 12/82 § VI; Ord. No. 95-13 § 7)

25-11.6 Notice Requirements for Hearing. Whenever public notice of a hearing is required on an application for

development pursuant to N.J.S. 40:55D-10 et seq. and this chapter 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 scheduled hearing.
- b. Notice shall be given to the owners of all real property as shown on the current tax duplicate or duplicates located within two hundred (200) feet in all directions of the property which is the subject to such hearing and whether located within or without the municipality in which applicant's land is located. Such notice shall be given by: (1) serving a copy thereof on the owner as shown on the current tax duplicate or his agent in charge of the property or (2) mailing a copy thereof by certified mail to the property owner at his address as shown on the current tax duplicate. A return receipt is not required. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice-president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation.
- c. Notice of all hearings on application for development 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 the notice required to be given pursuant to subsection 25-7.6b of this section to the owners of lands 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 a municipal boundary.

- 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 the Municipal Clerk pursuant to Section 6b of C.291 Laws of N.J. 1975.
- g. All notices hereinabove specified in this subsection shall be given at least ten (10) days prior to the date fixed for hearing and the applicant shall file an affidavit of proof of service with the Board holding the hearing on the application for development.
- h. Any notice made by certified mail as hereinabove required shall be deemed complete upon mailing in accordance with the provisions of N.J.S. 40:55D-14.
- i. *Form of Notice.* All notices required to be given pursuant to the terms of this chapter shall state the date, time and place of the hearing, describe and specify design and/or performance standards exceptions requested if applicable, the nature of the matters to be considered and 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.

(Ord. No. 11/78; Ord. No. 5/24/82 § 706; Ord. No. 7/20/89 § 10)

25-11.7 List of Property Owners Furnished. Pursuant to the provisions of N.J.S. 40:55D-12C, the Administrative Officer of the municipality shall within seven (7) days after receipt of a request therefor and upon receipt of payment of a fee of ten (\$10.00) dollars, 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 subsection 25-11.6b of this chapter. (Ord. No. 11/78; Ord. No. 5/24/82 § 707; Ord. No. 7/20/89 § 11)

25-11.8 Decisions.

- a. Each decision on any application for development shall be set forth in writing as a resolution of the Board which shall include findings of fact and legal conclusion based thereon.
- b. A copy of the decision shall be mailed by the 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 two (\$2.00) dollar fee for such service. A copy of the decision shall also be filed in the office of the Municipal Clerk, who shall make a copy of such filed decision available to any interested party upon payment of a fee calculated in the same manner as those established for copies of other public documents in the municipality.

These provisions shall not apply to those types of development set forth in subsection 25-4.2.

(Ord. No. 11/78; Ord. No. 5/24/82 § 708; Ord. No. 7/20/89 § 12)

25-11.9 Publication of Decision. A brief notice of every final decision shall be published in the official newspaper of the municipality. Such publication shall be promptly arranged by the applicant. The ten (10) day period of time in which an appeal of the decision may be made shall run from first day of publication of the decision. (Ord. No. 11/78; Ord. No. 5/24/82 § 709; Ord. No. 7/20/89 § 13)

25-11.10 Payment of Taxes and Corporate Disclosure.

- a. Pursuant to the provisions of N.S.A. 40:55D-39 and C.40:55D-65, every application for development submitted to the Planning Board shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject to such application.
- b. Pursuant to N.S.A. 40:55D-48 1 et seq. a corporation "or partnership" applying to the Planning Board for permission to subdivide a parcel of land into six (6) or more lots, or applying for a variance to construct a multiple dwelling of twenty-five (25) or more family units or for approval of a site plan to be used for commercial purposes shall list the names and addresses of all stockholders "or individual partners" owning at least ten (10%) percent of the interest in the partnership, as the case may be.
- c. If a corporation "or partnership" owns ten (10%) percent or more of the stock of a corporation, "or ten (10%) percent or greater interest in a partnership", subject to disclosure pursuant to paragraph b. above, that corporation "or partnership" shall list the names and addresses of its stockholders holding ten (10%) percent or more of its stock "or of ten (10%) percent 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 ten (10%)

percent ownership criterion established above have been listed.

Ord. No. 11/78; Ord. No. 5/24/82; § 710; Ord. No. 7/20/89 § 14; Ord. No. 95-13 § 7)

25-11.11 Filing of Development Regulations. The Borough Clerk shall file, with the County Planning Board and the Pinelands Commission, as soon after passage as possible, all development regulations, including this chapter and any amendments or revisions thereto, and file and maintain for public inspection copies of the regulations in the office of the Clerk. (Ord. No. 11/78; Ord. No. 5/24/82 § 711; Ord. No. 7/20/89 § 15)

25-12—25-16 RESERVED.

25-17 FEES.

25-17.1 Fees to be Paid. The developer shall at the time of filing a submission, pay the following nonrefundable fee to the Borough of Lakehurst. Proposals involving more than one (1) use or application type shall pay a fee equal to the sum of the fee for each element. (Ord. No. 11/78; Ord. No. 5/24/82 § A VIII)

25-17.2 Subdivision.

a. *Minor Subdivision.*

\$75.00 Minor Subdivisions

\$25.00 Reapproval or Extension of Minor Subdivision Approval

b. *Preliminary Approval, Major Subdivision.*

<i>Number of Lots</i>	<i>Fee</i>
0 - 30	\$30.00/lot (\$150.00) minimum)
31+	\$900.00 + \$10.00/lot

Extension of Preliminary Approval: \$350.00

Substantial Revision of Preliminary Plat: 25% of Original Fee, Minimum Fee \$50.00

c. *Final Approval, Major Subdivision.*

Final Approval \$30.00/lot

Extension of Final Approval \$50.00

(Ord. No. 11/78; Ord. No. 5/24/82 § 800)

25-17.3 Site Plan Fees—Categories. For the purposes of establishing application fees for the review of site plans the following site plan categories are hereby created:

- a. *Category A: New Commercial Construction.* This shall consist of all new construction of any type retail sales establishment, professional or business offices, service establishments, any other use not categorized otherwise herein.
- b. *Category B: New Construction—(Industrial).* This shall consist of all new construction of any industrial establishment. For purposes of this chapter an industrial establishment shall be considered to be that type of business where parts may be assembled or where raw materials are converted to form a finished consumer product and where same is distributed to wholesale or retail sales outlets and which do not have direct retail sales greater than ten (10%) percent of total sales volume. In addition, the following uses shall also fall within this category:
 1. Warehouses solely for the storage of materials or products.
 2. Heavy construction contractor yards.
 3. Any other use, which in the opinion of the approving authority, is within the intent of this section.

- c. *Category C: Residential Housing.* This shall consist of multi-family development apartments, condominium developments, and similar residential developments.
- d. *Category D: Building Alteration.* This shall consist of any building or group of buildings for which site plan approval has been previously granted which is being increased in gross floor area greater than ten (10%) percent of the original floor area or in case of industrial sites greater than twenty (20%) percent of gross floor area. Any building for which site plan approval has been previously granted and which is being increased by less than the values stated shall be considered exempt from the provisions of this chapter except that this shall be restricted to only the first such enlargement after site plan approval. Also included in this category are any buildings or groups of buildings regardless of amount of increase in size which have never previously obtained site plan approval.
- e. *Category E: Use Change.* This shall consist of all land areas and all buildings or groups of buildings not being increased in size but wherein a change of use is proposed and no previous site plan approval for the proposed use has ever been obtained or, where previous site plan approval has been obtained and the new use has a greater parking requirement per this chapter.
- f. *Category F: Public and quasi-public institutions and agencies not subject to approval of other governmental agencies; churches; and other similar uses.*
(Ord. No. 11/78; Ord. No. 5/24/82 § 801)

25-17.4 Site Plan Fee Schedule. Application fees in accordance with the below schedule shall accompany site plan applications. (In the case of an application for preliminary and final site plan approval of a major site plan the final site plan application fee shall apply).

- a. *Sketch Site Plan Application.* No fee.

b. *Preliminary Site Plan Application.*

1. Category A. Five (\$5.00) dollars for each seven thousand five hundred (7,500) square feet of gross lot area or fraction thereof plus seven dollars and fifty (\$7.50) cents for each one thousand (1,000) square feet, or fraction thereof of gross floor area of new construction.
2. Category B. Two dollars and fifty (\$2.50) cents for each seven thousand five hundred (7,500) square feet of gross lot area, or fraction thereof, plus three dollars and seventy-five (\$3.75) cents for each one thousand (1,000) square feet or fraction thereof, of gross floor area of new construction.
3. Category C. Ten (\$10.00) dollars per dwelling unit but not less than one hundred (\$100.00) dollars.
4. Category D. For any building alteration where site plan approval has been previously granted the fee shall be ten (\$10.00) dollars per one thousand (1,000) square feet or fraction thereof of additional gross floor area but in no event less than one (1) hundred (\$100.00) dollars. For any building alteration where site plan approval has never been granted the fee shall be the same as prescribed for Category A.
5. Category E. For any change of use where site plan approval has been previously granted but for which reapproval is required as a result of greater parking requirements, the fee shall be fifty (\$50.00) dollars. For any change of use where no previous site plan approval has been obtained the fee shall be the same as Category A.
6. Category F. Shall be exempt from any site plan application fee.

c. *Final Site Plan Application.*

1. Category A. Ten (\$10.00) dollars for each seven thousand five hundred (7,500) square feet of gross lot area or fraction thereof plus fifteen (\$15.00) dollars for each one thousand (1,000) square feet, or fraction thereof of gross floor area of new construction.
2. Category B. Five (\$5.00) dollars for each seven thousand five hundred (7,500) square feet of gross lot area, or fraction thereof, plus seven dollars and fifty (\$7.50) cents for each one thousand (1,000) square feet, or fraction thereof of gross floor area of new construction.
3. Category C. Twenty (\$20.00) dollars per dwelling unit.
4. Category D. For any building alteration where site plan approval has been previously granted the fee shall be twenty (\$20.00) dollars per one thousand (1,000) square feet, or fraction thereof of additional gross floor area but in no event less than one hundred (\$100.00) dollars.

For any building alteration where site plan approval has never been granted the fee shall be the same as prescribed for Category A.

5. Category E. For any change of use where site plan approval has been previously granted but for which reapproval is required as a result of greater parking requirements the fee shall be one hundred (\$100.00) dollars.

For any change of use where no previous site plan approval has been obtained the fee shall be the same as prescribed for Category A.

- 6. Category F. Shall be exempt from any site plan application fee.
 (Ord. No. 11/78; Ord. No. 5/24/82 § 802)

25-17.5 Variances.

- a. Hear and decide appeals \$ 25.00
- b. Conditional uses 150.00
- c. Interpretation of the zoning map 35.00
- d. Hardship variance (subsection 25-10.1d)..... 50.00
- e. Use variance (subsection 25-10.1d)
 - 1. Residential \$20.00 per dwelling unit
 - 2. Other uses \$250.00 per acre
 - 3. Minimum \$250.00
 - Maximum \$4,000.00
- f. Building permit in conflict with
 Official Map or building permit
 for lot not related to a street \$75.00
 (Ord. No. 11/78; Ord. No. 5/24/82 § 803)

25-17.6 Development Permits and Certificates of Occupancy. Each request for a development permit and a certificate of occupancy shall be accompanied by a payment to the Borough of Lakehurst in the amount of ten (\$10.00) dollars for a development permit and twenty (\$20.00) dollars per dwelling unit for a certificate of occupancy and five (\$5.00) dollars for each one thousand (1,000) square feet of gross floor area of nonresidential use for a certificate of occupancy. (Ord. No. 11/78; Ord. No. 5/24/82 § 804)

25-17.7 Lot Consolidation. A fee of twenty-five (\$25.00) dollars shall be charged to any individual who requests the consolidation of tax lots as provided in subsection 25-10.7. (Ord. No. 11/78; Ord. No. 5/24/82 § 805)

25-17.8 Escrow Fees. The developer, at the time of filing an application for development, shall pay a two hundred fifty (\$250.00) dollar administrative fee. In addition to the submission of the administrative filing fee which is charged to cover Borough administrative costs, development applications which meet the criteria established herein shall be accompanied by a deposit of escrow funds in accordance with the provisions of this section.

Escrow funds shall be utilized to cover the Borough costs of professional and nonprofessional services incurred during the development review process and otherwise. Professional and nonprofessional fees and salaries incurred in connection with review of plans, consultation, site inspections, written report and resolution preparation, meeting attendance, general preparation, research, testimony, and other work performed by the Planning Board, Board of Adjustment, and their respective Board secretaries, engineers, and attorneys, as well as any other professional consulting services as may be required due to the nature of the application, shall be paid from these escrow funds. Escrow fees shall not be utilized to pay inspection costs required during the construction process.

- a. *Escrow Amounts.* Escrow funds in the amounts specified herein shall be required relative to the following applications:
 - 1. Sketch Plat for Major Subdivision, Minor Subdivision, Preliminary Major Subdivision Approval and Preliminary Site Plan Approval for Residential Use.

	<i>Escrow Amount</i>
1 - 3 lots or units	\$ 600.00
4 - 10 lots or units	2,000.00
11 - 25 lots or units	3,000.00
26 - 50 lots or units	5,000.00

	<i>Escrow Amount</i>
51 - 100 lots or units	\$ 7,500.00
In excess of 100 lots or units	15,000.00
2. Final major subdivision approval and Final Site Plan approval for Residential Use.	

	<i>Escrow Amount</i>
1 - 3 lots or units	\$ 500.00
4 - 10 lots or units	1,500.00
11 - 25 lots or units	2,000.00
26 - 50 lots or units	3,500.00
51 - 100 lots or units	5,000.00
In excess of 100 lots or units	9,000.00
3. Nonresidential Preliminary Site Plan Approval, inclusive of Minor Site Plan.	

	<i>Escrow Amount</i>
Less than 5,000 square feet of building area	\$ 2,000.00
5,001 - 10,000 square feet of building area	3,000.00
10,001 - 50,000 square feet of building area	10,000.00
50,001 - 100,000 square feet of building area	20,000.00
In excess of 100,000 square feet of building area	25,000.00
4. Nonresidential Final Site Plan Approval. One-half (1/2) of the original escrow fee shall be paid at the time of final plan application provided, however, that preliminary approval has in fact been received.	

If the application is for a combined preliminary and final approval, then the preliminary escrow amount should be utilized.

5. Any application involving more than one (1) of the above categories shall deposit cumulative amounts.

b. *Procedural Requirements.*

1. An applicant for land development shall deposit all escrow funds called for in the within section before the applicant's appearance before the Planning Board or the Board of Adjustment. No meeting or hearing with the applicant shall be held by the Boards until all escrow funds and required fees have been deposited in accordance with this subsection. The escrow sums must be in the form of cash, certified check, or money order. All deposits of escrow funds shall be made to the Borough Clerk.
2. Additional escrow funds may be required when the escrow has been depleted to twenty (20%) percent of the original escrow amount. The Borough shall notify the appropriate Board when escrow funds have been so deleted. Professionals and nonprofessionals being paid from escrow funds shall notify the Borough Clerk as to additional costs anticipated to be incurred. The Board shall not take any further action on the application until adequate additional fees have been deposited with the Borough.
3. Escrow deposits shall be placed in an interest-bearing account and the same shall be administered in accordance with the requirements of N.J.S. 40:55D-53.1.
4. All disbursements to consulting professionals and applicable charges from Borough-employed professionals and nonprofessionals for services involved in processing an application which

requires the deposit of escrow funds shall be charged against the escrow account.

5. All bills submitted by the Borough's professionals and nonprofessionals relative to the applications shall specify the services performed for individual applications and the time expended relative thereto. The bill shall also set forth the hourly billing amount which will be the amount charged to the Borough pursuant to the consultant's and/or the professional's contract. The hourly billing rate for Borough-employed nonprofessionals shall be one-thirty-fifth (1/35th) of their weekly compensation, plus thirty (30%) percent to reimburse the Borough for the benefits supplied to the employee.
6. The Borough shall provide the applicant with an accounting of escrow funds within ninety (90) days after the appropriate Board has taken action on the application.
7. All sums not actually expended shall be refunded to the applicant within ninety (90) days after the appropriate Board has taken action on the application.
8. No resolution approving any development application which is subject hereto shall be passed by either the Planning Board or the Board of Adjustment until all fees and escrow sums required hereunder have been paid in full.
9. The Planning Board and Board of Adjustment are hereby given the authority to revise the amount of escrow required in any application either to increase or decrease the sum where preliminary review indicates a substantial likelihood that the cost of the review, professional fees, and other fees

is likely to be either significantly more or less than the proposed escrow amounts.
(Ord. No. 8/18/88 § 1)

25-18 DEVELOPMENT REVIEW AND APPROVAL.

25-18.1 Subdivision, Site Plan, Development Permit and Conditional Use Approval. Pursuant to the provisions of Section 28 P.L. 1975 C.291 N.J.S. 40:55D-37 approval of subdivision plats by resolution of the Planning Board shall be required as a condition for the filing of such plats with the County Recording Officer. Approval of site plans by resolution of the Planning Board shall be required as a condition for the issuance of a building permit and certificate of occupancy for any development, except that subdivision or individual lot applications for detached one (1) or two (2) dwelling unit buildings shall be exempt from such site plan review and approval; provided same do not form part of a major development project.

The approving authority shall have the power to review and approve or deny conditional uses or site plans simultaneously with a review for subdivision approval without the developer being required to hold further hearings. The longest time period for action by the approving authority, whether it be for subdivision, conditional use or site plan approval shall apply. Whenever approval of a conditional use is requested by the developer in conjunction with a site plan or subdivision, notice of the hearing on the plat shall include reference to the request for such conditional use.

Unless otherwise provided herein no person shall carry out any development requiring an approval pursuant to this chapter until he has received a favorable notice provided for in subsection 4-307B of the Pinelands Comprehensive Management Plan. (Ord. No. 11/78; Ord. No. 5/24/82 § 900; Ord. No. 7/20/89 § 18; Ord. No. 95-13 § 9)

25-18.2 Submission of Sketch Plat, Minor Subdivision Plat and Minor Site Plan. A sketch plat submission is recommended but not required for a major site plan or major subdivision. Sketch plats, minor subdivision plats, and minor site plans shall meet the following filing procedure:

- a. The developer shall file with the Administrative Officer at least fifteen (15) days prior to the meeting of the approving authority, the following which shall constitute a complete application: eight (8) black on white copies of the sketch plat or minor subdivision plat or minor site plan prepared in accordance with Section 25-19 of this chapter; three (3) completed copies of the application form; the applicable fee; for minor subdivisions and minor site plans—a certificate of paid taxes, proof of application to the Ocean County Planning Board, proof of application for other required State and/or County approvals, and proof of application for a land disturbance permit (if required); and proof that duplicate copies of the above have been filed with the Pinelands Commission.
(Ord. No. 11/78; Ord. No. 5/24/82 § 901)

25-18.3 Action by the Approving Authority.

- a. The Planning Board Engineer shall review the submission for its completeness and take action on accepting or rejecting the submission as a complete application no later than fifteen (15) days after the application is received by the Administrative Official. If incomplete, the material shall be returned to the developer for a resubmission at least fifteen (15) days prior to a subsequent meeting. If complete, the approving authority shall classify the application as a minor subdivision or site plan or major subdivision or site plan and shall approve, approve with conditions, or deny the application. The decision shall be in writing and shall be sent to the applicant.

- b. Whenever review or approval of the application by the County Planning Board is required but not yet received, the municipal approving authority, in taking action, may grant conditional approval.
- c. Approval of a minor subdivision shall expire one hundred ninety (190) days from the date of municipal approval unless within such period a plat in conformity with such approval, including any conditions imposed by the approving authority and in conformity with the provisions of the "Map Filing Law", P.L. 1960, C.141 N.J.S. 46:23-9.9 et seq., or a deed clearly describing the approved minor subdivision is filed by the developer with the County Recording Officer, the Municipal Engineer and the Municipal Tax Assessor. Any such plat or deed accepted for such filing shall have been signed by the chairman and secretary of the approving authority (or the vice-chairman or assistant secretary in their absence, respectively) and the Planning Board Engineer. In reviewing the application for development for a proposed minor subdivision, the approving authority may accept a plat not in conformity with the "Map Filing Act", P.L. 1960, C.141 N.J.S. 46:23-9.9 et seq., provided the developer chooses to file the minor subdivision as provided herein by plat rather than deed such plat shall conform with the provisions of the act.

In accordance with N.J.S. 40:55D-54, the County Recording Officer shall notify the approving authority of the filing of any plat within seven (7) days of filing.

The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision approval was granted, shall not be changed for a period of two (2) years after the date of minor subdivision approval, provided the approved minor subdivision shall have been duly recorded.

- d. When the approving authority determines that any proposed development may create, either directly or indirectly, an adverse effect on either the remainder of the property being developed or nearby property, the approving authority may require the developer to revise the plat. Where the remaining portion of the original tract is of sufficient size to be developed or subdivided further, the developer may be required to submit a sketch plat of the entire remaining portion of the tract to indicate a feasible plan whereby the design of the proposed development together with subsequent subdivisions or development will not create, impose, aggravate, or lead to any such adverse effect(s).
- e. If classified as a major site plan or major subdivision and either approved or approved with conditions as a major site plan or major subdivision, or approved as a minor site plan or minor subdivision, a notation to that effect including the date of the approving authority's action shall be made on all copies of the plat and shall be signed by the chairman and secretary of the approving authority (or the vice-chairman or assistant secretary in their absence, respectively). All conditions on minor siteplans or minor subdivisions shall be complied with within ninety (90) days of the meeting at which conditional approval was granted, otherwise the conditional approval shall lapse. If classified as a major site plan or major subdivision, sketch plat modifications are not required.
- f. The approving authority may, at its discretion, when acting upon a minor subdivision or minor site plan grant exceptions from the requirements of the "Design and Performance Standards" in Section 25-27 if the literal enforcement of one (1) or more provisions is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question; provided the applicant at the time of filing an application for minor subdivision or site plan approval

shall append to such application a written description of the design and/or performance standard(s) for which an exception (s) is (are) sought and the reasons for so requesting. The approving authority shall consider such exception requests simultaneously with the review and consideration of the minor subdivision or site plan application.

A public hearing and notice in conformance with subsection 25-11.6 of this chapter shall be required for all applications requesting relief from one (1) or more design or performance standards.

(Ord. No. 11/78; Ord. No. 5/24/82 § 902)

25-18.4 Submission of Preliminary Plat.

- a. Any developer shall submit to the Administrative Officer at least fifteen (15) days prior to the meeting of the approving authority, the following, which shall constitute a complete application: eleven (11) black on white copies of the preliminary plat, prepared in accordance with Section 25-19, subsections 25-19.4 or 25-19.9, as the case may be, of this chapter; three (3) completed copies of the application form for preliminary approval; two (2) copies of any protective covenants, deed, deed restrictions and easements applying to the land being developed; a certificate of paid taxes; proof of application for preliminary approval by the Ocean County Planning Board; and the appropriate application fee. The administrative officer shall forward a copy of the preliminary plat to the Planning Board Engineer.
- b. The Planning Board Engineer shall review the submission for its completeness and take action on accepting or rejecting the submission as a complete application no later than fifteen (15) days after the application is received by the Administrative Official. If incomplete, the material shall be returned to the developer for a resubmission at least fifteen (15) days prior to a subsequent meeting.

- c. Before any action is taken on any preliminary site plan containing more than ten (10) acres, the approving authority shall conduct a hearing with appropriate public notice as established in this chapter. Action may be taken on a preliminary site plan for ten (10) acres of land or less without a public hearing unless, in the opinion of a majority of a quorum of the approving authority the proposed use, proposed intensity of development, location of the tract, traffic conditions, or environmental concerns for a property of ten (10) acres or less are of sufficient concern that the approving authority desires to receive the public's comments. Where a public hearing is scheduled for a site plan, no action shall be taken until completion of the public hearing and the scheduling and notifications for the hearing shall be in accordance with this chapter and the notice requirements of subsection 25-4.7d, 2 of this chapter.
- d. If the approving authority requires any substantial amendment in the layout of improvements as proposed by the developer and that plan had been the subject of a hearing, an amended application for development shall be submitted and proceeded upon, as in the case of the original application for development.
- e. The approving authority shall take action after considering the results of the public hearing (if any) and the recommendations made by municipal, State, and County official or agency within the time period prescribed in subsection 25-9.8 or the application for preliminary approval shall be deemed approved.
- f. If the approving authority acts negatively on the application for preliminary approval the applicant shall be so advised in conformance with subsection 25-11.8 of this chapter.
- g. If the approving authority acts favorably on an application for preliminary approval, the Chairman and

Secretary shall affix their signatures to the plat with a notation that it has received preliminary approval, and a copy returned to the applicant with instructions to proceed with final plat submission as prescribed in this chapter.

The applicant shall give notice, by certified mail, to the Pinelands Commission within five (5) days of such preliminary approval. Such notice shall contain as a minimum, the information required pursuant to subsection 25-4.7d, 3. of this chapter.

- h. Approval of a preliminary plat shall not confer upon the developer the right to undertake any clearing, grading and/or to install any improvements prior to final plat approval unless it shall be determined by the Planning Board Engineer that:
 1. Such clearing, grading and/or installation if improvements would not hinder future development or create physical or aesthetic problems in the event that further development is not undertaken;
 2. That required inspection fees have been paid and adequate performance guarantees have been posted to provide for the cost to the Borough of performing work that may be necessary to protect adjacent property owners and the public interest in the event that such clearing, grading and/or installation of improvement is not completed and/or further development is not undertaken. Such performance guarantees may include, but are not limited to, the cost to the Borough of providing erosion control facilities, seeding or otherwise stabilizing the site, drainage facilities necessary to protect off-tract acres from flooding, screening or fencing that may be required and all improvements to be undertaken which are within public rights-of-way or easements.

3. Final design plans prescribed in subsection 25-19.6 have been submitted and approved by the Planning Board Engineer; and
 4. Within the Pinelands Area, the applicant has received the notice provided for in subsection 25-4.7 of this chapter.
- i. The approving authority may, at its discretion, when acting upon a preliminary subdivision or site plan, grant exceptions from the requirements of the "Design and Performance Standards" in Section 25-27 if the literal enforcement of one (1) or more provisions is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question; provided the applicant at the time of filing an application for preliminary subdivision or site plan approval shall append to such application a written description of the design and/or performance standard(s) for which an exception(s) is (are) sought and the reasons for so requesting. The approving authority shall consider such exception requests simultaneously with the review and consideration of the preliminary subdivision or site plan application. Any such exception granted by the approving authority to those design and performance standards in Section 25-27 which reflect requirements of the Comprehensive Management Plan shall be granted subject to review by the Pinelands Commission.

A public hearing and notice in conformance with subsection 25-11.6 of this chapter shall be required for all applications requesting relief from one (1) or more design and/or performance standards.

(Ord. No. 11/78; Ord. No. 5/24/83 § 903; Ord. No. 7/20/89 §§ 19-22)

25-18.5 Submission of Final Plat.

- a. The developer shall file with the Administrative Officer at least fifteen (15) days prior to a regular meeting of the approving authority the following, which shall constitute a complete application:
1. Three (3) completed copies of the application form for final approval;
 2. A certificate of paid taxes;
 3. The appropriate application fee;
 4. Certificate of title;
 5. Proof of application for approval by the Ocean County Planning Board;
 6. Proof of application for a land disturbance permit;
 7. Proof of application for other required Federal, State, County or local approvals;
 8. In the case of a major subdivision: one (1) mylar, and eleven (11) prints of a final map prepared in accordance with all requirements of subsection 25-19.5, of this chapter and the "Map Filing Law", N.J.S. 46:23-10 to 23-11; and final design plans as required pursuant to subsection 25-19.6 of this chapter; and
 9. In the case of a major site plan one (1) mylar and eleven (11) prints of a final site plan prepared in accordance with the provisions of subsection 25-19.10 of this chapter.
(Ord. No. 11/78; Ord. No. 5/24/82 § 904; Ord. No. 7/20/89 § 23)

25-18.6 Conditional Uses. It is well recognized that certain uses, while necessary for the convenience of the citizens of the Borough of Lakehurst, if located without proper consideration to existing conditions and surrounding

development, may have an adverse effect on the public health, safety and general welfare of the community. These uses are designated as conditional uses and are subject to the conditions hereby established.

a. Before any permit shall be issued for a conditional use, applications shall be made to the Planning Board. The Planning Board shall grant or deny the application after public hearing, but within ninety-five (95) days of submission of a complete application to the Administrative Officer or within such further time as may be consented to by the applicant. Where a conditional use application involves a site plan or subdivision, notice of the hearing shall include reference to all matters being heard and the Planning Board shall review and approve or deny the subdivision or site plan simultaneously with the conditional use application. Failure of the Planning Board to act within the required time period shall constitute approval of the application. In reviewing the conditional use application, the Planning Board shall consider and be guided by the following:

1. The use for which an application is being made is specifically listed as a conditional use within the zone where the property is located.
2. The design, arrangement and nature of the particular use is such that the public health, safety and welfare will be protected and reasonable consideration is afforded to: the compatibility of the proposed use(s) and/or structure(s) within the existing neighborhood; the number of employees or users of the property; the potential effect that the proposed use(s) and/or structure(s) will have upon property values; the adequacy of the proposed parking and traffic circulation for the use(s) and/or structure(s) and the potential for traffic congestion and/or the creation of undue traffic hazards; the structural location(s) and orientation(s); the need

for such facility or use(s) to serve the area in which it is to be located; the adequacy of proposed drainage facilities which will serve the use(s) and/or structure(s); the adequacy of plans for screening any adverse aspects of the use(s) and/or structure(s) from adjoining properties; and the adequacy of proposed outdoor lighting.

3. Compliance with the performance standards pursuant to Section 25-27 of this chapter.
 4. Compliance with the standards, principles and objectives of the Master Plan of the Borough of Lakehurst.
 5. All conditional uses shall also be required to obtain site plan approval, unless otherwise specified in this chapter.
 6. Conditional uses shall adhere to the additional standards specified for the particular use under this section except where no additional standards are specified herein.
- b. In all requests for approval of conditional uses, the burden of proof shall be on the applicant. All conditional uses shall require site plan review and approval by the Planning Board. In the granting of conditional uses, a time limit of one (1) year from the date of the approval shall be set within which time the owner shall secure a building permit, otherwise the conditional use permit shall be null and void.

(Ord. No. 11/78; Ord. No. 5/24/82 § 905)

25-18.7 Exceptions (Subdivisions). The Planning Board, when acting upon applications for preliminary or minor subdivision approval shall have the power to grant such exceptions from the requirements for subdivision approval as may be reasonable and within the general purpose and intent of the provisions for subdivision review and approval of this chapter if the literal enforcement of one (1) or more provisions

of this chapter is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question. (Ord. No. 11/78; Ord. No. 5/24/82 § 906)

25-18.8 Exceptions (Site Plan). The Planning Board, when acting upon applications of 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 of this chapter, if the literal enforcement of one (1) or more provisions of this chapter is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question. (Ord. No. 11/78; Ord. No. 5/24/82 § 907)

25-19 PLAT DETAIL REQUIREMENTS.

25-19.1 Plat Conformity. No development application shall be accepted unless submitted in plat form and no plat shall be accepted for consideration unless it conforms to the following requirements as to form, content and accompanying information, and complies with the provisions of N.J.S. 46-23.1 et seq. (Map Filing Law), as amended. All plats shall be drawn by a land surveyor as required by law, licensed to practice in the State of New Jersey, and shall bear the signature, seal, license number and address of the land surveyor. All drawings of improvements shall be signed and sealed by a licensed Professional Engineer of the State of New Jersey. (Ord. No. 11/78; Ord. No. 5/24/82 § 1000)

25-19.2 Minor Subdivision.

- a. A plat for classification and approval of a minor subdivision shall contain as a minimum the following:
 1. Clearly and legibly drawn.
 2. Graphic scale not less than 1" = 100'.

3. Based on actual survey and certified by land surveyor licensed in New Jersey.
4. Sheet sizes of 30" x 42"; 24" x 36"; 15" x 21" ; or 8 1/2" x 13".
5. Existing and proposed lot lines with bearings and dimensions to one-tenth (0.1) foot.
6. Existing lot lines to be eliminated should be so labeled.
7. Area of original tract to one (1) square foot.
8. Area of each proposed lot to one (1) square foot.
9. Contours at two (2) foot intervals may be required by Planning Board Engineer.
10. Existing structures and uses.
11. Shortest distance between any existing building and a proposed or existing lot line. All front, side and rear yard setback lines shall be shown conforming to the zoning ordinance.
12. All streams, lakes and drainage rights-of-way within the limits of the tract(s) being subdivided 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; and flood hazard area and floodway lines, steep slopes, wetlands (and wetland buffer) and swamps.
13. Existing and proposed rights-of-way and easements within and adjoining the tract with dimensions, existing driveways, street names, and the purpose for any easement. Sight triangles shall be shown. Copies of the text of any deed restrictions shall be included.

14. The name of the owner of the proposed tract and all adjoining property owners as disclosed by the most recent Borough tax records.
15. The tax map sheet, block and lot number for the tract and all adjacent lots; title; graphic scale; north arrow; the date of the original drawing and the date and substance of each revision.
16. Zoning district(s). If the property lies in more than one (1) zoning district, the plat shall indicate all the zoning district lines.
17. The name, address, signature and phone number of the owner, subdivider, and the signature and seal of person(s) preparing the plat.
18. A key map with north arrow showing the entire development and its relation to surrounding areas at a scale of not less than one inch equals two thousand (1" = 2,000') feet. An excerpt from a U.S.C. and G.S. Quadrangle should be utilized, whenever possible.
19. Monumentation and proper certifications as per "Map Filing Law".
20. A map showing the location of the project on the appropriate soils map from the Ocean County Soil Survey, prepared by the U.S. Department of Agriculture.
21. A map showing existing site vegetation, identifying predominant vegetation types on the site, areas where existing vegetation is to be removed as a result of the proposed development, and proposed landscaping of the subject property, if any.
(Ord. No. 11/78; Ord. No. 5/24/82 § 1001)

25-19.3 Sketch Plat of Major Subdivision.

- a. An optional sketch plat of a major subdivision for the purposes of classification and discussion shall contain as a minimum the following information:
 1. This sketch plat shall be titled as such and shall be based on tax map information or some other similarly accurate base, at a graphic scale of not less than one inch equals two hundred (1" = 200') feet. Plats shall be presented on sheet(s) of one (1) of the following dimensions: 30" x 42"; 24" x 36"; 15" x 21"; or 8 1/2" x 13".
 2. A plat shall show the following information:
 - (a) All the data required for a plat of a minor subdivision except that lot areas need only be measured to the nearest one-tenth (0.1) acre, lot line dimensions need only be measured to the nearest whole foot, and contours shall be based on U.S.G.S. or similarly available datum.
 - (b) The location of that portion which is to be subdivided in relation to the entire tract.
 - (c) A tentative lot and street layout with dimensions, and all streets, roads, streams, watercourses, and drainage rights-of-way.
(Ord. No. 11/78; Ord. No. 5/24/82 § 1002)

25-19.4 Preliminary Subdivision Plat for Major Subdivision.

- a. A preliminary plat for preliminary approval of a major subdivision shall contain the following information:
 1. Clearly and legibly drawn.
 2. Graphic scale not less than 1" = 100'.

3. Based on certified boundary survey and drawn by a land surveyor licensed in New Jersey with design and improvements drawn by a professional engineer licensed in New Jersey.
4. Sheet sizes of 30" x 42"; 24" x 36"; 15" x 21"; or 8 1/2" x 13". If more than one (1) sheet is required to show the entire subdivision, a separate composite map at a reduced size shall be drawn on one (1) sheet showing the entire subdivision and the sheets on which the various sections are shown.
5. A key map with north arrow showing the entire development and its relation to surrounding areas at a scale of not less than one inch equals two thousand (1" = 2,000') feet. An excerpt from a U.S.C. and G.S. Quadrangle should be utilized, whenever possible.
6. Title Block with the name of the subdivision; the name of the municipality; tax map sheet, block and lot number; date of preparation and most recent revision; meridian; north arrow; graphic scale; the names, addresses of the owner, subdivider and the signature and seal of the preparer of the plat.
7. The names of all property owners within two hundred (200) feet of the extreme limits of the subdivision as disclosed on the most recent municipal tax records.
8. Tract acreage to nearest tenth (0.1) of an acre; the number of new lots; each lot line dimension, to the nearest foot and each lot area to the nearest square foot.
9. Existing and proposed contours at two (2) foot intervals. All elevations shall be related to a bench mark noted on the plan and wherever possible be based on U.S. Geological Survey mean sea level datum.

10. Proposed finished first floor elevations.
11. Location of existing natural features such as soil types, wooded areas, wetlands and wetlands buffers. Soil type shall be described in accordance with the Ocean County Soil Survey, prepared by the U.S. Department of Agriculture.
12. Existing and proposed streams, lakes, ponds, and marsh areas accompanied by the following data:
 - (a) Extent of the flood fringe area, flood hazard area, and normal water level shall be shown.
 - (b) 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 U.S.G.S. sheets shall be submitted.
 - (c) The total acreage in the drainage basin to the nearest downstream drainage structure and the acreage in that portion of the development which drains to the structure.
 - (d) Plans and computations for any storm drainage systems including the following:
 - (1) All existing or proposed storm sewer lines within or on lands or roads adjacent to the development and for all required offsite and off-tract drainage improvements showing size, profile and slope of the lines, direction of flow, and the location of each catch basin, inlet, manhole, culvert and headwall.
 - (2) The location and extent of any proposed dry wells, ground water recharge basins, detention basins, flood control

devices, sedimentation basins or other water conservation devices.

13. 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, in the development to any adjoining street(s).
14. Plans, center-line profiles, tentative grades and details of all proposed and existing streets in the tract and within two hundred (200) feet of the subdivision based on the U.S.G.S. datum, together with full information as to the disposal of surface drainage, including plans, and profiles of streets, storm drains and drainage structures.
15. The names, locations, paved widths, right-of-way widths, and purpose(s) of existing and proposed easements, streets, and other rights-of-way in the subdivision. The text of any deed restriction shall be included.
16. The location and description of all existing monuments.
17. All proposed lot lines, and all existing lot lines to remain and those to be eliminated. All setback lines required by the zoning 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 tentatively numbered and the lots within each block be numbered consecutively beginning with one (1) unless otherwise directed.

18. Approximate locations of all existing structures and their use(s) in the tract and within two hundred (200) feet thereof.
19. Preliminary plans and profiles of proposed improvements and utility layouts showing location, size, slope, pumping stations and other details as well as feasible connections to any existing or proposed utility systems.
20. Signature block for signatures of Chairman, Secretary and Planning Board Engineer.
21. Zoning district(s) and zoning district lines.
22. Boring locations shall be indicated on the plat, with a soil log supplied. A minimum number of borings (showing ground elevation, depth to ground water, and date of boring), one (1) per five (5) acres, with a minimum number of two (2) borings per plat, shall be provided. If special natural conditions dictate, the Planning Board Engineer may require that additional borings are needed based on the natural conditions or the use of the site. Where the project will be served by sewers, soil borings are necessary in the area of proposed stormwater drainage facilities.
23. A map, at the same scale as the project site base map, showing existing vegetation, identifying the predominant vegetation types in the area and identifying stands of trees with diameters in excess of twelve (12) inches and other vegetated areas to be removed or disturbed.
24. A cultural resource survey, or a Letter of Interpretation indicating no evidence of historic or prehistoric sites.
(Ord. No. 11/78; Ord. No. 5/24/82 § 1003)

25-19.5 Final Map.

- a. The final map for final subdivision approval shall provide the following information and data as a minimum:
1. Clearly and legibly drawn.
 2. Graphic scale not less than 1" = 50'.
 3. Drawn in compliance with Map Filing Law.
 4. Sheet sizes of 30" x 42"; 24" x 36"; 15" x 21"; or 8 1/2" x 13". If more than one (1) sheet is required to show the entire subdivision, a separate composite map at a reduced size shall be drawn on one (1) sheet showing the entire subdivision and the sheets on which the various sections are shown.
 5. Date of original drawing.
 6. Date of all revisions.
 7. Name of subdivision.
 8. Municipality, County, State.
 9. Tract boundary lines, all lot lines, other site lines.
 10. Right-of-way lines of streets, street names, right-of-way widths.
 11. Easements and other right-of-ways, dimensions and purpose.
 12. Lands reserved or dedicated to public use, and their purpose.
 13. Accurate dimensions, bearings or deflection angles, radii, arcs, tangents, central angles of all curves, distances to street intersections of all tract lines.
 14. Consecutive numbering from the tax assessor of each block and lot.

15. Minimum building setback line on all lots and other sites.
16. Location and description of all monuments, existing or to be set in place.
17. Name of owner of any adjoining land.
18. Certification of accuracy of plat details by a licensed Land Surveyor.
19. Certification that the applicant is the owner or agent of the land, or that the owner has given consent to subdivide.
20. Certification of approval by the Planning Board Engineer.
(Ord. No. 11/78; Ord. No. 5/24/82 § 1004)

25-19.6 Final Design Plan. Final design plan approval by the Planning Board Engineer is required prior to the issuance of building permits and the commencement of any site improvements and shall contain as a minimum the information described below. The final design plan shall be a separate drawing(s), shall be based upon the preliminary plans, and shall be appropriately titled.

Final design plans shall include all details of all improvements required pursuant to this chapter, unless specifically waived by the Planning Board at the time of preliminary approval.

- a. The final design plan shall show in final form all information required for preliminary approval in subsection 25-19.4 above and the following additional information:
 1. Proposed elevations shown at building corners and finished first floor.
 2. Typical construction details showing cross-sectioned details of manholes, inlets, pavement,

curbs, sidewalks, drainage channels, headwalls, etc.

3. Typical street cross-sections shall indicate the type and width of pavement and the location of curbs, sidewalks, typical underground utilities, and shade tree planting. At intersections, the sight triangles, radii of curblines, crosswalks and street sign locations shall be shown.
4. Final plans, center-line profiles, final grades of all proposed and existing streets in the tract and within two hundred (200) feet of the subdivision, together with full information as to the disposal of surface drainage, including final plans, and profiles of all on-site and off-site storm drainage improvements.

(Ord. No. 11/78; Ord. No. 5/24/82 § 1005)

25-19.7 Informal Sketch of Site Plan. An informal sketch of either a minor or major site plan may be submitted to the reviewing agency. This informal submission is optional. The purpose of such a submission is for informal discussion to review overall development concepts in order to assist in the preparation of subsequent formal submissions. No decisions will be made and no formal action shall be taken on an informal discussion of a sketch of a site plan.

A sketch of a site plan shall show to scale the lot lines, proposed building(s), proposed use(s), parking, loading, on-site circulation, driveways, wooded areas, streams, approximate flood hazard area, contours based on U.S.G.S. or similarly available datum, approximate on-site or on-tract, storm water detention facilities, and water and sewer service. The scale shall be 1" = 100'.

(Ord. No. 11/78; Ord. No. 5/24/82 § 1006)

25-19.8 Minor Site Plan.

- a. A minor site plan submission shall include the following minimum plat details in order to be considered for classification and approval:
1. A scale of not less than fifty (50) feet to the inch. All distances shall be in feet and decimals of a foot, with all bearings.
 2. The names of all owners of record of all adjacent properties.
 3. The zone wherein the tract is located and boundaries of such zone. Such features may be shown on a separate map or as a key map. This key map should encompass a minimum of a five hundred (500) foot radius.
 4. Existing and proposed boundaries of the property, building, or setback lines, and lines of existing streets, lots, reservations, easements and areas dedicated to public use.
 5. A copy of any existing or proposed covenants or deed restrictions that are intended to cover all or any part of the tract, their location, size and nature.
 6. Location and dimension of existing and proposed buildings which shall remain and all other structures such as walls, fences, culverts, bridges, roadways, etc.
 7. Location of all existing and proposed storm drainage facilities including all inlets and utility lines, whether publicly or privately owned, with pipe sizes, type, grades, and direction of flow; in conformance with the standard specifications of the municipality.
 8. Existing contours with maximum intervals of two (2) feet where slopes are less than five (5%) percent

and five (5) feet when five (5%) percent or more, referred to a datum as provided by N.J.G.C.S. datum wherever practical. Where any changes in contours are proposed, finished grades should be shown as solid lines.

9. Location of existing high points, water courses, depressions, ponds, marshes, and other significant existing features, including previous flood elevations of water courses, pond and marsh areas as determined by survey.
10. Title of development, north point, scale, name and address of record owner; professional engineer, architect, land planner or surveyor preparing the site development plan, license number, date of preparation, and all revisions. If applicant is a corporation, the provisions of subsection 25-11.9 shall apply.
11. A survey prepared by a licensed surveyor of the State of New Jersey shall accompany the site plan or site plan based upon a survey and shall show the boundaries of the parcel and the limits of all proposed streets, recreation areas, and other property to be dedicated to public use. The applicant shall submit such other exhibits of an architectural or planning nature as may be reasonably required by the Planning Board.
12. All proposed streets with (a) profiles indicating grading and (b) typical cross-sections showing width of roadways, location and width of sidewalk and curbs, according to the standards and specifications of this chapter.
13. The proposed use or uses of land and buildings and proposed location and dimensions of buildings, including proposed grades at all corners of the building(s).

14. The location, type, and size of all means of vehicular ingress and egress both existing and proposed to public streets, showing size and location of driveways, curb cuts and sidewalks, and the location and width of all driveways on adjacent property within fifty (50) feet of the proposed site.
15. The location and design of any off-street parking areas or loading areas, showing size and location of bays and spaces, aisles and barriers and the total number of parking spaces and loading bays to be provided.
16. The location and size, grade and type of all proposed water lines, valves and hydrants and for all sewer lines or alternative means of water supply or sewage disposal and treatment in conformance with the applicable standards of the State of New Jersey.
17. The proposed location, direction of illumination, power and time of proposed outdoor lighting in conformance with the applicable standards as may be applied by the Planning Board in conjunction with the supplying utility companies.
18. Proposed signs, fences, buffer areas which shall be provided for the purpose of isolating the activities conducted on the tract, if any.
19. A description of all proposed operations or activities in sufficient detail to indicate their effects in producing traffic, noise, glare, air or water pollution, fire or safety hazards.
20. Such other information or data as may be required by the Planning Board in order to determine that the details of the site plan are in accord with the standards of this chapter and all other ordinances of the municipality, and further, that the building or use will not offend the public interest.

21. The tax map block and lot number, and sheet number of the lot or lots involved.
22. The location, size, nature and acreage (to the nearest tenth) of the entire lot or lots in question, and any contiguous lots owned by the applicant or in which the applicant has a direct or indirect interest.
23. The location and elevation of the high water mark of any body of water located on or abutting the site in question, and the direction of flow of any stream on or abutting the site, and a cross-section of the stream as built.
24. An appropriate place for the approving signature of the chairman or acting chairman and the secretary of the Municipal Planning Board and the date of signature of approval.
25. The location, method of storage, method of disposal of solid waste materials and provision for screening of same.
26. A map showing the location of the project on the appropriate soils map from the Ocean County Soil Survey prepared by the U.S. Department of Agriculture.
27. A map showing existing site vegetation, identifying predominant vegetation types on the site, areas where vegetation is to be removed as a result of the proposed development, and proposed landscaping of the subject property, if any.
(Ord. No. 11/78; Ord. No. 5/24/82 § 1007)

25-19.9 Preliminary Site Plan. Each major site plan for preliminary site plan approval shall provide as a minimum, the following information in preliminary form, designed in compliance with Section 25-27, Design Performance Standards, and Section 25-30, Zoning Regulations of this chapter. The

following plans and information may be combined on a single plat if appropriate.

- a. *Plat.* Every preliminary site plan shall be at a minimum graphic scale of 1" = 10', 20', 30', 40' or 50'; 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 (8 1/2" x 13"; 15" x 21"; 24" x 36"; or 30" x 42"). The following data shall be shown on the site plan or accompany it. (If one (1) sheet is not sufficient to contain the entire territory, a separate composite map at the reduced size shall be drawn on one (1) sheet showing the entire development and the sheets on which the various sections are shown). All lot lines and the exterior boundaries of the tract; north arrow; zone district(s) in which the lot(s) is (are) located; date of original drawing and each subsequent amendment; existing and proposed street(s) and street name(s); 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; title of the plan; streams; total area to one (1) square foot; total number of parking spaces; all dimensions, areas, and distances needed to confirm conformity with the chapter such as but not limited to building lengths, building coverage, lot lines, parking spaces, loading spaces, setbacks and yards; a small key map giving the general location of the parcel within the municipality.
- b. *Building and Use Plan.* Size, height, location, arrangement and use of all proposed buildings, structures, and signs, including an architect's scaled elevations of the front, side and rear of any structure and sign to be erected or modified to the extent necessary to apprise the approving authority of the scope of the proposed work, shall be shown. Any existing structures shall be identified either to remain or to be

removed. A description of the proposed use(s) and operation(s) of nonresidential building(s) including the number of employees or members; the proposed number of shifts to be worked and the maximum number of employees on each shift; expected truck and tractor-trailer traffic; emission of noise, glare, vibration, heat, odor, air and water pollution; safety hazards; and anticipated expansion plans incorporated in the building design. Floor plans shall be submitted. In apartment and townhouse projects, the number of dwelling units, by type, shall be shown.

- c. *Facilities Plan.* This plan shall show the existing and proposed locations of all drainage and storm water run-off; open space; common property; fire, gas, electric, telephone, sewerage and water line locations; and solid waste collection and disposal methods including proposed grades, sizes, capacities, and materials to be used for facilities installed by the developer. Installations by utility companies need only show their locations on the plat. 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 be a condition of approval. Drainage facilities shall include facilities to comply with the storm water run-off provisions in Section 25-27. The method of sewage treatment and solid waste disposal shall be shown. Such plans shall be reviewed by the Planning Board Engineer, as applicable, with recommendations to the approving authority.

- d. *Circulation Plan.* This plan shall show 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, bikeways 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 and other buildings. Plans shall be accompanied by typical cross-sections of new streets. Any expansion plans for the proposed use shall show feasible parking and loading expansion plans to accompany building expansion.
- e. *Natural Resources Plan.* This plan shall show existing and proposed wooded areas, buffer areas including the intended screening devices and buffers, grading at two (2) foot contour intervals inside the tract, seeded and/or sodded areas, ground cover, retaining walls, fencing, signs, recreation areas, shrubbery, trees, and other landscaping features. These plans shall show the location and type of manmade 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 buildings or paved surfaces shall be landscaped utilizing combinations such as landscaped fencing, shrubbery, lawn area, ground cover, contours, existing foliage, and the planting of coniferous and/or deciduous trees native to the area in order to maintain or re-establish the tone 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. The grading plan, drainage facilities,

and landscaping shall be designed to prevent erosion and siltation as well as assuring that the capacity of any natural or manmade drainage system is sufficient to handle the water from the site and contributing upstream areas. Landscaping plans shall incorporate the elements set forth in subsection 25-27.47d.

(Ord. No. 11/78; Ord. No. 5/24/82 § 1008; Ord. No. 97-05 § 8)

25-19.10 Final Site Plan, Major Site Plan. The final site plan submission for final site plan approval shall include all information required on the preliminary site plan in final form with the addition of the following:

- a. All changes required as conditions of preliminary site plan approval.
- b. Typical construction details showing cross-sectional details of all required improvements including but not limited to manholes, inlets, pavements, streets, curbs, sidewalks, drainage channels, headwalls.

(Ord. No. 11/78; Ord. No. 5/24/82 § 1009)

25-20—25-24 RESERVED.

25-25 GUARANTEES, INSPECTIONS, ACCEPTANCE OR IMPROVEMENTS.

25-25.1 Requirements. Prior to approval of final subdivision plats or granting of final site plan approval or as a condition of such approvals, the approving authority shall, for the purpose of assuring the installation and maintenance of on-tract improvements, require the following:

- a. In the case of major subdivisions and residential site plans, the furnishing of a performance guarantee in favor of the municipality shall be required in an amount not to exceed one hundred twenty (120%) percent of the

cost of installation for improvements as estimated by the Municipal Engineer as he may deem necessary or appropriate including: streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyor's monuments, as shown on the final map and required by the "Map Filing Law", P.L. 1960, C.141 N.J.S. 46:23-9.9 et seq. water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion control and sedimentation control devices. Of such performance guarantee a minimum of ten (10%) percent must be in the form of cash or certified check made payable to the municipality, and the remainder in the form of a corporation surety performance bond issued by an authorized New Jersey Corporation. The Municipal Attorney shall approve the performance guarantee as to form, sufficiency and execution. The Municipal Engineer shall approve the performance guarantee as to size and scope.

In the case of nonresidential site plans performance guarantees shall be required in an amount not to exceed one hundred twenty (120%) percent of the cost of the installation of improvements (as estimated by the Municipal Engineer) directly affecting the public including but not limited to curbing, pavement and roadway shoulder repair, storm drainage improvements, erosion control etc.

No certificate of occupancy shall be issued until all improvements shown on the approved site plan have been completed and approved by the Municipal Engineer, unless extenuating circumstances such as adverse weather conditions prevent the completion of items which pose no significant threat to the public. In such instances the Governing Body may upon the recommendation of the Municipal Engineer except a performance guarantee in an amount not to exceed one hundred twenty (120%) percent of the cost of the

completion of such uncompleted items as determined by the Municipal Engineer and the certificate of occupancy issued.

- b. Provision for a maintenance guarantee is required to be posted with the Governing Body for a period not to exceed two (2) years after final acceptance of the improvement, in an amount not to exceed fifteen (15%) percent 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 guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the municipality for such utilities or improvements.
- c. All improvements and utility installations shall be inspected during the time of their installations under the supervision of the Municipal Engineer to insure satisfactory completion. The cost of the inspection shall be the responsibility of the subdivider and shall be deposited with the Municipal Clerk as cash equal to five (5%) percent of the performance guarantee to be applied to the cost of inspection of public improvements by the Municipal Engineer.

(Ord. No. 11/78; Ord. No. 5/24/82 § 1100)

25-25.2 Guarantee Reduction. The amount of any performance guarantee 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 guarantee has been provided may be extended by the body by resolution.

- a. If the required improvements are not completed or corrected in accordance with the performance guarantee, 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.

- b. 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 the 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.
- c. 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 content of the report and the action of the approving authority with relation thereto, not later than sixty-five (65) days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from all liability pursuant to its performance guarantee, 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 sixty-five (65) days shall be deemed to constitute approval of the improvements and the obligor and surety, if any, shall be released from all liability pursuant to such performance guarantee.
- d. If any portion of the required improvements are rejected, the approving authority may require the obligor to complete such improvements and, upon completion, the same procedure of notification, as set forth in this section shall be followed.

- e. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the Governing Body or the Municipal Engineer. The municipality shall return any balance of the inspection fee to the development applicant upon expiration of the maintenance bond, together with a statement of charges against this amount.
- f. Prior to the Municipal Engineer making his final report and recommendations to the Borough Council, the developer will supply as-built plans, signed and sealed by a licensed New Jersey professional engineer showing surface grading including lot gradings, building finished floor grades and curb and gutter grades, together with horizontal and vertical location of underground facilities. Manholes, inlets and other such appurtenances together with sidewalks and curbs shall be shown in true location and grade. The as-built plans shall be submitted on reproducible media.

No certificate of occupancy shall be issued for any residential use unless and until the above as-built plans have been approved by the Municipal Engineer.
(Ord. No. 11/78; Ord. No. 5/24/82 § 1101)

25-26 EFFECTS OF APPROVALS.

25-26.1 Effect of Preliminary Approval. Preliminary approval of a major subdivision or of a site plan pursuant to subsection 25-19.4 of this chapter shall, except as provided in subsection d. of this section, confer upon the applicant the following rights for a three (3)-year period from the date of preliminary approval:

- a. That the general terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to use requirements; layouts and design standards for streets, curbs and sidewalks; lot size; yard dimensions and off-tract improvements;

and, in the case of a site plan, any requirements peculiar to site plan approval pursuant to Section 25-19 of this chapter, except that nothing herein shall be construed to prevent the municipality from modifying by chapter such general terms and conditions or preliminary approval as relate to public health and safety;

- b. 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 subdivision plat or site plan, as the case may be;
- c. That the applicant may apply for and the Planning Board may grant extensions on such preliminary approval for additional periods of at least one (1) year but not to exceed a total extension of two (2) years, provided that if the design standards have been revised by ordinance, such revised standards may govern.
- d. In the case of a subdivision of or site plan for an area of fifty (50) acres or more, the Planning Board may grant the rights referred to in paragraphs a, b, and c. above for such period of time, longer than three (3) years, as shall be determined by the Planning Board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under preliminary approval, (2) economic conditions, and (3) the comprehensiveness of the development. The applicant may apply for thereafter and the Planning Board may thereafter grant an extension to preliminary approval for such additional period of time as shall be determined by the Planning Board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under preliminary approval, and (2) the potential number of dwelling units and nonresidential floor area of the section or sections awaiting final approval, (3) economic conditions and (4) the comprehensiveness of the

development; provided that if the design standards have been revised, such revised standard may govern.
(Ord. No. 11/78; Ord. No. 5/24/82 § 1200)

25-26.2 Effect of Final Approval. The final approval of site plan or major subdivision has the following effect:

- a. The zoning requirements applicable to preliminary approval first granted and all other rights conferred upon the developer pursuant to subsection 25-26.1 of this section, 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 major subdivision the rights conferred by this subsection shall expire if the plat has not been duly recorded within the time period provided in subsection 25-9.8d of this chapter. If the developer has followed the standards prescribed for final approval, and in the case of a subdivision has duly recorded the plat as required, the Planning Board may extend such period of protection for extensions of one (1) year but not to exceed three (3) extensions. Notwithstanding any other provisions of this chapter, the granting of final approval terminates the time period of preliminary approval pursuant to subsection 25-26.1 above for the section granted final approval.
- b. In the case of a subdivision or site plan of fifty (50) acres or more the Planning Board may grant the rights referred to in paragraph a. of this subsection for such period of time, longer than two (2) years, as shall be determined by the Planning Board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under final approval, (2) economic conditions and (3) the comprehensiveness of the development. The developer may apply for thereafter, and the Planning Board may thereafter grant an extension of final approval for such additional period of time as shall be determined by the

Planning Board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under final approval, (2) the number of dwelling units and nonresidential floor area remaining to be developed, (3) economic conditions and (4) the comprehensiveness of the development.

(Ord. No. 11/78; Ord. No. 5/24/82 § 1201)

25-27 DESIGN AND PERFORMANCE STANDARDS.

25-27.1 General Requirements.

- a. All construction shall be performed in accordance with the details and specifications of the municipality as described herein.
- b. The developer shall employ a New Jersey licensed professional engineer and/or architect to prepare all plans and specifications, for site improvements and a licensed land surveyor of New Jersey to make land surveys and subdivision maps.
- c. Construction shall be performed under the supervision and inspection of the Municipal Engineer under the regulations defined elsewhere herein.
- d. Minor modifications or changes in the approved plans and specifications may be effected only upon written approval of the Planning Board Engineer but some changes may require further review and approval of the Planning Board and Pinelands Commission pursuant to Section 4-309 of the Comprehensive Management Plan.

- e. Any application for development shall demonstrate conformance to design standards that will encourage sound development patterns within the Borough. Where either an Official Map and/or Master Plan have been adopted, the development shall conform to the proposals and conditions shown thereon. The streets, school sites, etc. shown on the officially adopted Master Plan shall be considered in the approval of plats. Proposed development shall also conform to the standards and management programs of the Pinelands Comprehensive Management Plan as contained within this chapter.

In accordance with good design practices, extreme deviations from rectangular lot 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 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 probable future development.

- f. Whenever a development abuts or crosses a municipal boundary, access to those lots within the Borough shall be from within the Borough as the general rule. Wherever access to a development is required across land in an adjoining community as the exception, the approving authority may require documentation that such access is legally established, and that the access road is adequately improved.
- g. The proposed name of the development or street shall not duplicate, or too closely approximate, the name of any other development or street in the Borough. The approving authority shall have final authority to designate the name of the development or street.
(Ord. No. 11/78; Ord. No. 5/24/82 § 1300)

25-27.2 Accessory Buildings. Any accessory building attached to a principal building is part of the principal building and shall adhere to the yard requirements for the principal building. (Ord. No. 11/78; Ord. No. 5/24/82 § 1301)

25-27.3 Blocks.

- a. Block length, width and acreage shall be sufficient to accommodate the size lot required in that zoning district and to provide for convenient access, circulation control, and traffic safety.
- b. Blocks over one thousand (1,000) feet long in residential areas shall be discouraged and blocks over one thousand five hundred (1,500) feet in residential areas shall be prohibited.
(Ord. No. 11/78; Ord. No. 5/24/82 § 1302)

25-27.4 Buffers.

- a. Buffer areas are required along all lot lines and street lines which separate a nonresidential use from either an existing residential use or residential zoning district. Buffer areas shall be developed in an aesthetic manner for the primary purposes of screening views and reducing noise perception beyond the lot. Buffer widths shall be measured horizontally and perpendicularly to lot and streetlines. No structure, activity, storage of materials, or parking of vehicles shall be permitted in a buffer area. 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, differences in elevations, the type of buffer such as dense planting, existing woods, a wall or fence, buffer height, buffer width, and other combinations of manmade 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 use, the more effective the buffer area must be in obscuring light and vision and reducing noise beyond the lot.

- b. A minimum of one-half (1/2) of the periphery that requires a buffer shall have a buffer at least ten (10) feet wide which shall be designed, planted, graded, landscaped, and developed to obscure the activities of the site from view. In addition, the periphery that requires a buffer may consist of the following: (1) fencing or walls in a landscaped area not less than ten (10) feet wide; (2) a landscaped area with at least five (5) feet high growth.
- c. All buffer areas shall be planted and maintained with either grass or ground cover together with a screen of live shrubs or scattered planting live trees, shrubs, or other plant material meeting the following requirements: (1) the preservation of all natural wooded tracts shall be an integral part of all site plans and may be calculated as part of the required 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, the plantings may be required; (2) plant materials 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 automobile headlights emitted from the premises; (3) the screen planting shall be so placed that at maturity it will not be closer than three (3) feet from any street or property line; (4) trees shall be at least five (5) feet in height when planted and be of species common to the area, be of balled and burlapped nursery stock, and be free of insect and disease; (5) any plant material which does not live shall be replaced within one (1) year or one (1) growing season; (6) screen plantings and landscaping

shall be broken at points of vehicular and pedestrian ingress and egress to assure a clear sight triangle at all street and driveway intersections.

- d. No more than ten (10) automobiles or other motor vehicles, whether or not they are in operating condition, shall be stored on any lot unless such motor vehicles are adequately screened from adjacent residential uses. All vehicles not in operating condition shall be stored only if the gasoline tanks of such vehicles are drained.
- e. Above-ground generating facilities, switching complexes, pumping stations, and substations shall be screened with vegetation from adjacent uses.
(Ord. No. 11/78; Ord. No. 5/24/82 § 1303; Ord. No. 12/82 § VII; Ord. No. 7/20/89 § 24)

25-27.5 Building Permits, Site Plan Approvals and Variances. Nothing in this chapter shall require any change in a building permit, site plan or zoning variance which was approved before the enactment of this chapter, but is in violation of this chapter, provided that construction based on such a building permit shall have been started within the effective period of the permit but not to exceed one (1) year from the effective date of this chapter and, in the case of a site plan or variance, a building permit shall have been issued within ninety (90) days following the effective date of this chapter. In all instances, the project shall be continuously pursued to completion, otherwise the approvals and permits shall be void. (Ord. No. 11/78; Ord. No. 5/24/82 § 1304)

25-27.6 Corner Lots. Any principal or accessory building located on a corner lot shall have a minimum setback for one (1) street line equal to the required front yard, with the second front yard provided in accordance with the prevailing yard pattern in the block. The remaining two (2) yards shall be considered side yards for the purpose of this chapter. (Ord. No. 11/78; Ord. No. 5/24/82 § 1305)

25-27.7 Curbs. Concrete curb shall be installed along every street within the development and at intersections with local roads, County roads and State highways. The standard curb section to be used shall be not more than ten (10) feet in length, shall be set in accordance with approved lines and grades, and radial curbs shall be formed in an arc segment, in a smooth curve. Chord segments are prohibited. Concrete curbs shall be eight (8) inches by eighteen (18) inches (six (6) inch exposed face), using Class B concrete having a twenty-eight (28) day compressive strength of three thousand five hundred (3,500) p.s.i. and shall be air entrained. At locations specified by the approving authority, the curbing shall be designed to provide a ramp for bicycles and/or wheelchairs. (Ord. No. 11/78; Ord. No. 5/24/82 § 1306)

25-27.8 Drainage. All streets shall be provided with storm water inlets and pipes where same may be necessary for proper surface drainage. The system shall be adequate to carry off and/or store the storm water and natural drainage water which originates beyond the development boundaries and passes through the development calculated on the basis of maximum potential development as permitted under this chapter. No storm water run-off 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 lands without proper and approved provisions being made for taking care of these conditions, including off-tract improvements. All drainage design and computation factors shall be submitted to the Planning Board Engineer for review and approval and shall conform to the requirements of subsection 25-27.41.

- a. The duration of a storm used in computing storm water run-off shall be the equivalent of the time required for water falling at the most remote point of the drainage area to reach the point in the drainage system under consideration.

- b. No pipe size in any storm drainage system shall be less than fifteen (15) inches in diameter.
- c. Dished gutters on local streets shall be permitted only at "T" intersections involving local streets. Dished gutters shall not be permitted on arterial or collector streets.
- d. Storm drain pipes running longitudinally along streets shall not be located under curbing.
- e. Storm drain pipes shall be reinforced concrete pipe in all cases and shall be of the size specified and laid to the exact lines and grades approved by the Planning Board Engineer. Reinforced concrete pipe shall conform to A.S.T.M. specification C76. All pipe shall be Class III strength except where stronger pipe is required as determined by the Planning Board Engineer. Joints shall be made with "O-Ring" rubber gaskets.

In locations other than within the right-of-way of public roads where, because of severe topographic conditions or the desire to minimize the destruction of trees and vegetation, corrugated aluminum pipe, pipe arch, or helical corrugated pipe may be used. The material used shall comply with the Standard Specifications for Corrugated Aluminum Alloy Culvert Pipe and Pipe Arch ASSHO designation M-211-65. The minimum thickness of the aluminum pipe to be used shall be: less than twenty-four (24) inch diameter or equivalent, 0.075 inches (14 gauge); twenty-four (24) inch diameter and less than forty-eight (48) inch diameter or equivalent, 0.105 inches (12 gauge); forty-nine (49) inch but less than seventy-two (72) inch diameter or equivalent, 0.135 inch (10 gauge); and seventy-two (72) inch diameter or equivalent, and larger, 0.164 inches (8 gauge).

- f. For both major and minor developments, blocks and lots shall be graded to secure proper drainage away from all buildings and to prevent the collection of storm water in

pools and to avoid concentration of storm water from each lot to adjacent lots.

- g. Where a minor or major site plan or subdivision is traversed by a watercourse, surface or underground drainageway or drainage system, channel or stream, there shall be provided and dedicated a drainage right-of-way easement to the municipality conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate to accommodate expected storm water run-off in the future based upon reasonable growth potential in the municipality and, in addition thereof, a minimum of fifteen (15) feet beyond the bank top on at least one (1) side for access to the drainage right-of-way, and, in any event, meeting any minimum widths and locations shown on any adopted official map or master plan or as required under the subsection 25-27.9 entitled, "Easements."
- h. Easements or rights-of-way shall be required in accordance with the subsection 25-27.9 entitled "Easements" in Section 25-27 where storm drains are installed outside streets.

(Ord. No. 11/78; Ord. No. 5/24/82)

25-27.9 Easements. Easements along rear property lines or elsewhere for utility installation may be required, but are discouraged. Such easements shall be at least twenty (20) feet wide for one (1) utility and five (5) additional feet for each additional utility and be located in consultation with the companies or municipal departments concerned and, to the fullest extent possible, be centered on or adjacent to rear or side lot lines.

Flood plain and conservation easements shall be indicated on the preliminary and final plats and shown in such a manner that their boundaries can be accurately determined.

The removal of trees and ground cover shall be prohibited in a conservation easement or flood plain except for the following purposes: the removal of dead or diseased trees; limited thinning of trees and growth to encourage the most desirable growth; the removal of trees to allow for structures designed to impound water or in areas to be flooded in the creation of ponds or lakes, or approved conservation plan by the Soil Conservation District. In the Pinelands Area, Lakehurst, the removal of trees in easements or floodplains must be in accordance with subsection 25-27.50 of this chapter. (Ord. No. 11/78; Ord. No. 5/24/82 § 1308)

25-27.10 Energy Conservation. All development shall be carried out in a manner which promotes energy conservation. Such measures may include southern orientation of buildings, landscaping to permit solar access and the use of energy conserving building materials. (Ord. No. 12/82 § VIII)

25-27.11 Fences and Walls. Fences, walls or screening shall not be located in any required sight triangle. (Ord. No. 11/78; Ord. No. 5/24/82 § 1309; Ord. No. 12/82 § VIII)

25-27.12 Fire Protection. Provision shall be made for fire hydrants along streets and/or on the walls of nonresidential structures as approved by the Planning Board Engineer and in accordance with Fire Insurance Rating Organization Standards.

Where streams or ponds exist, or are proposed on lands to be developed, facilities shall be provided to draft water for firefighting purposes. This shall include access to a public street suitable for use by firefighting equipment and construction of or improvements to ponds, or similar on-site or off-site development, where feasible. Such facilities shall be constructed to the satisfaction of the Planning Board Engineer and Fire Department and in accordance with fire Insurance Rating Organization Standards.

Each hydrant shall have an independent, below-ground, shut-off valve.

Where applicable, new development will conform with Section 6.124 of the Pinelands Comprehensive Management Plan. (Ord. No. 11/78; Ord. No. 5/24/82 § 1310; Ord. No. 12/82 § VIII; Ord. No. 7/20/89 § 25)

25-27.13 Fish and Wildlife. No development shall be carried out in the Pinelands Area unless it is designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of those threatened or endangered animal species designated by the Department of Environmental Protection pursuant to N.J.S. 23:2A-1 et seq. All development or other authorized activity shall be carried out in a manner which avoids disturbance of fish and wildlife habitats that are essential to the continued nesting, resting, breeding and feeding of significant populations of fish and wildlife. (Ord. No. 11/78; Ord. No. 5/24/82 § 1311; Ord. No. 12/82 § VIII; Ord. No. 7/20/89 § 26)

25-27.14 Flood Plain Regulations. The purposes of the following flood plain regulations are: (1) to implement the land use rules and regulations promulgated by the New Jersey Department of Environmental Protection for floodways and the flood fringe portion of a flood hazard area; (2) to discourage construction and regrading in flood hazard areas; (3) to prevent encroachments into flood hazard areas which would obstruct or constrict the area through which water must pass; and (4) to prevent pollution of water courses during low or high water periods by preventing the placing or storing of unsanitary or dangerous substances in the flood hazard areas.

- a. The flood hazard design elevation shall be determined on an individual basis based upon stream encroachment line data from the Division of Water Resources or, in the absence of that data, the flood elevation based on a hundred-year storm frequency. One or the other shall be delineated on the plat. In addition, the Planning Board

Engineer may, upon receipt of the application and with the consent of the landowner and at the landowner's expense, determine the precise location of a floodway and flood fringe area by close inspection, field survey or other appropriate method and cause if requested the same to be marked on the ground and on the plat, and notifying the owner, the New Jersey Department of Environmental Protection, Division of Water Resources, and the approving authority. The assistance of the United States Department of Agriculture, Soil Conservation Service, U.S. Corps of Engineers, and the New Jersey Department of Environmental Protection, Division of Water Resources may be sought to aid in delineating the flood hazard design elevation except that where State or Federal agencies shall subsequently publish any reports which delineate the flood hazard design elevation of a water course, the report shall be the officially delineated flood hazard area as if the report were published in this chapter.

- b. Any lot containing a floodway portion of a drainage course and on which it is proposed to regrade and/or construct an improvement shall not be permitted unless the proposed use is permitted by this chapter, plat approval has been granted, and a floodway permit has been issued by the New Jersey Department of Environmental Protection, Division of Water Resources where required by State Regulations.
- c. Any lot containing a flood fringe portion of the flood hazard area and on which it is proposed to regrade and/or construct an improvement shall not be permitted unless the proposed use is permitted by this chapter and until plat approval has been granted.
- d. The procedure for reviewing any proposed regrading and/or construction shall be the same as set forth for plat review. No application shall be approved and no permit granted until all zoning violations have either been corrected or a variance granted.

- e. The applicant shall submit maps, reports, and other appropriate documents permitting the approving authority to evaluate whether the proposal has an inherent low flood damage potential; does not obstruct flood flows or increase flood heights and/or velocities; does not affect adversely the water carrying capacity of any delineated floodway and/or channel; does not increase local run-off and erosion; does not unduly stress the natural environment of the flood plain or degrade the quality of surface water or the quality and quantity of ground waters; does not require channel modification or relocation; does not require fill or the erection of structures; does not include the storage of equipment and materials.
- f. The applicant shall demonstrate compliance with subsection 25-27.50 of this chapter (Wetlands).
(Ord. No. 11/78; Ord. No. 5/24/82 § 1312; Ord. No. 12/82 § VIII)

25-27.15 Grading and Filling. All lots where fill material is deposited shall have clean fill and/or top soil deposited which shall be graded to allow complete surface draining of the lot into local storm sewer systems or natural drainage courses. No regrading of a lot shall be permitted which would create or aggravate water stagnation or a drainage problem on-site or on adjacent properties, or which will violate other provisions of this chapter. Grading shall be limited to areas shown on approved site plan or subdivision. Any top soil disturbed during approved excavation and grading operations shall be redistributed throughout the site.

Within the Pinelands Area, Lakehurst, any grading and filling shall comply with subsection 25-27.49 of this chapter. (Ord. No. 11/78; Ord. No. 5/24/82 § 1313)

25-27.16 Height. The height limitations of this chapter shall not apply to church spires, belfries, cupolas, chimneys, ventilators, skylights, water tanks, solar heating apparatus,

electric transmission facilities and supporting structures, and similar features and necessary mechanical appurtenances usually carried above the roof level provided that the height does not exceed imaginary surfaces necessary to provide for safe aircraft operation. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose that they are to serve. Provisions of this chapter shall permit the erection of parapet walls or cornices for ornament without windows above the building height limit by not more than five (5) feet. Quasi-public buildings and public buildings, schools, churches, and other similar permitted uses may exceed the height limit herein established provided that such uses shall increase the front, rear, and side yards one (1) foot for each foot by which such building exceeds the height limit established for the district within which the use is located. The height limitations of this chapter shall not apply to the antenna and any supporting structure of a local communication facility of greater than thirty-five (35) feet, provided that the standards set forth in N.J.A.C. 7:50-5.4(c) are met. (Ord. No. 11/78; Ord. No. 5/24/82 § 1314; Ord. No. 12/82 §§ VIII, IX; Ord. No. 7/20/89 § 27; Ord. No. 97-05 § 9)

25-27.17 Historic Preservation.

- a. The Planning Board shall exercise all the powers and perform all the duties set forth in N.J.A.C. 7:50-6.153(a), including recommendations to the Borough Council for designation of historic resources, in accordance with N.J.S. 40:55D-1 et seq., which are determined to be significant pursuant to e., 2 below.
- b. Authority to issue certificates of appropriateness.
 1. The Planning Board shall issue all certificates of appropriateness except as specified in paragraph 2. below.
 2. The Board of Adjustment shall issue certificates of appropriateness for those applications for

development which it is otherwise empowered to review.

- c. Certificates of appropriateness shall be required for the following:
 - 1. Construction, encroachment upon, alteration, remodeling, removal, disturbance, or demolition of any resource designated by the Borough Council or the Pinelands Commission pursuant to N.J.A.C. 7:50-6.154 or any action which renders such a site inaccessible; and
 - 2. Development not otherwise exempted from review pursuant to subsection 25-4.7a, 2. of this chapter where a significant resource has been identified pursuant to paragraph e. below.
- d. Applications for certificates of appropriateness shall include the information specified in N.J.A.C. 7:50-6.156(b).
- e. A cultural resource survey shall accompany all applications for development in order to determine whether any significant historic resources exist on the parcel. Guidelines for this survey are contained in Appendix B of the "Cultural Resource Management Plan," dated April 1991, as amended. In general, the survey shall include: a statement as to the presence of any properties listed on the National and State Registers of Historic Places on the site or within the area of the projects' potential environmental impacts; a thorough search of State, local and any other pertinent inventories to identify sites of potential significance; a review of the literature and consultation with professional and avocational archaeologists knowledgeable about the area; thorough pedestrian and natural resources surveys; archaeological testing as necessary to provide reasonable evidence of the presence or absence of historic resources of significance; adequate recording of the information gained and methodologies

and sources used; and a list of personnel involved and qualifications of the person(s) performing the survey.

1. This requirement for a survey may be waived by the local approval agency if:
 - (a) There is insufficient evidence of significant cultural activity on the project site or, in the case of archaeological resources, within the vicinity:
 - (b) The evidence of cultural activity on the site lacks the potential for importance because further recording of the available data will not contribute to a more comprehensive understanding of Pinelands culture; or
 - (c) The evidence of cultural activity lacks any potential for significance pursuant to the standards of paragraph 2. below.
2. A resource shall be deemed to be significant if it possesses integrity of location, design, setting, materials, workmanship, feeling, and association which reflects its significance in American history, architecture, archaeology, or culture under one (1) or more of the following criteria:
 - (a) The presence of structures, sites, or areas associated with events of significance to the cultural, political, economic, or social history of the nation, State, local community, or the Pinelands; or
 - (b) The presence of structures, sites, or areas associated with the lives of persons or institutions of significance to the cultural, political, economic, or social history of the nation, State, local community or the Pinelands; or

- (c) The presence of structures that represent the work of a master, or that possess high artistic values, or that embody the distinctive characteristics of a type, period, or method of construction, or that represent a distinguishable entity of significance to the architectural, cultural, political, economic or social history of the nation, State, local community, or the Pinelands, although its components may lack individual distinction; or
 - (d) The presence of a site or area which has yielded or is likely to yield significant information regarding the history or archaeological history of the Pinelands.
- f. The standards governing the issuance of certificates of appropriateness in N.J.A.C. 7:50-6.156(c) shall be followed by the Planning Board and Board of Adjustment.
- g. The effect of the issuance of a certificate of appropriateness is as follows:
- 1. All subsequent development approvals shall be issued or denied in a manner consistent with the certificate of appropriateness except as provided in paragraph 2. below.
 - 2. A certificate of appropriateness issued as a result of the cultural resource survey requirement set forth in paragraph e. above shall be effective for two (2) years. If the resource is not designated by the Pinelands Commission pursuant to N.J.A.C. 7:50-6.154 or by the Borough Council pursuant to N.J.S. 40:55D-1 et seq. within that two (2) year period, the historic resource standards of this subsection shall no longer apply to the resource in question until such time as the Pinelands Commission designates the resource pursuant to N.J.A.C 7:50-6.154.

- h. The following information will be required to document resources which are not found to be significant but which are otherwise found to present graphic evidence of a cultural activity:
 - 1. A narrative description of the resource and its cultural environment;
 - 2. Photographic documentation to record the exterior appearance of buildings, structures, and engineering resources;
 - 3. A site plan depicting in correct scale the location of all buildings, structures, and engineering resources; and
 - 4. A New Jersey State inventory form as published by the New Jersey Department of Environmental Protection for buildings and a narrative description of any process or technology if necessary to elaborate upon the photographic record.
- i. If archaeological data is discovered on a site at any time after construction has been commenced, the developer shall immediately cease construction, notify the Planning Board and the Pinelands Commission and take all reasonable steps to protect the archaeological data in accordance with the "Guidelines for the Recovery of Scientific, Prehistoric, Historic and Archaeological Data: Procedures for Notification, Reporting and Data Recovery" (36 C.F.R. 66). (Ord. No. 11/78; Ord. No. 5/24/82 § 1315; Ord. No. 12/82 § VIII; Ord. No. 7/20/89 § 28; Ord. No. 97-05 §§ 10, 11)

25-27.18 Home Occupation. Home occupation may be permitted as accessory uses in those zones specified provided that the use and/or structures shall adhere to the minimum standards of the particular zone and the following:

- a. There shall be no more than two (2) employees other than the bonafide residents of the dwelling.

- b. The portion of the dwelling utilized for the home occupation shall not exceed fifty (50%) percent of the first floor area of the dwelling.
- c. The occupation shall be conducted entirely within the dwelling or within an accessory building or buildings.
- d. No sounds shall be audible outside the building.
(Ord. No. 11/78; Ord. No. 5/24/82 § 1316; Ord. No. 12/82 § VIII)

25-27.19 Home Professional Office. Home professional offices may be permitted as accessory uses in those zones specified, provided that the use and/or structures shall adhere to the minimum standards of the particular zone and the following:

- a. Not more than one (1) professional without associates or partners, may utilize the office, except that one (1) additional professional may be permitted, provided that both professionals are members of the same immediate family which includes parent, children and spouses only.
- b. Not more than two (2) persons may be employed as office personnel.
- c. The portion of the dwelling devoted to professional office use shall not exceed thirty (30%) percent of the total floor area of the building.
(Ord. No. 11/78; Ord. No. 5/24/82 § 1317; Ord. No. 12/82 § 1317)

25-27.20 Hotels, Motels. Where specifically permitted pursuant to this chapter, the following minimum standards shall be met:

- a. Minimum floor area per unit:
 - 1. Hotel: 250 square feet.
 - 2. Motel: 250 square feet.

- b. Minimum lot area per unit:
 - 1. Hotel: 1000 square feet.
 - 2. Motel: 1000 square feet.
- c. Appropriate areas shall be set aside for the recreational needs of the guests.
- d. All garbage receptacles for storage and pickup shall be centrally located and easily acceptable within a screened above-ground enclosure.
- e. Such other performance standards as may be required by the approving authority.
(Ord. No. 11/78; Ord. No. 5/24/82 § 1318; Ord. No. 12/82 § VIII)

25-27.21 Lighting. All commercial parking areas shall be properly lighted to the satisfaction of the approving authority.

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 one (1) 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 (7 1/2%) percent 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 on 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. The intensity of such light sources, light shielding, the direction and reflection of the lighting, and similar characteristics shall be subject to the site plan approval by the approving authority. The objective of these specifications is to minimize undesirable

off-site effects. (Ord. No. 11/78; Ord. No. 5/24/82 § 1319; Ord. No. 12/82 § VIII)

26-27.22 Lots.

- a. Lot dimensions and area shall not be less than the requirements of the zoning provisions.
- b. Insofar as is practical, side lot lines shall be either at right angles or radial to street lines.
- c. Each lot must front upon an approved, paved street with a right-of-way of at least fifty (50) feet except as otherwise provided herein.
- d. New through lots with frontage on two (2) streets will be permitted only under the following conditions; (1) where the length of the lot between both streets is such that future division of the lot into two (2) lots is improbable; and (2) 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.
- e. Where extra width has either been dedicated or anticipated for widening of existing streets, zoning considerations shall begin at such new street line and all setbacks shall be measured from such line.
- f. Two (2) or more contiguous lots under the same ownership, regardless of whether or not each may have been approved as portions of a subdivision, acquired by separate conveyance, or by other operation of law, and one (1) or more of the lots should not conform with the minimum area and/or dimension requirements for the zone in which it is located, the contiguous lots shall be considered as a single lot and the provisions of this chapter shall hold.
- g. Whenever land has been dedicated or conveyed to the Borough by the owner of a lot in order to meet the minimum street width requirements or to implement

the Master Plan, and which lot existed at the effective date of this chapter, the Construction Code 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.

(Ord. No. 11/78; Ord. No. 5/24/82 § 1320; Ord. No. 12/82 § VIII)

25-27.23 Monuments. Monuments shall be the size and shape required by N.J.S. 46:23-9.12 of the "Map Filing Law", as amended, and shall be placed in accordance with the statute and indicated on the final map. (Ord. No. 11/78; Ord. No. 5/24/82 § 1321; Ord. No. 12/82 § VIII)

25-27.24 Natural Features. Natural features such as trees, brooks, swamps, hilltops and views, shall be preserved whenever possible. On individual lots, care shall be taken to preserve selected trees to enhance soil stability and the landscape treatment of the area. In the Pinelands Area, Lakehurst, all development shall be in accordance with subsections 25-27.46 and 25-27.49. (Ord. No. 11/78; Ord. No. 5/24/82 § 1322; Ord. No. 12/82 § VIII)

25-27.25 Nonconforming Uses, Structures, or Lots. The lawful use of land, buildings, or structures existing when this chapter was adopted may be continued on the lot or in the structure although they may not conform to this chapter and any such structure may be restored or repaired in the event of partial destruction thereof provided, however, that none shall be enlarged, extended, relocated, converted to another use, or altered except in conformity with this chapter, except as permitted below. Land on which nonconforming use or structure is located and any nonconforming lot shall not be subdivided or resubdivided so as to be made more nonconforming in any manner.

- a. *Abandonment.* A nonconforming use shall be considered abandoned: (1) if it is terminated by the owner; (2) if a

nonconforming use involving a structure is discontinued for twelve (12) consecutive months; or (3) if a nonconforming use of land without structure(s) ceases for a period of six (6) months. The subsequent use of the abandoned building, structure, and/or land shall be in conformity with this chapter.

- b. *Conversion to Permitted Use.* Any nonconforming building, structure, or use may be changed to conform to this chapter, but shall not be changed back to a nonconforming status.
- c. *Maintenance.* May be made to a nonconforming use, structure, or lot provided the maintenance work does not change the use, expand the building or the functional use of the building, increase the area of a lot used for a nonconforming purpose, or increase the nonconformity in any manner.
- d. *Restoration and Repairs.*
 - 1. Any nonconforming building, structure or use which has been condemned or damaged by fire, explosion, flood, windstorm, or act of God, shall be examined by the following three (3) people: (1) the Construction Code Official; (2) the owner or an architect or engineer selected by the owner; and (3) a third person agreed to by the Construction Code Official and the owner whose fee shall be agreed to and shall be paid in equal portions by the Borough and the owner. If in the opinion of the majority of the above three (3) people, the value of repairing the condition is greater than fifty (50%) percent of the value of replacing the entire structure, it shall be considered completely destroyed and may be rebuilt to the original specifications only upon approval of a use variance as provided by State statutes.
 - 2. Where the value of repairing the condition is determined to be less than fifty (50%) percent of the

value of replacing the entire structure, the nonconforming structure or use may be rebuilt and used for the same purpose as before, provided it does not exceed the height, area and bulk of the original structure.

3. The percent damaged or condemned shall be the current replacement costs of the portion damaged or condemned computed as a percentage of the current replacement cost of the entire structure, neither to include the cost of the foundation unless the foundation is damaged or condemned.
- e. Any nonconforming use, structure or lot may be sold and continue to function in the same nonconforming manner.
(Ord. No. 11/18; Ord. No. 5/24/82; Ord. No. 12/82 § VIII)

25-27.26 Off-Street Parking and Loading.

- a. *Access to and from Lots.* Drives shall be limited to a maximum of two (2) to any street, except when the frontage of a property along any one (1) street exceeds five hundred (500) feet, the number of drives to that street may be based on one (1) drive for each two hundred fifty (250) feet of property frontage. Each drive shall be at least fifty (50) feet or one-half (1/2) the lot frontage, whichever is greater, but need not exceed three hundred (300) feet from the streetline of any intersecting street; and be at least ten (10) feet from any property line. The width of the curb cut shall be determined by the type traffic to be handled and the limitation to the number of lanes of traffic. Driveways with widths exceeding twenty-five (25) feet shall be reviewed by the approving authority giving consideration to the width, curbing, direction of traffic flow, radii of curves, and traffic lane divider. Curbing shall be either depressed at the driveway or have the curbing rounded at the corners with the access drive

connected to the street in the same manner as another street.

- b. *Access to Parking and Loading Spaces.* Individual parking and loading spaces shall be served by on-site aisles designed to permit each motor vehicle to proceed to and from each parking and loading space without requiring the moving of any other motor vehicle. Where the angle of parking is different on both sides of the aisle, the larger aisle width shall prevail.
- c. *Buffers.* Parking and loading areas for commercial and industrial uses shall be buffered from adjoining streets, existing residential use, or any residential zoning district in a manner meeting the objectives of the buffer section of this chapter.
- d. *Curbing.* All off-street parking areas containing six (6) or more spaces and all off-street loading areas shall have concrete curbing around the perimeter of the parking and loading areas and to separate major interior driveways to separate them from the parking and loading spaces. Curbing may also be installed within the parking or loading areas to define segments of the parking or loading areas. Concrete wheel blocks may be located within designated parking or loading spaces. All curbing shall be located in conjunction with an overall drainage plan. Curbing installed at locations requiring pedestrian access over the curbing shall be designed to have ramps from the street grade to the sidewalk. The breaks shall be either opposite each aisle or no less frequent than one (1) every sixty-five (65) feet along the curb.
- e. *Dimensions.* Off-street parking spaces shall be ten (10') feet wide and a minimum of twenty (20) feet in length. In any event, in parking lots containing more than ten (10) spaces a minimum of one (1) space shall be a minimum of twelve (12) feet wide and for parking lots with more than twenty (20) spaces, five (5%) percent of

all spaces but not more than ten (10) spaces shall be twelve (12) feet wide. These wider spaces shall be located in one (1) area and designated as parking for the handicapped. They shall be located so that access does not require wheeling or walking behind parked cars.

<i>Angle of Parking Space</i>	<i>For Parking Spaces Ten (10) Feet Wide</i>	
	<i>One-Way Aisle</i>	<i>Two-Way Aisle</i>
90°	20'	24'
60°	20'	24'
<i>parallel</i>	16'	20'

Off-street loading spaces shall have fifteen (15) feet of vertical clearance and be designed in accordance with the following schedule:

<i>Loading Space</i>		<i>Apron / Aisle Length</i>	
<i>Length</i>	<i>Width</i>	90°	60°
60'	10'	72'	66'
60'	12'	63'	57'
60'	14'	60'	54'

- f. *Drainage.* All parking and loading areas shall have drainage facilities installed in accordance with good engineering practice as approved by the Planning Board Engineer and in accordance with the "Drainage" provisions of Section 25-27 of this chapter. Where sub-base conditions are wet, spongy, or of such nature that surfacing would be inadvisable without first treating the sub-base, these areas shall be excavated to a depth of at least six (6) to twelve (12) inches as conditions dictate below the proposed finished grade and filled with a suitable sub-base material as determined by the Planning Board Engineer. Where required by the engineer, a system of porous concrete pipe, subsurface

drains be constructed beneath the surface of the paving and connected to a suitable drain. After the sub-base material has been properly placed and compacted, the parking area surfacing material shall be applied.

- g. *Surfacing.* Surfacing shall be approved as part of the plan approval. (1) Unless determined by the Planning Board Engineer that site conditions or anticipated traffic warrant an increased paving section, all loading and parking spaces, aisle and driveway areas shall be paved with a minimum of two (2) inches of compacted wearing surface of bituminous concrete (FABC) and constructed thereon in accordance with Division 3, Section 10, of the Department of Transportation Specifications and amendments thereto. A six (6) inch gravel base shall be provided.
- h. *Landscaping.* Landscaping in parking and loading areas shall be shown on the Natural Resources portion of the site plan. Trees shall be staggered and/or spaced so as not to interfere with driver vision, have branches no lower than six (6) feet, and placed at the rate of at least one (1) tree for every twenty (20) parking spaces. All areas between the parking area and the building shall be landscaped with trees, shrubs and ground cover to the maximum extent feasible to the satisfaction of the approving authority. Any plantings which do not live shall be replaced within one (1) year or one (1) season. A majority of the parking areas for more than fifty (50) cars shall be obscured from streets by buildings, landscaped berms, natural ground elevation, or plantings, singularly or in combination. Native vegetation shall be used to the extent practical, in accordance with subsection 25-27.47 of this chapter.
- i. *Minimum Loading Requirements.* Adequate off-street loading and maneuvering space shall be provided for every retail or wholesale commercial and/or industrial use.

The following standards shall be applied:

1. A minimum of one (1) space per retail or wholesale commercial and/or industrial use except that where more than one (1) use shall be located in one (1) building or where multiple uses are designed as part of a shopping center or similar self-contained complex, the number of loading spaces shall be based on the cumulative number of loading spaces based on the number of square feet within the building or complex; dispersed throughout the site to best serve the individual uses; and have site plan approval.

2. There shall be a minimum of one (1) trash/garbage pickup location separate from the parking and loading areas and located either within or outside a building in steel-like totally enclosed container(s) located and screened to be obscured from view from parking areas, streets, and adjacent residential uses or residential zoning districts. If located within the building, the doorway(s) may serve both the loading and trash/garbage collection functions.

If a container used for trash/garbage collections function is located outside in the building, it may be located adjacent to or within the general loading area(s) provided the container(s) in no way interferes with or restricts the loading and unloading functions.

3. Per every retail or wholesale commercial and/or industrial building, structure or part thereof having over ten thousand (10,000) square feet of gross floor area erected and occupied, there shall be provided at least one (1) truck standing, loading and unloading

space on the premises. Buildings that contain an excess of fifteen thousand (15,000) square feet of gross floor area shall be required to provide additional off-street loading space as determined by the Planning Board during site plan review.

4. Access to truck standing, loading, and unloading areas may be provided directly from a public street or alley or from any right-of-way that will not interfere with public convenience and will permit orderly and safe movement of truck vehicles.
5. Unless otherwise permitted, fire zones shall not be used as standing, loading or unloading areas.
6. Loading areas, as required under this section, shall be provided in addition to off-street parking spaces and shall not be considered as supplying off-street parking spaces.
7. No off-street loading and unloading area shall be permitted in any required front yard area.

j. *Minimum Parking Requirements.*

1. Automotive repair garage or body shop: one (1) parking space for each four hundred (400) square feet of gross floor area.
2. Automotive sales and service: one (1) parking space for each four hundred (400) square feet of gross floor area shall be provided for customer and employee parking. These areas shall be in addition to areas utilized for display and storage of vehicles. Site plans shall specify which parking spaces are designated for customers, employees, display and storage.

3. Automotive service station: five (5) parking spaces for each service bay, exclusive of vehicle service area. In no instance shall there be less than five (5) off-street parking spaces.
4. Banks, savings and loan associations and similar financial institutions: one (1) parking space for each two hundred (200) square feet of gross floor area.
5. Bar, cocktail lounge, nightclub, including Restaurants with Bars: one (1) parking space for each fifty (50) square feet of gross floor area.
6. Barber and beauty shop: three (3) parking spaces for each chair, but not less than one (1) parking space per two hundred (200) square feet of gross floor area.
7. Bowling alley: five (5) parking spaces for each lane. Other commercial uses within the same building will be computed separately in accordance with this section.
8. Business offices: one (1) parking space for each one hundred fifty (150) square feet of gross floor area.
9. Car washes: five (5) parking spaces for employees plus off-street storage (stacking) space equal to at least five (5) times the number of cars that can be in the wash process at one time. For self-wash or self-service car washes, the requirement for employee parking shall be eliminated.
10. Church, temple or chapel: one (1) parking space for each four (4) seats in the main congregation seating area. Where no individual seats are provided, twenty (20) inches of bench shall be considered as one (1) seat. Where seats or benches are not provided, or are provided only in a portion of the main congregation seating area, one (1) parking

space for each fifty (50) square feet of floor area within the main congregation seating area.

11. Community center, library, museum, art gallery: one (1) parking space for each two hundred (200) square feet of gross floor area.
12. Community club, private club, lodge: one (1) parking space for each one hundred (100) square feet of gross floor area.
13. Convalescent home, nursing home, rest home: one (1) parking space for each two (2) beds based on its licensed bed capacity.
14. Meeting rooms, assembly or exhibition hall: one (1) parking space for each fifty (50) square feet of gross floor area.
15. Dwellings: two (2) parking spaces for each single family dwelling. Two (2) parking spaces for each unit in multiple-family dwellings and two-family dwellings.
16. Dental or medical offices: one (1) parking space for each one hundred (100) square feet of gross floor area, except that if located within a building housing three (3) or more separate, unassociated practitioners the requirement shall be one (1) parking space for each one hundred fifty (150) square feet of gross floor area.
17. Drive-in restaurant: one (1) parking space for each thirty-five (35) square feet of gross floor area.
18. Driving range, miniature golf: one (1) parking space for each tee or hole.
19. Farmers market, auction market: one (1) parking space for each one thousand (1,000) square feet of land area in the site.

20. Furniture, appliance stores or similar types of uses requiring large amounts of Storage: one (1) parking space for each four hundred (400) square feet up to four thousand (4,000) square feet, plus one (1) parking space for each eight hundred (800) square feet of gross floor area above four thousand (4,000) square feet.
21. Government office: to be determined by the Planning Board, except that governmental offices within privately owned buildings shall provide a minimum of one (1) parking space for each one hundred fifty (150) square feet of gross floor area.
22. Hardware, auto supply stores: one (1) parking space for each four hundred (400) square feet of gross floor area.
23. Hospital (general, mental, sanitarium): one (1) parking space for each two (2) beds on its licensed capacity.
24. Hotel, motel: one (1) parking space for each rental unit. Each commercial use within the building shall be computed separately according to the requirements for such use set forth herein. The Planning Board may allow up to fifty (50%) percent of the required parking for commercial uses in the hotel or motel to be satisfied by guest room parking.
25. Laundromats or similar coin-operated cleaning: one (1) parking space for each two hundred (200) square feet of gross floor area.
26. Manufacturing or industrial establishment, research or testing laboratory, bottling plant or similar uses: one (1) parking space for each five hundred (500) square feet of gross floor area.

27. Mortuary, funeral home: one (1) parking space for every one hundred (100) square feet of gross floor area.
28. Nursery school, day camp or similar uses: one (1) parking space for each five hundred (500) square feet of gross floor area.
29. Professional office: one (1) parking space for each one hundred fifty (150) square feet of gross floor area.
30. Public and private utilities, electrical substation, gas regulator, water works, pumping station and similar facilities: to be determined by the Planning Board based on the specific need of the use.
31. Restaurant, cafe, diner: one (1) parking space for each fifty (50) square feet of gross floor area.
32. Recreation facilities: those not specifically mentioned herein shall be determined by the Planning Board.
33. Retail stores, except otherwise specified: one (1) parking space for each one hundred fifty (150) square feet of gross floor area.
34. Studio: art, music, dance, gymnastics and similar for the purpose of giving instruction rather than shows or exhibitions: one (1) parking space for each one hundred (100) square feet of gross floor area.
35. Schools:
 - (a) Elementary: one (1) parking space for each eight (8) students based on design capacity.
 - (b) Middle or Junior High School: one (1) space for each five (5) students based on design capacity.
 - (c) High School: one (1) space for each three (3) students based on design capacity.

36. Shopping centers: five and one-half (5.5) parking spaces for each one thousand (1,000) square feet of gross floor area.
37. Theater: one (1) parking space for each thirty-five (35) square feet of gross floor area.
38. Veterinary clinics or hospitals or animal care facilities: one (1) parking space for each four hundred (400) square feet of gross floor area.
39. Warehouse, wholesale, machinery or large equipment sales: one (1) parking space for each one thousand five hundred (1,500) square feet of gross floor area plus one (1) parking space for each vehicle used in connection with the business.

k. *Location of Parking and Loading Areas.*

1. Loading spaces shall be located on the same lot as the use being served, may abut the building being served rather than requiring a setback from the building, and shall be located to directly serve the building for which the space is being provided. Parking spaces shall be located to directly serve the building for which the space is being provided. Parking spaces shall be located at least twenty (20) feet from any building being served. No off-street parking or loading space shall have direct access from a street.
2. No loading and parking spaces shall be located in any required buffer area.
3. Parking spaces located to serve residential uses shall be within one hundred fifty (150) feet of the entrance of the building and within three hundred (300) feet of commercial/industrial uses.
4. No parking shall be permitted in fire lanes, streets, driveways, aisles, sidewalks or turning areas.

(Ord. No. 11/78; Ord. No. 5/24/82 § 1324; Ord. No. 12/82 § VIII)

25-27.27 Open Space. No open space provided around any principal building for the purpose of complying with front, side or rear yard provisions shall be considered as providing the yard provisions of another principal building. On a lot which extends through a block in a manner resulting in frontage on two (2) or more streets including corner lots, the building setback from each street shall not be less than the required front yard. (Ord. No. 11/78; Ord. No. 5/24/82 § 1325; Ord. No. 12/82 § VIII)

25-27.28 Performance Standards.

- a. *Electricity.* Electronic equipment shall be shielded so there is no interference with any radio or television reception beyond the operator's property as the result of the operation of such equipment.
- b. *Glare.* No use shall direct or reflect a steady or flashing light beyond its lot lines. Exterior lighting and lighting resulting from any manufacturing or assembly operations shall be shielded, buffered, and directed as approved on the site plan so that any glare, direct light, flashes, or reflection will not interfere with the normal use of nearby properties, dwelling units and streets. Also see section entitled "Lighting" in this section.
- c. *Heat.* Sources of heat, including but not limited to, steam, gases, vapors, products of combustion or chemical reaction shall not discharge onto or directly contact structures, plant life or animal life on neighboring uses or impair the function or operation of a neighboring use. No use, occupation, activity, operation or device shall cause an increase in ambient temperature, as measured on the boundary between neighboring uses.

- d. *Radioactivity.* No use, activity, operation or device concerned with the utilization or storage of radioactive materials shall be established, modified, constructed or used without having first obtained valid permits and certificates from the Office of Radiation Protection, N.J.D.E.P.

Proof of compliance with this requirement shall be the submission of duplicate copies of the permits and certificates.

- e. *Vibrations.*

1. Standard. Ground-transmitted vibrations shall be measured with a seismograph or complement of instruments capable of recording vibration displacement and frequency in the three (3) mutually perpendicular directions, simultaneously.
2. Vibration level restrictions. Vibration levels shall not exceed a particle velocity of .05 inches per second in any district. During the hours of 9:00 p.m. to 7:00 a.m. in residential districts, vibration levels shall not exceed a particle velocity of .02 inches per second. Measurements shall be made at the points of maximum vibration intensity and on or beyond adjacent lot lines or neighboring uses, whichever is more restrictive.

- f. *Airborne Emissions.* In all districts, no use, activity, operation or device shall be established, modified, constructed or used without having obtained valid permits and certificates from the Bureau of Air Pollution Control, N.J.D.E.P. 7:27-8. Specifically, no use, activity, operation or device shall be established, modified or constructed without a valid "Permit to Construct". No use, activity, operation or device shall be operated, occupied or used without a valid "Certificate to Operate Control Apparatus or Equipment". Proof of compliance with this requirement shall be the

submission of duplicate copies of the Permit to Construct and Certificate to Operate.

In addition to the requirements of N.J.D.E.P., the following shall also apply:

1. Steam Emissions. No visible emissions of steam, having an equivalent capacity greater than sixty (60%) percent and excepting direct results of combustion shall be permitted within five hundred (500) feet of a residential district.
 2. Toxic matter. Emissions of chemicals, gases, components or elements, listed as being toxic matter by the American Conference of Governmental Hygenists, N.J. Department of Labor and Industry or the U.S.E.P.A. shall not exceed the threshold level, as determined in accordance with A.S.T.M.D. 1391. The emission of concentrations, levels or mass loadings in excess of the threshold value shall be permitted only if the emissions of the toxic matter comply with the applicable regulations of the N.J.D.E.P., N.J. Department of Labor and Industry, and U.S.E.P.A. Proof of compliance shall require the submission of duplicate copies of certifications or permits from N.J.D.E.P. and N.J. Department of Labor and Industry approving the concentrations, level, or loading proposed by the applicant.
 3. Odorous matter. No odor shall be emitted that is detectable by the human olfactory sense at or beyond an adjacent lot line.
- g. *Noise Emissions.*
1. Standard. Noise shall be measured with a sound level meter complying with the standards of the American National Standards Institute, "American Standards Specifications for General Purpose Sound Level Meters" (A.N.S.I.S.1.4-1961 or its

latest revisions). The instrument shall be set to the A-weighted response scale and the metering to the slow response. Measurements shall be conducted in accordance with the "American Standard Method for the Physical Measurements of Sound" (A.N.S.I.S.1.2-1961 or its latest revision).

2. Noise level restrictions. Noises shall not exceed the maximum sound levels specified in the table, except as designated below:

Noise Level Restrictions

Performance Category	Maximum Level Permitted	Where Measured
Residential Districts	55dBA	On or beyond the neighboring use or lot line.
Agricultural Districts	60dBA	On or beyond the neighboring use.
All other Districts	65dBA	On or beyond the district boundaries.

In any residential district, the A-weighted sound levels shall not exceed 45 dBA during the hours of 9:00 p.m. to 7:00 a.m. Whenever a residential district abuts any other district, the most restrictive of the limitations shall apply.

3. Exclusions and Permitted Variations:
 - (a) The levels specified in the table may be exceeded once by ten (10) dBA in a single period of fifteen (15) minutes, during one (1) day.
 - (b) Peak values of short duration also known as impact noises may exceed the values specified in the table by twenty (20) dBA or have a

maximum noise level of eighty (80) dBA, whichever is more restrictive.

- (c) Noises such as alarms, sirens, emergency warning devices, motor vehicles and other sources not under the direct control of a use are excluded from the above limitations.

h. *Storage and Waste Disposal.*

1. In all districts permitting such an operation use or any activity involving the manufacture, utilization, or storage of flammable, combustible and/or explosive materials, such storage shall be conducted in accordance with the regulations promulgated by the Department of Labor and Industry of N.J. or the Fire Code of the National Fire Protection Association, whichever is more restrictive.
2. All flammable, explosive and/or combustible material shall be stored in accordance with the National Fire Protection of New Jersey Department of Labor and Industry Codes, whichever is more restrictive.
3. All outdoor storage facilities for fuel, raw materials and products stored outdoors wherever permitted shall be enclosed by an approved safety fence and visual screen and shall conform to all yard requirements imposed upon the principal buildings in the district.
4. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces nor shall any substance which can contaminate a stream or water course or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy

aquatic life, be allowed to enter any stream or watercourse.

5. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers that are adequate to eliminate such hazards.
6. All storage facilities for deicing chemicals shall be lined to prevent leaking into the soil, and shall be covered with an impermeable surface with shields the facility from precipitation.
7. The owners of commercial petroleum storage tanks shall comply with the requirements of Chapter 102 of the laws of 1986.
8. Waste management. No hazardous or toxic substances, including hazardous wastes, shall be stored, transferred, processed, discharged, disposed or otherwise used in the Pinelands Area. The land application of waste or waste derived materials is prohibited in the Pinelands Area, except as expressly authorized in N.J.A.C. 7:50-6.79. Waste management facilities shall only be permitted in the Pinelands Area in accordance with the standards set forth in N.J.A.C. 7:50-6.
(Ord. No. 11/78; Ord. No. 5/24/82 § 132b; Ord. No. 12/82 §§ VIII, X; Ord. No. 7/20/89 §§ 29, 30; Ord. No. 97-05 §§ 12, 13)

25-27.29 Principal Use. No lot shall have erected upon it more than one (1) principal permitted use. No more than one (1) principal building shall be permitted on one (1) lot except that commercial uses, shopping centers, apartments and condominium projects, and industrial complexes, all receiving site plan approval, may be permitted to have more than one (1) building on a lot in accordance with standards of the zoning

district in which it is located. (Ord. No. 11/78; Ord. No. 5/24/82 § 1327; Ord. No. 12/82 § VIII)

25-27.30 Public Utilities. All public services shall be connected to an approved public utilities system where one exists.

- a. The developer shall arrange with the servicing utility for the underground installation of the utilities distribution supply lines and service connections in accordance with the provisions of the applicable Standard Terms and Conditions incorporated as part of its tariff as the same are then on file with the State of New Jersey Board of Public Utility Commissioners.
- b. The developer may be required to submit to the approving authority, prior to the granting of final approval, a written instrument from each serving utility which shall evidence full compliance or intended full compliance with the provisions of this section; provided, however, lots which abut existing streets where overhead electric or telephone distribution supply lines and service connections have heretofore been installed may be supplied with electric and telephone service utilities overhead. In the case of existing overhead utilities, should a road widening, or an extension of service, or other such condition occur as a result of the development and necessitate the placement, relocation or extension of overhead lines, such new facilities shall be installed underground.
- c. Any installation under this section to be performed by a servicing utility shall be exempt from requiring performance guarantees.
- d. Public utility uses, such as water towers, pumping stations, electric substations, radio towers, transmission lines, switching stations, which must be provided above ground, may be permitted as a conditional use in those zones specified provided that the use and/or structures

shall adhere to the minimum standards of the particular zone and the following:

1. A statement is submitted setting forth the reasons that the proposed installation must be provided above ground in a specific location and why it is necessary and convenient for the efficiency of the public utility system or for the satisfactory and convenient provision of service by the utility to the neighborhood or area in which the particular use is to be located.
2. The design of any building in connection with such facility conforms to the general character of the area and will not adversely affect the safe and comfortable enjoyment of property rights of the zone in which it is located.
3. Adequate and attractive fences and other safety devices will be provided.
4. Sufficient landscaping including shrubs, trees and lawns are provided and will be periodically maintained.
(Ord. No. 11/78; Ord. No. 5/24/82 § 1328; Ord. No. 12/82 § VIII)

25-27.31 Recreation. All recreation areas and facilities shall be designed in accordance with the New Jersey Department of Environmental Protection publication "Administration Guide Lines: Barrier-Free Design Standards for Parks and Recreational Facilities and must comply with the requirements of N.J.A.C. 7:50-6.143 and 6.144. (Ord. No. 12/82 § XI; Ord. No. 7/20/89 § 31)

25-27.32 Service Stations.

- a. All storage areas, trash facilities, pits, lifts, and working areas shall be within a building. All lubrication, repair or similar activities shall be performed in an enclosed

building and no dismantled parts shall be placed outside.

- b. All gasoline pumps, air pumps, and the islands upon which pumps are normally located shall be set back from the street line at least forty (40) feet and from any other property line at least thirty (30) feet. A minimum space of twenty-five (25) feet shall exist between any two (2) islands and between any island and the service station building.
- c. No junked motor vehicle or part thereof and no unregistered motor vehicle shall be permitted outside an enclosed service station building. No more than six (6) motor vehicles may be located outside a service station building for a period not to exceed five (5) days provided the owners are awaiting the repair of the motor vehicles.
- d. The exterior display and parking of equipment for rent or sale shall be permitted provided the area devoted to this purpose is in addition to the minimum lot size required for a service station, the area devoted to this purpose does not exceed twenty (20%) percent of the total area of the entire site, the maximum sign area for a service station is not exceeded, and that the location of the equipment being rented or sold does not interfere with the required off-street parking requirements for the service station and does not interfere with the traffic circulation indicated on the approved site plan.
- e. It is intended that service stations be designed compatibly with other permitted commercial or industrial uses in the zone in which they are located, that they not be stripped along the available highway frontage or at each quadrant of a convenient intersection, and that they be located within shopping centers and in office and industrial complexes as an integral part of the overall design. Ingress and egress shall be designed to recognize the turning movements

generated. These access points shall be coordinated with the access points required for nearby uses, frequency of intersecting side streets, minimizing left turns off collector and arterial streets, and maintaining building setbacks compatible with the required setbacks and landscaping.

(Ord. No. 11/78; Ord. No. 5/24/82 § 1329; Ord. No. 12/82 §§ VIII, XI)

25-27.33 Shade Trees.

- a. There shall be shade trees planted where possible and practical along either side of each new street, as the streets are hereby laid out and established.
- b. In each subdivision of land the developer shall plant trees along either side of the streets, proper shade and or decorative trees at a maximum distance of fifty (50) feet between trees. The minimum distance between such trees planted shall be forty (40) feet.

Where sufficient tree growth exists on each lot, no additional plantings shall be required.

- c. All trees planted in accordance with the provisions of this chapter shall be nursery grown of substantially uniform size and shape and shall have straight trunks. Ornamental trees need not have straight trunks, but must conform in all other respects with the provisions for trees and tree plantings outlined in this chapter.
- d. All trees planted pursuant to this chapter shall be planted in a dormant state.
- e. Subsequent or replacement plantings shall conform to the type of existing trees in a given area, provided that if any deviation is anticipated it must be done only with the permission of the Planning Board. In a newly planted area, only one (1) type of tree may be used on a given street.

- f. All shade trees to maximum extent practicable, shall be native to the area and shall be a minimum one and one half (1 1/2) to two (2) inches caliper, and of a species approved by the approving authority.

(Ord. No. 11/78; Ord. No. 5/24/82 § 1330; Ord. No. 12/82 §§ VIII, XI)

25-27.34 Sidewalks. Sidewalks shall be required unless waived by the approving authority pursuant to subsection 25-9.7i. In weighing such waiver requests the approving authority shall analyze 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, and the general type of improvement intended. Sidewalks shall be at least four (4) feet wide and located a minimum of three (3) feet back from the curb line. Sidewalks shall be at least four (4) inches thick, except at points of vehicular crossing where they shall be at least six (6) inches thick, of Class C concrete having a twenty-eight (28) day compressive strength of four thousand (4,000) p.s.i., and shall be air-entrained. Such driveway areas shall be reinforced with a 6 x 6 10/10 welded wire mesh. (Ord. No. 11/78; Ord. No. 5/24/82 § 1331; Ord. No. 12/82 §§ VIII, XI)

25-27.35 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 centerline grade of either intersecting street or driveway or lower than eight (8) feet above their centerlines including utility poles but excluding 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

ORDINANCE

“AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING SECTION 25-27.7 AND SECTION 25-27.34 OF CHAPTER XXV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED LAND DEVELOPMENT”

05-25

BE IT ORDAINED by Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey, as follows:

25-27.7 Curbs is hereby amended and supplemented as follows

a. Inspection. All new curbing and the replacement of any existing curb shall be inspected for conformity to this chapter and appropriate elevations.

1. The Land Use Board Engineer shall cause the inspection of the excavation and forms prior to installation and then inspect the finished curb.

2. No excavation and forming shall be started more than 48 hours prior to inspection, and installation to be accomplished within 48 hours of the preliminary form inspection.

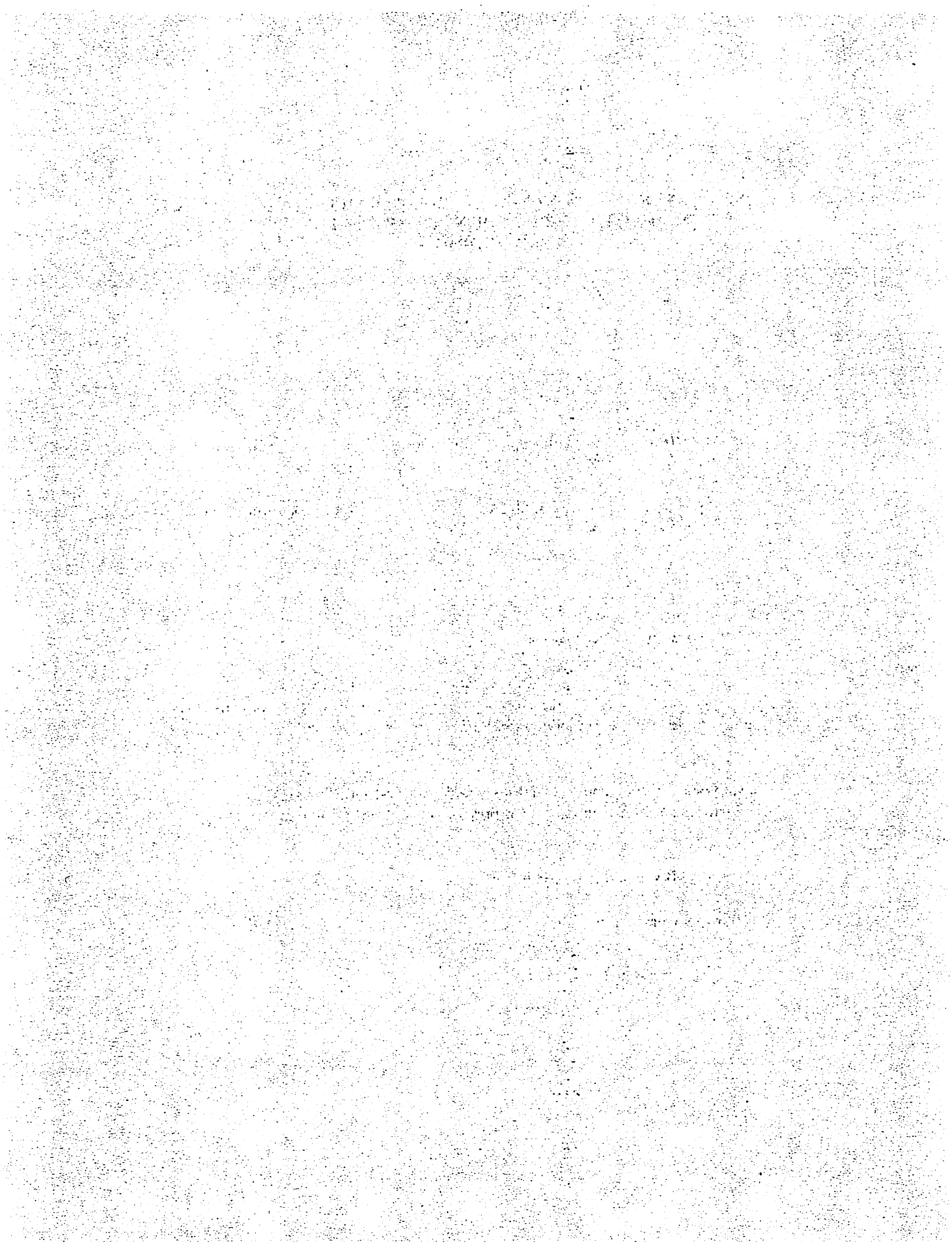
b. Fees. A fee of fifty (\$ 50.00) dollars will be charged for each inspection of the curb project. When curbing is done contemporaneously with a sidewalk project only one fee of \$ 50.00 will be charged for the pre- and post- inspections.

c. Penalty. Anyone who violates section 25-27.7a2 shall be subject to a fine as established in the general penalties. Each twenty-four (24) hour period shall constitute a separate violation for purposes of enforcement action.

25-27.34 Sidewalks is hereby amended and supplemented as follows:

a. Inspection. All new sidewalks required by the Land Development Code or substantial replacement, 50 % or more, of an existing sidewalk, shall be inspected for conformity to the established standards.

1. The Land Use Board Engineer shall cause the inspection of the excavation and forms prior to installation and then inspect the finished sidewalk.



2. No excavation and forming shall be started more than 48 hours prior to inspection, and installation to be accomplished within 48 hours of the preliminary form inspection.

b. Fees. A fee of fifty (\$ 50.00) dollars will be charged for each inspection of the sidewalk. When curbing is done contemporaneously with a sidewalk project only one fee of \$ 50.00 will be charged for the pre- and post- inspections.

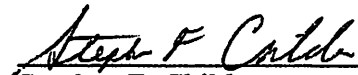
c. Penalty. Anyone who violates section 25-27.34a2 shall be subject to a fine as established in the general penalties. Each twenty-four (24) hour period shall constitute a separate violation for purposes of enforcement action.

Severability.

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Effective date.


This ordinance shall take effect immediately upon final passage and publication as required by law.

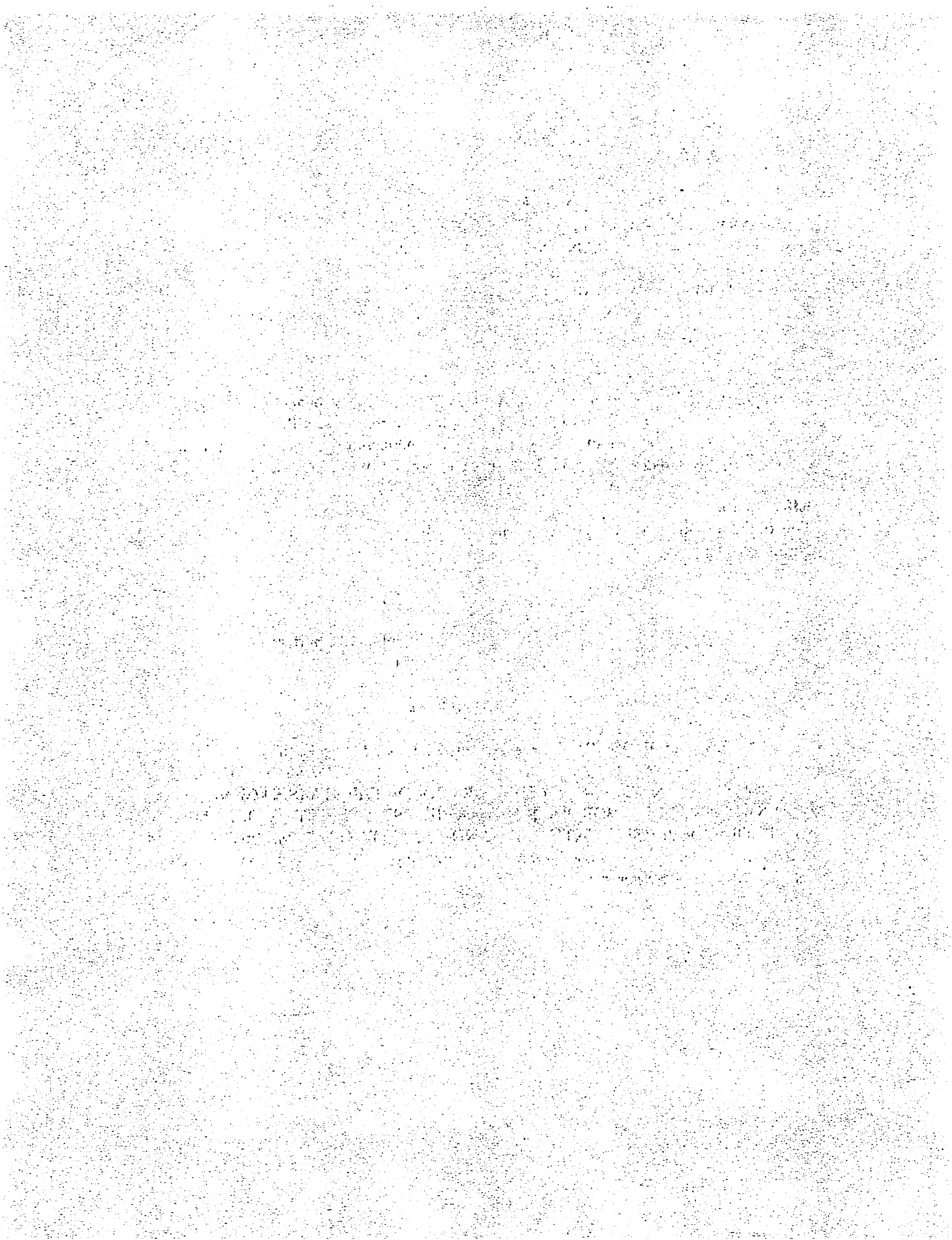


Stephen F. Childers
Mayor

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that an Ordinance #05-25 entitled: "AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING SECTION 25-27.7 AND SECTION 25-27.34 OF CHAPTER XXV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED LAND DEVELOPMENT" was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the fifteenth day of September, 2005.


Bernadette Dugan, RMC
Municipal Clerk



establish proper excavation and grading to provide the sight triangle. The sight triangle is that area bounded by the intersecting street lines and a straight line which connects "sight points" located on each of the two (2) intersecting street lines the following distances away from the intersecting street lines: arterial streets at one hundred thirty (130) feet; collector streets at sixty (60) feet; and primary and secondary and local streets at thirty-five (35) feet. Where the intersecting streets are both arterial, both collectors or one (1) arterial and one (1) collector, two (2) overlapping right triangles shall be 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 shown on the adopted Master Plan or as designated by the Planning Board at the time of the application for approval for a new street not included on 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 setbacks required by the zoning provisions. (Ord. No. 11/78; Ord. No. 5/24/82 § 1332; Ord. No. 12/82 § VIII, XI)

25-27.36 Signs (General). No billboards shall be erected. No off-site outdoor commercial advertising signs shall be permitted, except as provided in paragraph k. below. No sign of any type shall be permitted to obstruct driving vision, traffic signals, sight triangles, traffic direction or identification signs.

- a. *Animated, Flashing and Illusionary Signs.* Signs using mechanical and/or electrical devices to revolve, flash, or display movement or the illusion of movement are prohibited.
- b. *Attached Signs.* Attached signs shall be affixed parallel to the wall to which they are attached and the face of

the sign shall project no more than twelve (12) inches from the surface of the wall.

- c. *Height.* The uppermost part of an attached sign shall not exceed the base of the second floor window sill in a two (2) or more story structure, or the base of the roof or twenty-five (25) feet, whichever is lower, in either a one (1) story structure or a structure without windows. The uppermost part of a free standing sign shall not exceed twenty (20) feet. The lowest portion of any sign which projects above an area traversed either by motor vehicles or pedestrians shall be at least fifteen (15) feet and ten (10) feet respectively.
- d. *Illuminated Signs.* Illuminated signs shall be arranged to reflect the light and glare away from adjoining lots and streets. No sign shall be permitted beam, beacon or flashing illumination. All signs lighted exteriorly shall have the light source shielded from adjoining lots, streets, and interior drives. All lights shall be either shielded or have translucent fixtures to reduce off-site effects.
- e. *Location.* Attached signs may be located anywhere that does not conflict with any height, obstruction to vision, and similar regulations of this chapter. Free standing signs shall be located only in the front yard and shall be no closer to a side lot line than the minimum side yard for the principal building, but in any event no closer to a street right-of-way than twenty (20) feet and not located in any sight triangle.
- f. *Maintenance.* Signs shall be constructed of durable materials, maintained in good condition and not allowed to become dilapidated.
- g. *Real Estate Signs.* Real estate signs temporarily advertising the sale, rental or lease of the premises or portion thereof shall be, if not attached to the building, set back at least one-half (1/2) the building setback, but not to exceed fifteen (15) feet from all street and

property lines. Signs shall not exceed eight (8) square feet for residential advertising nor thirty-five (35) square feet for commercial and industrial uses. Signs shall be removed at the expense of the advertiser within fifteen (15) days after the termination or completion of the matter being advertised. Real estate signs do not require a building permit. No more than one (1) sign shall be permitted along each street on which the building has frontage. Real estate signs shall be permitted only on the lot which the sign is advertising.

- h. *Sign Area and Dimension.* Sign area shall include all lettering, wording, coloring and accompanying designs and symbols, together with the background, whether open or enclosed, but not including any supporting framework and bracking incidental to the display itself. A free standing sign with two (2) exposures shall have a total sign area consisting of the area of one (1) side of the sign, but both sides may be used. Street number designations, postal boxes, family names on residences, on-site traffic directional and parking signs, signs posting property as "private property", "no hunting", or similar purposes, and "danger" signs around utility and other danger areas are permitted, but are not to be considered in calculating the sign area. The maximum dimension in any direction along the surface of a sign shall be ten (10) feet.
- i. *Temporary Signs.* No more than one (1) sign advertising the name of the building under construction, general contractor, sub-contractor, financing institution, any public agencies or officials, and the professional personnel who worked on the project are permitted on a construction site beginning with the issuance of a building permit and terminating with the issuance of a certificate of occupancy for the structure or the expiration of the building permit, whichever comes first. Such signs shall not exceed a area of thirty-two (32) square feet.

- j. *Existing Signs.* Existing signs not in conformance with the provisions of this section shall not continue beyond ten (10) years after the effective date of this chapter.
- k. No outdoor, off-site commercial advertising sign shall be permitted in the Borough except as follows:
 - 1. Existing lawful off-site commercial advertising signs in existence as of January 14, 1981 shall be permitted; and
 - 2. Signs advertising agricultural commercial establishments shall be permitted provided that:
 - (a) No more than two (2) signs shall be placed in any one (1) direction along each road directly approaching the establishment; and
 - (b) No sign along a four (4) lane State or Federal highway shall exceed fifty (50) square feet in area and no sign along any other road shall exceed thirty-two (32) square feet in area.
(Ord. No. 11/78; Ord. No. 5/24/82 § 1333; Ord. No. 12/82 §§ VIII, XI; Ord. No. 7/20/89 §§ 32,33; Ord. No. 97-05 § 14)

25-27.37 Soil Erosion and Sediment Control. All site plans and major subdivisions shall incorporate soil erosion and sediment control programs phased according to the scheduled progress of the development including anticipated starting and completion dates. The purpose is to control soil erosion and sediment damages and related environmental damage by requiring adequate provisions for surface water retention and drainage and for the protection of exposed soil surfaces in order to promote the safety, public health, convenience and general welfare of the community.

- a. No building permit shall be issued for any development application until all provisions of the State of New Jersey Soil Erosion and Sediment Control Act, Chapter 251, P.L. 1975 have been satisfied or waived.

- b. Development applicants shall submit to the approving authority and Planning Board Engineer copies and documentation of the approval and certification of the "Soil Erosion and Sediment Control Plan" by the Ocean County Soil Conservation District or proof of waiver of same.
(Ord. No. 11/78; Ord. No. 5/24/82 § 1334; Ord. No. 12/82 §§ VIII, XI)

25-27.38 Soil Removal and Redistribution. The excavation and grading for completion of a development shall be done in accordance with the Ocean County Soil Conservation District approved plan which contains soil erosion and sediment control provisions. Excavation of soil, other than required for the construction of approved structures and supporting facilities such as but not limited to streets, driveways and parking areas, shall be prohibited. Regrading of property so as to redistribute top soil throughout the site from areas excavated for such approved structures and supporting facilities shall be permitted, but shall be done to minimize or eliminate the erosion of soil. (Ord. No. 11/78; Ord. No. 5/24/82 § 1335; Ord. No. 12/82 §§ VIII, XI)

25-27.39 Storage of Boats and Travel Trailers. The outdoor storage of an unoccupied recreational vehicle, motor home, travel trailer, camper or small boat shall be permitted on single family properties provided that:

- a. Such storage shall not be located in any required front yard.
- b. Travel trailer, camper or small boat shall not exceed thirty-five (35) feet in length and eight (8) feet in width.
- c. Only one (1) such trailer camper, or small boat shall be permitted to be stored outdoors at any single family residence.

- d. Recreational vehicles and motor homes exceeding thirty-five (35) feet in length may be stored only within the required building setback lines.
- e. Any such vehicles stored in accordance with this section shall not be occupied and shall not be provided with utility connections other than for the maintenance of such vehicles.
- f. No travel trailer, camper or boat stored in conformance with this section shall remain in such storage for longer than twelve (12) consecutive months.
(Ord. No. 11/78; Ord. No. 5/24/82 § 1336; Ord. No. 12/82 §§ VIII, XI)

25-27.40 Storage of Commercial Vehicles. Automobiles, station wagons, small pickups or panel trucks less than one (1) ton, jeep vehicles, travelalls and similar types of vehicles used for commercial purposes are permitted in all zones. Trucks and other commercial vehicles, not mentioned above, shall not be parked or stored overnight in any residential zone, except for vehicles engaged in construction parked or stored on an active construction site. (Ord. No. 11/78; Ord. No. 5/24/82 § 1337; Ord. No. 12/82 §§ VIII, XI)

25-27.41 Storm Drainage.

- a. *Runoff.* All storm drains shall be designed to carry the runoff from the entire watershed. The quantity of runoff shall be determined by the Soil Conservation Method TR 55, or other method(s) approved by the Planning Board Engineer and other reviewing agencies. For all development involving less than one (1) acre, the volume shall be calculated in accordance with TR 55, and the rate may be calculated according to the rational formula, or other method(s) approved by the Planning Board Engineer and other reviewing agencies. Wherever practical all surface water runoff from impervious surfaces shall be retained on-site to facilitate infiltration. For all development in excess of one (1) acre

such runoff shall be retained unless site specific conditions preclude same.

- b. *Conduit sizing.* The sizing of conduit fee for the transmission of storm flow shall be determined by the use of the Manning Formula.
- c. *Coefficient of runoff.* Minimum runoff coefficients to be used in determining runoff from all off-site contributing areas, shall be specified by the Planning Board Engineer and/or other reviewing agencies. Such coefficients shall be based upon the method(s) of calculation depending upon the proposed intensity of use.
- d. *Intensity of rainfall.* All subdivision drainage collection systems shall be designed for a five (5) year frequency rainfall using the applicable time of concentration. Rainfall data shall be taken from the U.S. Department of Commerce Technical Paper No. 25 "Rainfall Intensity-Duration-Frequency Curves" using the Atlantic City weather station data. Stream relocations, bridges, box culverts, pipes over seventy-two (72) inches in diameter and other critical waterways, as determined by the Planning Board Engineer, shall be designed for a twenty-five (25) year frequency rainfall. Hydraulic profiles shall be revived for flooding based on a ten (10) year storm. In all cases, grading should be arranged so that flood damage to buildings and parked motor vehicles can be eliminated. Where this is not possible, storm drain conduits shall be designed for a minimum of twenty-five (25) years.

All detention and retention facilities design shall be based upon a fifty (50) year, twenty-four (24) hour storm frequency, unless the Planning Board Engineer permits the use of another design storm frequency based upon evaluation of site specific conditions.

- e. *Coefficient of roughness.* The following coefficients of roughness shall be used in the Manning Formula to determine pipe capacity:

Concrete pipe box culverts	C=.015
Corrugated metal pipe/pipe arch	
2 2/3 x 1/2 Corr	C=.024
Corrugated metal pipe 3 x 1 Corr	C=0.026
Corrugated metal pipe arch (paved invert).....	C=.019
Corrugated metal pipe/pipe arch (fully paved).....	C=.015
Vitrified clay pipe	C=0.013

The following minimum values shall be used for open channels:

Concrete lined	C=.015
Earth channels	C=.025
Natural channels.....	C=.030-.040

- f. *Velocity.* Unless specifically approved otherwise by the Planning Board Engineer, all pipes shall be designed to provide minimum self-cleansing velocity of three (3) feet per second when flowing one quarter (1/4) full. The maximum full velocity shall be limited to the scouring velocity of the downstream channel as specified in "Standards for Soil Erosion and Sediment Control in New Jersey", by the New Jersey State Soil Conservation Committee. When outlet velocities exceed the maximum permissible, energy dissipators shall be provided which are satisfactory to the Planning Board Engineer.
- g. *Drainage Structures.* All drainage structures including manholes, inlets, headwalls, and sections and box culverts shall conform to the current details of the New Jersey Department of Transportation. Unless approved otherwise by the Planning Board Engineer, all curb inlets shall be standard type "B" with curb piece heights equal to the exposed curb face of the adjacent curb plus two (2) inches. All lawn inlets shall be standard type "E". When the pipe size is such as to require a larger structure, standard type "B1" or "B2", "E1" and "E2"

shall be used. If still larger sizes are required, they shall be specifically detailed using standard frames and grates.

- h. *Inlet capacity.* The maximum collecting capacity of an inlet shall be considered to be: 5.0 c.f.s. when in a sump. Capacity if inlets set on a grade shall be computed.
- i. *Inlet location and spacing.* Inlets shall be located as follows: At all street low points; in all gutters spaced to insure that the runoff to each inlet does not exceed the collecting capacity as previously established; in yards and swales as required and as required at intersections to eliminate rocker gutters. In no event shall inlets be placed more than eight hundred (800) feet apart.
- j. *Alignment.* It is preferable that all pipes be constructed on a tangent alignment. However, curved alignments may be permitted conforming to the following minimum radii:

Diameter	Minimum Radius
15-18 inches	350 feet
21-24 inches	400 feet
27-30 inches	450 feet
33-36 inches	500 feet
42-60 inches	600 feet
over 60 inches	1000 feet

Angular deflections in both horizontal and vertical alignment shall be made at manholes of inlets spaced not more than four hundred (400) feet apart for pipes up through forty-two (42) inches and not more than six hundred (600) feet on larger sizes.

- k. *End section.* All discharge pipes shall terminate with an end section which may be: precast flared concrete; flared corrugated metal; straight cast in place concrete

or cast in place concrete with flared wingwalls. The final determination as to type of end treatment shall be subject to approval of the Planning Board Engineer.

- l. *Minimum pipe size.* The minimum size of storm drain permitted shall be fifteen (15) inches.
- m. Surface water runoff quantities from all proposed development of three (3) acres or more shall be determined by the Soil Conservation Service Method TR 55, or other method(s) approved by the Planning Board Engineer and other reviewing agencies. For all development involving less than three (3) acres, the volume shall be calculated in accordance with TR 55, and the rate may be calculated according to the rational formula, or other method(s) approved by the Planning Board Engineer and other reviewing agencies.
(Ord. No. 11/78; Ord. No. 5/24/82 § 1338; Ord. No. 12/82 §§ VIII, XI, XII)

25-27.42 Street Lighting. Street lighting standards of a type and number approved by the approving authority and Planning Board Engineer shall be installed at street intersections and elsewhere as deemed necessary by the approving authority. The developer shall provide for the installation of underground service for street lighting. (Ord. No. 11/78; Ord. No. 5/24/82 § 1339; Ord. No. 12/82 §§ VIII, XI)

25-27.43 Streets.

- a. Every principal building to be constructed hereafter shall be built upon a lot with frontage directly upon an improved public street as herein defined which has been improved in accordance with Borough Standards or the improvement of which to such status has been guaranteed.
- b. All development shall be served by paved streets with an all weather base and pavement with an adequate crown. The arrangement of streets not shown on the

Master Plan shall be such as to provide for the appropriate extension of existing streets, conform with the topography as far as practicable, and allow for continued extension into adjoining undeveloped tracts.

- c. 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.
- d. Local streets shall be designed to discourage through traffic.
- e. In all residential zones, development bounded by an arterial or collector street shall control access to the streets by having all driveways intersect minor streets. Where the size, shape, location, or some other unique circumstance may dictate no other alternate 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 street and abutting lots shall share a common access drive.
- 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 the following schedule, 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 following schedule. Where any 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.

Street Classification	ROW Width	Traffic Lanes	Width Between Curbs	Total Utility and Right-of-Way Outside the Curb
Collector	60'	2 @ 12'	40'	20'
Secondary	50'	2 @ 10'	30'	20'
Local				

- g. In the event that a development adjoins or includes existing Borough streets that do not conform to widths as shown on either the Master Plan or Official Map or the street width requirements of this chapter, additional land along both sides of the street sufficient to conform to the right-of-way requirements shall be anticipated in the subdivision design by creating oversized lots to accommodate the widening at some future date.
- h. Longitudinal grades on all local streets shall not exceed ten (10%) percent, nor four (4%) percent on collector streets. No street shall have a longitudinal grade of less than one-half (1/2) of one (1%) percent. Maximum grades within intersections shall be four (4%) percent. A parabolic crown shall be provided on all roadways. Where the cartway is banked to facilitate a curve in the street alignment, the parabolic crown shall conform to accepted engineering practice.
- i. Intersecting street centerlines shall be as nearly at right angles as possible and in no case shall they be less than seventy-five (75°) degrees at the point of intersection. The curb lines shall be parallel to the centerline. Approaches to all intersections shall follow a straight line for at least fifty (50) feet measured from the curb line to the intersecting street to the beginning of the curve. No more than two (2) street centerlines shall meet or intersect at one (1) point. Streets intersecting another street from opposite sides shall have at least two hundred fifty (250) feet between the two (2) street centerlines. Intersections shall be rounded at the

curbline with the street having the highest radius requirement as outlined below determining the minimum standard for all curblines: collector @ thirty (30) feet; and local streets @ fifteen (15) feet. Intersections shall be designed with as flat a grade as practical with the advise of the Planning Board Engineer.

- j. Sight triangles shall be provided as required in the section entitled "Sight Triangles" in Section 25-27.
- k. Where dead-end (cul-de-sac) streets are utilized, they shall conform to the following standards:
 - 1. Dead-end streets of a permanent nature (where provision for the 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 provide a turnaround at the end with a right-of-way radius of not less than fifty (50) feet and a cartway radius of not less than forty (40) feet. The center point for the radius shall be on the centerline of the associated street or, if offset, to a point where the cartway radius also becomes a tangent to one (1) of the curblines of the associated street.
 - 2. If a dead-end street is of temporary nature, provisions shall be made for removal of the turnaround and reversion of the excess right-of-way to the adjoining properties as off-tract responsibility of the developer creating the street extension when the street is extended.
- l. No new 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 approving authority.

m. Streets shall be constructed in accordance with the following standards and specifications:

1. Collectors

8 inch Type II, Class B road gravel or equivalent
3 inch Bituminous Stabilized base course
2 inch FABC-1 surface course

2. Secondary—Local Streets

6 inch Type II, Class B road gravel or equivalent
2 inch Bituminous Stabilized base course
2 inch FABC-1 surface course

(Ord. No. 11/78; Ord. No. 5/24/82 § 1340; Ord. No. 12/82 §§ VIII, XI)

25-27.44 Street Signs. Street signs shall be metal on metal posts of the type, design and standard required in the street ordinance or, if there is no street ordinance in effect at the time, than as approved by the approving authority on advise of the Planning Board Engineer. The location of the street signs shall be determined by the engineer but there shall be at least two (2) street signs furnished at each four-way intersection and one (1) street sign at each "T" intersection. All signs shall be installed free of visual obstruction. (Ord. No. 11/78; Ord. No. 5/24/82; Ord. No. 12/82 §§ VIII, XI)

25-27.45 Swimming Pools.

a. No private residential pool shall be installed on any lot unless the lot shall contain a residence and the pool shall be accessory to the residence. The pool shall meet the yard requirements for accessory buildings in the district in which it is located except that if the pool is located in the front yard, the pool shall be set back twice the distance from the street line than is required for the principal building.

- b. Pools shall otherwise be installed, operated and used in accordance with other health and safety ordinances regarding water filtration, circulation and treatment; fencing; noise, and lighting.
(Ord. No. 11/78; Ord. No. 5/24/82 § 1342; Ord. No. 12/82 §§ VIII, XI)

25-27.46 Trailers. No trailer, auto trailer, trailer coach, travel trailer or camper shall be used for dwelling purposes or as sleeping quarters for one (1) or more persons, nor shall any such trailer or camper be used for storage or space for the permanent conduct of any business, profession, occupation or trade, except that such facilities may be used for temporary residency for the temporary replacement of a damaged dwelling unit and for temporary use as a construction office located on a site during construction provided a temporary permit has been issued for its use by the building inspector. This section shall not be construed so as to prohibit the parking or storage of such trailers and campers on private premises or the recreational use of same in camp grounds in conformance with all applicable ordinances and Codes. (Ord. No. 11/78; Ord. No. 5/24/82 § 1343; Ord. No. 12/82 §§ VIII, XI)

25-27.47 Vegetation and Landscaping.

- a. All clearing and soil disturbance activities shall be limited to that which is necessary to accommodate an activity, use or structure which is permitted by this chapter.
- b. Where practical, all clearing and soil disturbance activities associated with an activity, use or structure, other than agriculture, forestry and resource extraction, shall:
 - 1. Avoid wooded areas, including New Jersey's Record Trees as published by the New Jersey Department of Environmental Protection in 1991 and periodically updated; and

2. Revegetate or landscape areas temporarily cleared or disturbed during development activities.
- c. All applications for major development shall contain a landscaping or revegetation plan which incorporates the elements set forth in paragraph d. below.
- d. In order to conserve water, conserve natural features and reduce pollution from the use of fertilizers, pesticides and other soil supplements, all landscaping or revegetation plans prepared pursuant to paragraph c. above or required pursuant to Section 25-19 shall incorporate the following elements:
 1. The limits of clearing shall be identified;
 2. Existing vegetation, including New Jersey's Record Trees as published by the New Jersey Department of Environmental Protection in 1991 and periodically updated, shall be incorporated into the landscape design where practical;
 3. Permanent lawn or turf areas shall be limited to those specifically intended for active human use such as play fields, golf courses and lawns associated with a residence or other principal nonresidential use. Existing wooded areas shall not be cleared and converted to lawns except when directly associated with and adjacent to a proposed structure; and
 4. Shrubs and trees authorized by N.J.A.C. 7:50-6.25 shall be used for revegetation or landscaping purposes. Other shrubs and trees may be used in the following circumstances:
 - (a) When the parcel to be developed or its environs contain a predominance of shrubs and tree species not authorized by N.J.A.C. 7:50-6.25;

- (b) For limited ornamental purposes around buildings and other structures; or
 - (c) When limited use of other shrubs or tree species is required for proper screening or buffering.
- e. *Development prohibited in the Vicinity of Threatened or Endangered Plants.* No development shall be carried out by any person in the Pinelands Area unless it is designed to avoid irreversible adverse impacts on the survival of any local populations of threatened or endangered plants of the Pinelands designated in N.J.A.C. 7:50-6.27.
(Ord. No. 11/78; Ord. No. 5/24/82 §§ 1344; Ord. No. 12/82 §§ VIII, XI; Ord. No. 7/20/89 § 34; Ord. No. 97-05 § 15)

25-27.48 Water Quality.

- a. All development permitted under this chapter shall be designed and carried out so that the quality of surface and ground water will be protected and maintained.
- b. Except as otherwise specifically authorized in this section, no development which degrades surface or ground water quality or which establishes new point sources of pollution shall be permitted.
- c. No development shall be permitted which does not meet the minimum water quality standards of the State of New Jersey or the United States.
- d. The following point and non-point sources may be developed and operated in the Pinelands:
 - 1. Development of new or the expansion of existing commercial, industrial, and waste water treatment facilities, or the development of new or the expansion of existing non-point sources, except those specifically regulated in paragraphs 2 through 4, below, provided that:

- (a) There will be no direct discharge into any surface water body;
 - (b) All discharges from the facility or use are of a quality and quantity such that groundwater exiting from the parcel of land or entering a surface body of water will not exceed two (2) parts per million nitrate/nitrogen;
 - (c) All public waste water treatment facilities are designed to accept and treat septage; and
 - (d) All storage facilities, including ponds or lagoons, are lined to prevent leakage into ground water.
2. Development of new waste water treatment or collection facilities which are designed to improve the level of nitrate/nitrogen attenuation of more than one (1) existing on-site waste water treatment system where a public health problem has been identified may be exempted from the standards of paragraph d, 1(a) provided that:
- (a) There will be no direct discharge into any surface water body;
 - (b) The facility is designed only to accommodate waste water from existing residential, commercial, and industrial development.
 - (c) Adherence to paragraph d, 1(a) above cannot be achieved due to limiting site conditions or that the costs to comply with the standard will result in excessive user fees; and
 - (d) The design level of nitrate/nitrogen attenuation is the maximum possible within the cost limitations imposed by such user fee guidelines but in no case shall ground water exiting from the parcel or entering a surface

body of water exceed five (5) parts per million nitrate/nitrogen.

3. Improvements to existing commercial, industrial, and waste water treatment facilities which discharge directly into surface waters provided that:
 - (a) There is no practical alternative available that would adhere to the standards of N.J.A.C. 7:50-6.84(a)1i;
 - (b) There is no increase in the existing approved capacity of the facility; and
 - (c) All discharges from the facility into surface waters are such that the nitrate/nitrogen levels of the surface waters at the discharge point do not exceed two (2) parts per million. In the event that nitrate/nitrogen levels in the surface waters immediately upstream of the discharge point exceed two (2) parts per million, the discharge shall not exceed two (2) parts per million nitrate/nitrogen.
4. Surface water run-off, provided that:
 - (a) The total runoff generated from any net increase in impervious surfaces by a ten (10) year storm of a twenty-four (24) hour duration shall be retained and infiltrated on-site. Runoff volumes shall be calculated in accordance with the United States Soil Conservation Service Technical Release No. 55 or the S.C.S. National Engineering Handbook, Section 4;
 - (b) The rates of runoff generated from the parcel by a two (2) year, ten (10) year and one hundred (100) year storm, each of a twenty-four (24) hour duration, shall not increase as a result of the proposed development. Runoff

rates shall be calculated in accordance with the United States Soil Conservation Service Technical Release No. 55 or the S.C.S. National Engineering Handbook, Section 4 ;

- (c) Surface water run-off shall not be directed in such a way as to increase the volume and rate of discharge into any surface water body from that which existed prior to development of the parcel;
- (d) Excessively and somewhat excessively drained soils, as defined by the Soil Conservation Service, should be avoided for recharge of run-off wherever practical.
- (e) A minimum separation of two (2) feet between the elevation of the lowest point of the bottom of the infiltration or detention facility and the seasonal high water table is met, or a lesser separation when it is demonstrated that the separation, either due to soil conditions or when considered in combination with other storm water management techniques, is adequate to protect ground water quality; and
- (f) A four (4) year maintenance guarantee is provided for the entire storm water management system by the applicant. In addition, the applicant shall fund or otherwise guarantee an inspection and maintenance program for a period of no less than ten (10) years. The program shall identify the entity charged with responsibility for annual inspections and the completion of any necessary maintenance and the method to finance the program.

- e. Water-saving devices such as water-saving toilets, showers, and faucets shall be installed in all new development.
- f. No residential or nonresidential use dwelling unit in the Pinelands Area shall be located on a parcel of less than one (1) acre unless served by a centralized wastewater treatment plant.

Notwithstanding this requirement, an application for residential development not served by a centralized wastewater treatment plant on lots between twenty thousand (20,000) square feet and one (1) acre in size in the R-1, R-2, R-3 Zones may be considered without the necessity for a municipal lot size or density variance, provided a waiver of strict compliance is granted by the Pinelands Commission pursuant to N.J.A.C. 7:50-4.61. et seq.

- g. Water shall not be exported from the Pinelands except as otherwise provided in N.J.S. 58:1A-7.1. (Ord. No. 11/78; Ord. No. 5/24/82 § 1345; Ord. No. 12/82 §§ VIII, XI, XIII; Ord. No. 7/20/89 §§ 35-38; Ord. No. 93-05 § 3; Ord. No. 97-05 §§ 16-21)

25-27.49 Water Supply.

- a. 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 Borough and/or State agency having approval authority and shall be subject to their approval. The system shall also be designed with adequate capacity and sustained pressure for present and probable future development.
- b. Where water distribution systems are installed, outside streets, easements or rights-of-way shall be required in

accordance with the subsection 25-27.9 entitled "Easements."

(Ord. No. 11/78; Ord. No. 5/24/82 § 1346; Ord. No. 12/82 §§ VIII, XI)

25-27.50 Wetlands.

- a. Development shall be prohibited in all wetlands and wetlands transition areas within the Borough except as otherwise specified in this section.
- b. Horticulture of native Pinelands species and berry agriculture shall be permitted in all wetlands subject to the requirements of N.J.A.C. 7:50-6, Part V.
- c. Beekeeping shall be permitted in all wetlands.
- d. Forestry shall be permitted in all wetlands subject to the requirements of N.J.A.C. 7:50-6, Part IV.
- e. Fish and wildlife management activities shall be permitted in all wetlands subject to the minimum standards of this subsection; provided that the management activity does not have a significant adverse impact, as set forth in N.J.A.C. 7:50-6.7, on the wetland in which the activity is carried out; and provided that the activity conforms to all State and Federal Regulations.
- f. Low intensity recreational uses which do not involve use of a structure, including hunting, fishing, trapping, hiking, boating, and swimming, and other low intensity recreational uses provided that any development associated with those other uses does not result in a significant adverse impact on the wetland as set forth below.
- g. Docks, piers, moorings, and boat launches for the use of a landowner shall be permitted in all wetlands provided that the use will not result in a significant adverse impact as set forth in N.J.A.C. 7:50-6.7 and conforms to all State and Federal Regulations.

- h. Commercial or public docks, piers, moorings, and boat launches shall be permitted provided that: there is a demonstrated need for the facility that cannot be met by existing facilities; the development conforms with all State and Federal regulations; and the development will not result in a significant adverse impact as set forth in N.J.A.C. 7:50-6.7.
- i. Bridges, roads, trails, and utility transmission and distribution facilities and other similar linear facilities provided that:

 - 1. There is no feasible alternative route for the facility that does not involve development in a wetland, or, if none, that another feasible route which results in less significant adverse impacts on wetlands does not exist;
 - 2. The need for the proposed linear improvement cannot be met by existing facilities or modification thereof;
 - 3. The use represents a need which overrides the importance of protecting the wetland;
 - 4. Development of the facility will include all practical measures to mitigate the adverse impact on the wetland; and
 - 5. The resources of the Pinelands will not be substantially impaired as a result of the facility and its development as determined exclusively based on the existence of special and unusual circumstances.
- j. In that portion of the Pinelands Area, Lakehurst, lying east of Myrtle Street and south of Chestnut Street, no development, except for those uses which are specifically authorized in this subsection, shall be carried out within one hundred (100) feet of any wetland, unless the applicant has demonstrated that the proposed

development will not result in a significant adverse impact on the wetland, as set forth in N.J.A.C. 7:50-6.7.

- k. In that portion of the Pinelands Area, Lakehurst, lying west of Myrtle Street and north of Chestnut Street, no development, except for those uses which are specifically authorized in this subsection, shall be carried out within three hundred (300) feet of any wetland unless the applicant has demonstrated that the proposed development will not result in a significant adverse impact on the wetland, as set forth in N.J.A.C. 7:50-6.7. (Ord. No. 11/78; Ord. No. 5/24/82 § 1346; Ord. No. 12/82 §§ VIII, XI; Ord. No. 7/20/89 §§ 39-47; Ord. No. 93-05)

25-27.51 Yard Areas.

- a. No yard or other open space provided around any building for the purpose of complying with the provisions of this chapter, shall be considered as providing a yard or open space for any other buildings, and no yard or other open space on one (1) lot shall be considered as providing a yard or open space for a building on any other lot.
- b. All yards facing on a public street shall be considered front yards and shall conform to the minimum front yard requirements for the zone in which located, except as otherwise provided in this chapter.
- c. Every part of a required yard shall be open and unobstructed from its lowest level to the sky, except for the ordinary projections allowed by the State Uniform Construction Code including, but not limited to, sills, belt courses, chimneys, flues, buttresses, ornamental features and eaves, provided, however, that none of the aforesaid projections shall project into the minimum required yards more than twenty-four (24) inches, unless otherwise permitted by this chapter. Unroofed entrance porches or terraces, which do not rise above the height of the floor level of the ground floor, may

extend into any yard providing the total area of all such porches, which extend into such yards, does not exceed one thousand (1,000) square feet.

(Ord. No. 11/78; Ord. No. 5/24/82 § 1348; Ord. No. 12/82 §§ VIII, XI)

25-27.52 Air Quality.

- a. All development shall adhere to the relevant air quality standards of N.J.A.C. 7:27 et seq. Adherence to the standards of this section shall be determined by means of an air quality simulation model approved by the New Jersey Department of Environmental Protection pursuant to N.J.A.C. 7:27-18.3.
- b. Applications for the following developments shall ensure that all State ambient air quality standards in N.J.A.C. 7:27 et seq. for carbon monoxide shall not be exceeded at places of maximum concentration and at sensitive receptors;
 1. Residential development of fifty (50) or more units and any other development involving more than one hundred (100) parking spaces located in the B-1, B-2, LI, R-1, R-2 or R-3 Districts; and
 2. Residential development of one hundred (100) or more units and any other development involving more than three hundred (300) parking spaces located in the GH District.
(Ord. No. 7/20/89 § 48; Ord. No. 97-05 § 22)

25-27.53 Pinelands Development Credits.

- a. Pinelands Development Credits may be allocated to certain properties in the Borough by the Pinelands Commission pursuant to N.J.A.C. 7:50-4.61 et seq.
- b. Pinelands Development Credits may be used in the Borough in the following circumstances:

1. When a variance of density or minimum lot area requirements for the R-1, R-2, or R-3 Zones is granted by the Borough, Pinelands Development Credits shall be used for all dwelling units or lots in excess of that otherwise permitted without the variance; and
 2. When a waiver of strict compliance is granted by the Pinelands Commission pursuant to N.J.A.C. 7:50-4.61 et seq.
- c. The requirements of N.J.A.C. 7:50-5.41 et seq. shall apply when Pinelands Development Credits are either allocated or used in the Borough.
(Ord. No. 93-05 § 6; Ord. No. 97-05 § 23)

25-28—25-29 RESERVED.

25-30 ZONING DISTRICT REGULATIONS.

25-30.1 List of Zones. For the purpose of this chapter the Borough of Lakehurst is divided into the following zoning districts:

- PRCD – Planned Retirement Community Development
- R-1 – Single Family Residential Zone
- R-2 – Single Family Residential Zone
- R-3 – Two Family Residential Zone
- B-1 – Downtown Business Zone
- B-2 – Highway Business Zone
- LI – Light Industrial Zone

(Ord. No. 11/78; Ord. No. 5/24/82 § 1401; Ord. No. 90-08 § 2)

25-30.2 Zoning Map. The boundaries of all zoning districts set forth in this section are shown on a map entitled "Zoning Map, Borough of Lakehurst, Ocean County, New Jersey" which map is hereby made part of this section.

The area in the Borough of Lakehurst previously set forth on the Zoning Map as GH – Government Housing and MI – Military Installation Zone – is hereby zoned PRCD – Planned Retirement Community Development. (Ord. No. 11/78; Ord. No. 5/24/82 § 1402; Ord. No. 90-08 § 3)

25-30.3 Zone Boundaries.

- a. Zone boundaries are intended to follow street, lot lines, hypothetical extensions of lot lines, property lines, or other natural lines such as centerlines of water courses, ditches, unless such district or zone boundary is fixed by dimensions on the Zoning Map or by description and shall include lands acquired by accretion or stream diversion by natural causes.
- b. Where a zone boundary fixed by dimension on the Zoning Map approximately follows and is not more than twenty (20) feet from a lot line, such lot line shall be construed to be the zone boundary.
- c. In unsubdivided land and where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shown on the map, shall be determined by the use of the scale appearing thereon.
- d. Boundaries indicated as approximately following municipality limits shall be construed as following municipal limits.
- e. Where a zoning lot is located primarily in one (1) district and in part in another zoning district, the entire zoning lot or portion thereof located in the neighboring zone may be used for a purpose permitted in either zone upon application for a conditional use permit and upon determining by the Planning Board that the following standards and conditions are met:
 1. The use contemplated can best be established by utilizing the portion of the zoning lot in the

neighboring zone district without materially affecting the adjoining areas.

2. The site plan shall be appropriate to the adjoining area.
 3. A set of plans, specifications and plot plans shall be filed in triplicate with the Planning Board showing overall dimensions, topographical conditions, the location and intended use of existing and proposed buildings, the relationship of the proposed use to the streets and adjacent property and other physical features which might act as a deterrent to the general welfare.
- f. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections above, the Board of Adjustment shall interpret the district boundaries.
(Ord. No. 11/78; Ord. No. 5/24/82 § 1403)

25-30.4 R-1 Single Family Residential Zone.

a. *Permitted Uses.*

1. Detached single family dwellings.
2. Federal, State, County and Municipal buildings and grounds including schools, libraries, museums, parks, playgrounds, storage and maintenance yards and garages.
3. Essential Services.

b. *Required Accessory Uses.*

1. Off-street parking subject to the provisions of subsection 25-27.26.

c. *Permitted Accessory Uses.*

1. Private swimming pools subject to the provisions of subsection 24-27.45.

2. Home occupations subject to the provisions of subsection 25-27.18.
3. Home professional offices subject to the provisions of subsection 25-27.19.

d. *Permitted Signs.*

1. Official, Municipal, County, State or Federal signs including traffic and directional markers, and signs in connection with identification, operation or protection of any public utility or Municipal, County, State or Federal activity.
2. A single non-illuminated nameplate sign not exceeding two (2) square feet in area.
3. One (1) lighted office announcement sign not more than two (2) square feet in area.
4. One (1) lighted home occupation announcement sign not exceeding two (2) square feet in area.
5. One (1) lighted sign not to exceed twenty (20) square feet in area for each access drive to a church, school, or similar permitted or approved conditional use, plus additional signs not to exceed four (4) square feet in area to provide direction to a specific building or buildings and to off-street parking area.
6. Trespassing signs and signs indicating private ownership of roadways or other property, on the same premises therewith; provided that the area of such sign shall not exceed two (2) square feet and shall be spaced at intervals of not less than one hundred (100) feet of frontage.
7. A single sign denoting the architect, engineer and/or contractor, when placed on the work under construction and not exceeding sixteen (16) square feet in area, and not to exceed five (5) feet along any dimension. Such signs shall be removed within

thirty (30) days after the issuance of a certificate of occupancy.

8. Temporary, emergency or non-advertising signs, special event signs, commemorative signs, etc., as approved and limited to location, design, and duration by the Governing Body.
- e. *Conditional Uses.*
1. Public utilities subject to the provisions of Section 25-27.30.
- f. *Area, Yard and Building Requirements.*
1. Minimum lot area: 9,375 square feet.
 2. Minimum lot width: 75 feet.
 3. Minimum lot frontage: 75 feet.
 4. Minimum lot depth: 125 feet.
 5. Minimum front yard setback: 25 feet.
 6. Minimum side yard setback (Principal and Accessory Structures): 5 feet.
 7. Minimum combined side yard setback: 15 feet.
 8. Minimum rear yard setback:
Principal structure: 30 feet.
Accessory structure: 5 feet.
 9. Maximum building height: 35 feet or 2 1/2 stories.
 10. Minimum gross habitable floor area: one bedroom dwelling - 960 SF.; two bedroom dwelling - 1150 SF; and an additional 150 SF per bedroom over two.
(Ord. No. 11/78; Ord. No. 52/4/82 § 1404)

25-30.5 R-2 Single Family Residential Zone.

- a. *Permitted Uses.*
 1. Same as permitted in the R-1 Zone.
- b. *Required Accessory Uses.*
 1. Off-street parking subject to the provisions of subsection 25-27.26.
- c. *Permitted Accessory Uses.*
 1. Same as permitted in the R-1 Zone.
- d. *Permitted Signs.*
 1. Same as permitted in the R-1 Zone.
- e. *Conditional Uses.*
 1. Same as permitted in the R-1 Zone.
- f. *Area, Yard and Building Requirements.*
 1. Minimum lot area: 7500 square feet.
 2. Minimum lot width: 60 feet.
 3. Minimum lot frontage: 60 feet.
 4. Minimum lot depth: 125 feet.
 5. Minimum front yard setback: 20 feet.
 6. Minimum side yard setback (Principal and Accessory Structures): 5 feet.
 7. Minimum combined side yard setback: 12 feet.
 8. Minimum rear yard setback:
Principal structure: 25 feet.
Accessory structure: 5 feet.
 9. Maximum building height: 35 feet or 2 1/2 stories.
 10. Minimum gross habitable floor area: One bedroom dwelling - 960 square feet; two bedroom dwelling -

1150 square feet; and an additional 150 square feet per bedroom over two.

(Ord. No. 1//78; Ord. No. 5/24/82 § 1405)

25-30.6 R-3 Two Family Residential Zone.

a. *Permitted Uses.*

1. Same as permitted in the R-1 Zone.
2. Two (2) family dwellings.

b. *Required Accessory Uses.*

1. Off-street parking subject to the provisions of subsection 25-27.26.

c. *Permitted Accessory Uses.*

1. Same as permitted in R-1 Zone.

d. *Permitted Signs.*

1. Same as permitted in the R-1 Zone.

e. *Conditional Uses.*

1. Same as permitted in the R-1 Zone.

f. *Area, Yard and Building Requirements.*

1. Minimum lot area: 4687 square feet.
2. Minimum lot width: 37.5 feet.
3. Minimum lot frontage: 37.5 feet.
4. Minimum lot depth: 125 feet.
5. Minimum front yard setback: 20 feet.
6. Minimum side yard setback: 3 feet.
7. Minimum combined side yard setback: 10 feet.
8. Minimum rear yard setback:
Principal structure: 30 feet.

Accessory structure: 5 feet.

9. Maximum building height: 35 feet or 2 1/2 stories.
10. Minimum first floor living area: 560 square feet.
11. Minimum gross habitable floor area: 960 square feet per dwelling unit.
(Ord. No. 11/78; Ord. No. 5/24/82 § 1406)

25-30.7 Government Housing Zone—Permitted Uses.

- a. Any use associated with the function of the Federal installation may be permitted in the Governing Housing Zone, provided that:
 1. Where feasible, development shall be located in that portion of the installation within the Pinelands Protection Area;
 2. No hazardous waste facility, landfill or incinerator shall be permitted, except as expressly authorized in N.J.A.C. 7:50-6.75 or 6.78; and
 3. All development undertaken by the Federal Government substantially meets the standards of N.J.A.C. 7:50-6 of the Pinelands Comprehensive Management Plan or an intergovernmental agreement entered into pursuant to N.J.A.C. 7:50-4, Part IV.
- b. Any other public purpose use undertaken by or on behalf of another level of government may be permitted in the Government Housing Zone, provided that:
 1. The use is sanctioned by the Federal installation;
 2. The use is located within a substantially developed area which is served by a centralized sewer treatment and collection system;
 3. No hazardous waste facility, landfill or incinerator shall be permitted, except as expressly authorized in N.J.A.C. 7:50-6.75 or 6.78; and

4. All development meets the standards of N.J.A.C. 7:50-6 of the Pinelands Comprehensive Management Plan or an intergovernmental agreement entered into pursuant to N.J.A.C. 7:50-4, Part IV.
(Ord. No. 11/78; Ord. No. 5/24/82 § 1407; Ord. No. 7/20/89 § 49; Ord. No. 97-05 § 24)

25-30.8 B-1 Downtown Business Zone.

a. *Permitted Uses.*

1. Retail business and personal service establishments which are clearly of a service character and needed for more or less daily shopping by persons residing nearby.
2. Service establishments dealing directly with consumers.
3. Business, professional, and governmental offices, banks, fiduciary institutions.
4. Retail uses that provide services or materials.
5. Essential Services.
6. Federal, State, County and Municipal buildings and grounds including schools, post offices, libraries, parks, playgrounds.
7. Public utilities subject to the provisions of subsection 25-27.30.

b. *Required Accessory Uses.*

1. Off-street parking and loading pursuant to subsection 25-27.26.

c. *Permitted Accessory Uses.*

1. One (1)-family and two (2)-family units provided that these dwelling units do not occupy the first floor of any building and that the area devoted to

the use does not exceed forty-nine (49%) percent of the total building floor area and that the minimum gross habitable floor area of each dwelling is not less than seven hundred (700) square feet gross.

2. Inside storage of goods incidental to the conduct of a retail business.
- d. *Permitted Signs.*
1. All signs permitted in the R-1 Zone.
 2. One (1) illuminated, non-flashing business sign provided the total area for any signs shall not exceed forty (40) square feet.
- e. *Conditional Uses.*
1. Same as permitted in R-1 Zone.
- f. *Area, Yard and Building Requirements.*
1. Minimum lot area: 9375 square feet.
 2. Minimum lot width: 75 feet.
 3. Minimum frontage: 75 feet.
 4. Minimum lot depth: 125 feet.
 5. Minimum front yard setback: none.
 6. Minimum rear yard setback: 25 feet.
 7. Minimum side yard setback: none.
 8. Maximum building height: 35 feet or 2 1/2 stories. (Ord. No. 11/78; Ord. No. 5/24/82 § 1408)

25-30.9 B-2 Highway Commercial Zone.

- a. *Permitted Uses.*
1. Retail sales activities similar to, but not limited to the following: a) clothing stores; b) bakeries; c) hardware and paint stores; d) stationery, newspaper, and tobacco shops; e) groceries,

vegetable, and meat markets; f) furniture and appliance stores; g) gift shops; h) drug store; i) package liquor store and bars; j) fast food stores; k) restaurants and diners; l) electronics stores and; m) lumber and building supplies.

2. Service activities similar to, but not limited to, the following: a) banks and other fiduciary institutions; b) barber and beauty shops; c) professional offices; d) appliance repair shops; e) shoe repair shops; f) dry cleaning establishments; g) tailoring; h) theaters (but not drive-in theaters).
 3. General office buildings; and
 4. Retail shopping centers, consisting of integrated developments of such uses as permitted in paragraphs a.1 and 2 of this subsection housed in an enclosed building or buildings and utilizing such common facilities as customer parking area, pedestrian walks, truck loading and unloading space, and other necessary and appropriate accessory facilities.
- b. *Required Accessory Uses.*
1. Off-street parking and loading pursuant to subsection 25-27.26.
- c. *Permitted Accessory Uses.*
1. Outside storage uses provided that such storage is clearly accessory to the principal use of the site and further provided that areas devoted to the outside storage of materials shall not exceed twenty-five (25%) percent of any yard area and shall be fenced and screened from adjacent residential zones or uses in accordance with subsection 25-27.4 or in the case of adjacent businesses by a dense evergreen screen or masonry wall not less than four (4) nor more than six (6) feet in height. No bulk storage of materials shall exceed ten (10) feet in height.

2. Garages for the inside storage of vehicles and materials.
- d. *Permitted Signs.*
1. Same as permitted in the B-1 Zone.
 2. One (1) sign shall be permitted for each permitted use, and may be an illuminated business sign, provided that the total area of any sign should not exceed one hundred fifty (150) square feet. Such signs shall be displayed so as not to project more than twelve (12) inches from the surface of the building or beyond the ends of the building.
 3. Identification Signs. Free-standing signs may be erected to identify a shopping center and to list individual occupants, provided that not more than one (1) such sign shall be erected for each three hundred (300) feet of frontage on a public street, and further provided that the aggregate area of all sides of any such signs shall not exceed two hundred square feet. Such signs may be illuminated, but shall not be of the flashing type, shall not exceed the height of the principal building, shall not be located within fifty (50) feet of a public street or parking area driveway or within one hundred (100) feet of the boundary of a residence zone, and shall in no way interfere with the safe functioning of any traffic control signal or directional device.
 4. Directional Signs (ingress). One (1) free-standing sign may be erected at each driveway which provides a means of ingress for off-street parking facilities on the premises, relate only the name of the use of facility and appropriate traffic instructions, shall not exceed ten (10) square feet in area for each of two (2) faces, shall be mounted so as not to obstruct vision for a height of seven (7)

feet above ground level, and shall not exceed ten (10) feet in height.

5. Directional Signs (egress). Free-standing signs may be erected on the premises for the purpose of providing directions to traffic leaving the premises, shall not exceed ten (10) square feet in area on each of two (2) sides, shall be mounted so as not to obstruct vision for a height of seven (7) feet above ground level, and shall not exceed ten (10) feet in height.
 6. Traffic Control Signs. Free-standing signs may be erected which are necessary to control and regulate the movement of traffic on the interior roadways on the premises, provided the number and location of such signs are approved by the Planning Board. Such signs shall not exceed four (4) square feet in area, and shall not exceed a height of six (6) feet.
- e. *Conditional Uses.*
1. Automobile service stations pursuant to subsection 25-27.32.
 2. Motels and hotels pursuant to subsection 25-27.20.
 3. New and used car sales.
 4. Public utilities subject to the provisions of subsection 25-27.30.
- f. *Area, Yard and Building Requirements.*
1. Minimum lot area: 18,750 square feet.
 2. Minimum lot width: 150 feet.
 3. Minimum lot frontage: 150 feet.
 4. Minimum lot depth: 125 feet.
 5. Minimum front yard setback: 50 feet.
 6. Minimum side yard setback: 20 feet.

7. Minimum rear yard setback: 30 feet.
8. Maximum height: 35 feet.
(Ord. No. 11/78; Ord. No. 5/24/82 § 1409)

25-30.10 LI Light Industrial Zone.

a. *Permitted Uses.*

1. Any permitted use in the Downtown Business Zone.
2. The fabrication, assembly or processing of goods or materials, or the storage of bulk goods and materials where such activities or materials create no significant hazard from fire or explosion or produce no toxic or corrosive fumes, gas, smoke, obnoxious dust or vapor, offensive noise or vibration, glare, flashes or objectionable effluent.
3. Business, professional and governmental offices.
4. Public utility and service activities of an industrial character, such as repair and maintenance yards and storage facilities.
5. Research and development facilities.
6. Essential Services.

b. *Required Accessory Uses.*

1. Off-street parking subject to the provisions of subsection 25-27.26.
2. Off-street loading space subject to the provisions of subsection 25-27.26.

c. *Permitted Accessory Uses.*

1. Other customary accessory uses and buildings which are clearly incidental to the principal use and building.

d. *Permitted Signs.*

1. Same as permitted in B-1 Zone.

2. Illuminated signs related to the use on the premises provided that the total area of such signs shall not exceed two hundred (200) square feet.
- e. *Conditional Uses.*
 1. None.
- f. *Area, Yard and Building Requirements.*
 1. Minimum lot area: 1 acre.
 2. Minimum lot width: 200 feet.
 3. Minimum lot depth: 200 feet.
 4. Minimum front yard setback: 80 feet.
 5. Minimum side yard setback: 50 feet.
 6. Minimum rear yard setback: 50 feet.
 7. Maximum height: 40 feet.
(Ord. No. 11/78; Ord. No. 5/24/82 § 1410)

25-30.11 Planned Retirement Community Development.

- a. *Permitted Uses.*
 1. Single-family dwellings, attached or detached.
 2. Recreation, cultural and medical facilities for the sole use of residents of the community and their guests, including but not limited to the following:
 - (a) Clubhouse.
 - (b) Picnic grounds.
 - (c) Shuffleboard court.
 - (d) Horseshoe court.
 3. Essential services.

- b. *Required Accessory Uses.*
 - 1. Off-street parking subject to the provisions set forth in this section.
- c. *Permitted Accessory Uses.*
 - 1. Necessary accessory buildings and uses, including facilities for maintenance, administration, streets and off-street parking facilities.
- d. *Conditional Uses Subject to this Section.*
 - 1. Community residences for the developmentally disabled.
- e. *Area, Yard and Building Requirements.* No building, structure or land shall be used or erected, altered, enlarged or maintained except for a planned retirement community within the area which is in accordance with a site development plan and subdivision plat approved by the Planning Board. Such site development plan shall meet at least the following minimum requirements:
 - 1. Residential density. There shall be not more than three (3) dwelling units for each acre of residential land planned and approved under this article.
 - 2. Maximum building height. Thirty-five (35) feet, subject to the provisions of this section. In any event, the building shall not contain more than three (3) usable floor levels counted vertically at any point in the building above the grade level as determined by the average grade elevation of the corners of the building.
 - 3. Setbacks from tract boundary. No building or structure, other than entrance gatehouses, walls or fences, shall be located within forty (40) feet of any exterior boundary line of the tracts.

4. Off-street parking. At least the following number of off-street parking spaces shall be provided: one and one-half (1 1/2) parking spaces for each dwelling unit.
5. Minimum floor space per unit.
 - (a) Efficiency unit: seven hundred (700) square feet.
 - (b) One-bedroom unit: eight hundred (800) square feet.
 - (c) Two-bedroom unit: nine hundred (900) square feet.
 - (d) Three-bedroom unit: nine hundred (900) square feet.
6. Minimum lot size. Each such unit shall have allocated to it a minimum lot of five thousand (5,000) square feet, with an additional five thousand (5,000) square feet to be set aside for or restricted to green area.
7. Front yards, side yards and rear yards. All buildings shall have front yard setbacks of not less than twenty (20) feet, side yard setbacks of not less than eight (8) feet and rear yard setbacks of not less than twenty (20) feet, except attached structures, which may have one (1) side setback of zero (0) feet.
8. Maximum dwelling units per building. No more than two (2) dwelling units shall be constructed or permitted in any building or under any common roof.
9. Roadways, parking areas, driveways, sidewalks and walkways. The developer shall provide for the ownership and maintenance of all roadways, parking areas, driveways, sidewalks and walkways. Such responsibility shall remain with the

AN ORDINANCE OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST AMENDING CHAPTER XXV: CREATING SECTION 25 -13 AND AMENDING SECTION 25-30.8a

#03 - 10

LAND DEVELOPMENT

BE IT ORDAINED by the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey as follows:

25-13 R-4 MULTIPLE DWELLING, OFFICE DISTRICT IN RAIL TRANSIT AREA

25-13.1 Purpose

The regulations for this district are designed for certain types of housing, office accommodations and uses, which are necessary and desirable to the general welfare of the Borough. This district has been located and special procedures established in order to complete a diversified development of the Borough, and to stimulate the development of the areas chosen for the following reasons:

- a. The land values of the area chosen require intensifying the use of the lands by placing more units per gross land area;
- b. There is a need to promote residential home ownership in this area;
- c. This need arise from proximity of the area to the downtown business area, availability of open space and vacant land, nearness to Borough facilities, and rail and other mass transit service.
- d. The proposed uses fit in with existing and future traffic patterns, road improvements, and rail service.
- e. Consideration is given to proximity of rail lines and planning shall be used to ensure the stability of the environment of a character in harmony with surrounding development by proper land and architectural controls.

25-13.2 Definitions

Condominium shall mean the form of ownership of real property under a master deed providing for ownership by one (1) or more owners of improvements together with an undivided interest in common elements appurtenant to each unit.

Commercial shall mean businesses and professional offices

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Homeowner's association shall mean an association of either townhouse unit or condominium unit owners organized under the Nonprofit Corporation Act of the State of New Jersey.

Multi-family dwelling shall mean a condominium or townhouse complex.

Townhouse shall mean a structure that contains three (3) or more attached single-family dwelling units arranged in a side-by-side configuration, each unit separated from others by a wall extending from ground to roof, situated on a fee simple lot as defined as under the control of the occupant for their private use, including both a front and rear yard having frontage on a public or private street or common area.

25-13.3 Permitted Uses

The following uses shall be permitted:

- a. Those uses permitted in the B-1 Business Zone
- b. Those permitted in the R-3 Residential Zone
- c. Condominium
- d. Townhouse
- e. Professional offices

25-13.4 Prohibited Uses

All other uses shall be prohibited.

25-13.5 Lot Areas, Building Coverage, Lot Coverage and Height Limits

- a. Principal structure – Commercial
 1. As established in 25-30.8
- b. Principal structure – Two Family Residential
 1. As established in 25-30.6
- c. Townhouse
 1. Minimum lot area 22,500 square feet
 - (a) Minimum bulk requirement for individual lots:
 1. Lot area: 1,800 square feet
 2. Lot width: 20 feet
 3. Lot depth: 90 feet
 2. Maximum building height:

- (a) principle 35 feet
- (b) accessory 15 feet
- 3. Maximum density 12 units per 40,000 square feet
 - (a) no more than 25% three-bedroom units
- 4. Minimum front setback 20 feet
- 5. Minimum side setback:
 - (a) building end: 10 feet
 - (b) common side: 3 feet
- 6. Minimum rear setback:
 - (a) principle 20 feet
 - (b) accessory 10 feet
- 7. Minimum gross habitable floor area:
 - (a) one-bedroom unit: 750 square feet
 - (b) two-bedroom unit: 800 square feet
 - (c) three-bedroom unit: 1,000 square feet
- 8. Maximum floor area ratio: 1
- 9. Maximum lot coverage:
 - (a) principle 40%
 - (b) total 60%
- 10. Buildings shall have no more than two dwelling units in a line without setbacks and/or breaks in building elevation of at least five feet.

d. Condominium

- 1. Minimum lot area 22,500 square feet
- 2. Maximum building height:
 - (a) principle 35 feet
 - (b) accessory 15 feet
- 3. Maximum density 15 units per 40,000 square feet
 - (a) no more than 25% three-bedroom units
- 4. Minimum front setback 20 feet
- 5. Minimum side setback 10 feet
- 6. Minimum rear setback:
 - (a) principle 20 feet
 - (b) accessory 10 feet
- 7. Minimum gross habitable floor area:
 - (a) one-bedroom unit: 750 square feet
 - (b) two-bedroom unit: 800 square feet
 - (c) three-bedroom unit: 1,000 square feet
- 8. Maximum floor area ratio: 1
- 9. Maximum lot coverage:
 - (a) principle 40%
 - (b) total 60%

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PHYSICS 309

LECTURE 1

MECHANICS

1.1. Kinematics

1.2. Dynamics

1.3. Energy

1.4. Momentum

1.5. Angular Momentum

1.6. Oscillations

1.7. Relativity

1.8. Quantum Mechanics

1.9. Statistical Mechanics

1.10. Thermodynamics

1.11. Electrodynamics

1.12. Optics

1.13. Atomic Physics

1.14. Nuclear Physics

1.15. Particle Physics

1.16. Cosmology

1.17. Astrophysics

1.18. General Relativity

1.19. Quantum Field Theory

1.20. String Theory

1.21. Other Topics

1.22. Miscellaneous

1.23. References

1.24. Acknowledgments

1.25. Contact Information

1.26. Appendix A

1.27. Appendix B

1.28. Appendix C

1.29. Appendix D

1.30. Appendix E

1.31. Appendix F

1.32. Appendix G

10. Buildings shall have no more than two dwelling units in a line without setbacks and/or breaks in building elevation of at least five feet.

25-13.6 Buffer areas

To preserve and protect the character and value of the surrounding neighborhoods, thereby promoting the general welfare, all uses other than single-family detached and two-family detached dwellings and their accessory uses shall provide buffer areas along all side and rear property lines which abut areas zoned residential, or have a non-conforming pre-existing residential dwelling.

a. Buffer area: Included in required setback calculations

1. Multi-family dwelling: width 5 feet on side and rear property lines
2. Commercial: width 15 feet on side and rear property lines

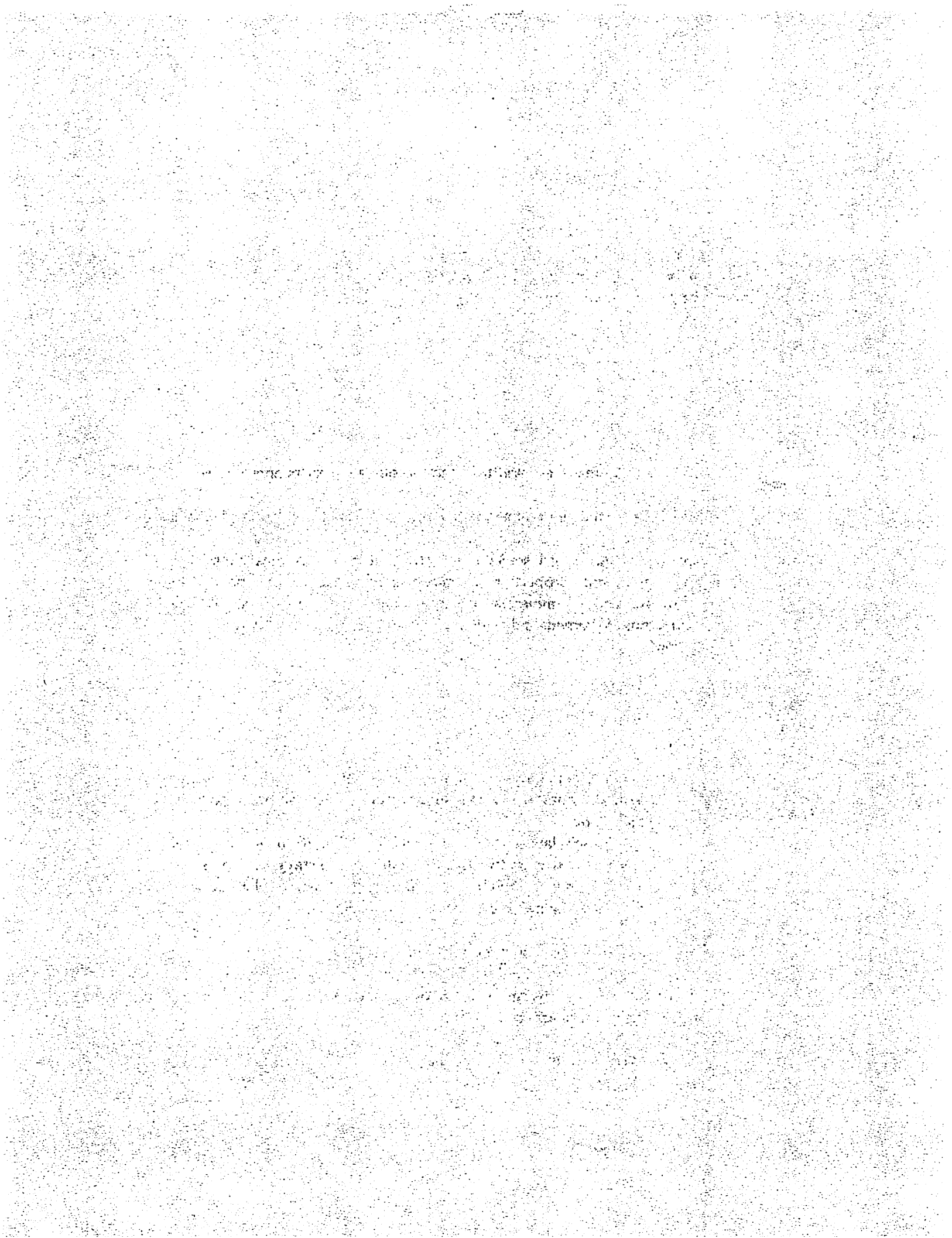
b. General areas/common areas: All property shall be landscaped with at least grass or other ground cover, and in addition shall have trees, as approved by the Land Use Board, planted in a ratio of not less than 10 per acre in multifamily property and a minimum of two shrubs or one tree per 250 square feet in commercial property in all areas of the site not occupied by buildings, pavement, sidewalks, this is in addition to any required screening.

c. Screening:

1. A solid masonry wall not less than five feet six inches above finish grade
2. A solid fence with an uniform surface treatment constructed of a naturally durable material surface not less than six feet above finish grade
3. A densely landscaped evergreen planted at 30 inches on center in a single row or at five feet on center in two staggered rows, having a minimum height of five feet above grade at planting with a projected minimum growth to six feet above grade.

d. Exceptions: At the following locations within required screening areas, evergreen shrubs with a maximum mature height of 30 inches or less shall be provided in lieu of evergreen trees; or when contiguous to a fence or wall, the same in a height of 24 inches

1. Within sight triangle easements
2. Within 25 feet of intersections where sight triangle easements are not provided



3. Within 25 feet of access/egress drives

e. Sprinkler system. All property developed as either commercial or multi-family shall have an in the ground sprinkler system, separately metered or well supplied, installed to adequately maintain all landscaped areas to include common/general areas and landscaped screening.

25-13.7 Parking and internal roadways

a. Commercial. In accordance with 25-27.26

b. Two-family residential. In accordance with 25-27.26

c. Multi-family dwellings:

1. All common parking areas in multi-family areas, shall be owned, operated and maintained by either a homeowner's association or condominium association, whichever is applicable.

2. In a townhouse project, if private residential garages are provided they shall be an integral part of the townhouse units and not separate structures and accessible from a roadway or access aisle.

3. Private residential garages shall be included in the calculation of minimum off-street parking to be furnished in the project, and when in conjunction with a driveway at least 18 feet in length from the face of the garage to the right-of-way shall count as two spaces.

4. Parking spaces shall have a width of nine (9) feet and length of eighteen (18) feet.

5. Parking spaces shall be constructed in the following ratios:

(a) one bedroom unit: 1.5 parking spaces

(b) two bedroom unit: 2 parking spaces

(c) three bedroom unit: 2.5 parking spaces

d. Internal roadways will be constructed in accordance with the standards for public streets in this chapter.

25-13-8 Homeowner's Association

a. In any multi-family project a homeowner's association shall be established for the purpose of owning and assuming ownership and maintenance responsibilities for the common open space and common property designated within the multi-family development.

b. The homeowner's association shall be responsible for the following:

1. Snowplowing

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WWW: WWW.PHYSICS.AC

WWW: WWW.PHYSICS.GOV

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WWW: WWW.PHYSICS.EDU

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2. Snow removal
 3. Solid waste storage, collection, disposal and recycling
 - (a) there shall be provided at least one outdoor refuse storage area of at least 100 square feet, suitably located and arranged for access and ease collection and shall not be a part of, restrict or occupy any parking aisle and shall not be located further than 200 feet from the entrance to any unit which it is intended to serve
 - (b) the storage area shall be screened with a masonry wall in compliance with 25-13.6c1
 4. The replacement, repair and maintenance of all private utilities, street lighting, internal roadway improvements, access drive and parking lot improvements, curbs, sidewalks, landscaping, common open space and recreation facilities and equipment.
- c. As provided by law the homeowner's association will encourage homeownership and discourage developed rental units.

25-13.9 Outdoor lighting

a. Interior developed roads, parking areas, dwelling entranceways and pedestrian walks shall be provided with sufficient illumination to minimize hazards to pedestrians and vehicles utilizing the same, but in no case shall lighting be less than is required to provide a minimum lighting level of 0.5 horizontal footcandle throughout such areas from dawn to dusk.

1. Lights shall be shielded to avoid glare disturbing occupants of the buildings.
2. Lighting shall be so arranged as to reflect away from all adjoining residential buildings.

25-13.10 Multi-family dwelling structural requirements

- a. An architectural theme shall be utilized within the complex to form an aesthetically pleasing environment for the occupants, and to enhance the surrounding residential neighborhood.
- b. In a townhouse complex a variety of design elements will be utilized to avoid a monotonous and repetitive appearance of the units
- c. No multi-family dwelling shall have a length greater than 200 feet.
- d. No windows, door or other opening shall be installed in any common wall between units. However, where a two-story unit adjoins a single-story unit, windows may be installed in the second story wall of the unit.

e. When an end unit of a row does not side on a street, an open space of at least 16 feet in width shall be provided between the adjacent rows of units.

25-13.11 Public service

a. All permitted uses shall be served by public water and sanitary sewer, which if required, shall be installed by and at the expense of the developer.

b. In a multi-family complex all utilities shall be installed under ground, to include but not limited to the following:

1. Gas
2. Electric
3. Television cable
4. Telephone

c. No outside area or equipment shall be provided for the hanging or outside airing of laundry in any manner.

25-13.12 Zone description

a. The South-side of Pine Street located between:

1. The west-side of Center Street, and
2. The east-side of Elm Street

25-13.13 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Chapter shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Chapter, which shall continue in full force and effect.


25-30.8a Permitted uses B-1 Zone

8. Professional office
9. Restaurant either with or without liquor license

LEGAL NOTICE



NOTICE IS HEREBY GIVEN that an Ordinance #03-10 entitled: "AN ORDINANCE OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST AMENDING CHAPTER XXV: CREATING SECTION 25-13 AND AMENDING SECTION 25-30.8a was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the twenty-first day of August, 2003.


Bernadette Dugan, RMC
Municipal Clerk

developer, except that it may be transferred to an organization conceived and established to own and maintain the roadways, parking areas, driveways, sidewalks and walkways for the benefit of such development.

10. All residential lots shall front on private roadways in accordance with a site development plan and subdivision plat approval by the Borough of Lakehurst.
(Ord. No. 90-08 § 4)

25-30.12 Religious Houses of Worship, Churches and Associated Facilities.

- a. Religious houses of worship, churches, and associated facilities may be permitted in all zones, provided that the use and/or structures shall adhere to the minimum standards and design requirements of the particular zone and the following:
 1. The height of the structures to be constructed and/or utilized shall be subject to subsection 25-27.16.
(Ord. No. 92-03 § 1)

25-31 SEXUALLY ORIENTED BUSINESSES.

25-31.1 Statutory Authorization. It is the responsibility of the local government to adopt regulations designed to promote the public health, safety and general welfare. Such power has been delegated to the municipalities from the legislature of the State of New Jersey. The Borough Council of the Borough of Lakehurst, in order to better promote the public health, safety and general welfare of its citizens, does ordain as follows: (Ord. No. 92-09 § 1)

25-31.2 Findings of Fact. Pursuant to N.J.S. 2C:3-4-2(b) the legislature of the State of New Jersey has determined that

it is a fourth degree crime to sell, distribute, rent or exhibit material which is obscene. Consequently, the State of New Jersey has pre-empted the Borough of Lakehurst from prohibiting the sale of material which the Borough believes to be obscene. However, in order to promote the public health, safety and general welfare of its citizens, the Borough of Lakehurst may promulgate reasonable time, place and manner regulations with respect to the sale, distribution, rental or exhibition of various items by sexually oriented businesses.

The Borough has determined that sexually oriented businesses have a deleterious effect on both the existing businesses adjacent to such establishments, as well as the surrounding residential areas; causes increased crime, especially prostitution; adversely affects property value; creates an atmosphere which is inimical to the values of a significant segment of the Borough's population; encourages residents and businesses to move elsewhere; and that such sexually oriented businesses, when located in close proximity to each other, contributes to urban blight and down-grades the quality of life in the adjacent areas. (Ord. No. 92-09 § 2)

25-31.3 Purposes and Objectives. It is the purpose of this section to regulate sexually oriented businesses, to minimize and control the adverse effects, recognized in the preceding section, and to promote the public health, safety and general welfare of the citizens of the Borough. The Borough Council finds that the secondary effects of adult entertainment establishments, as established through the reports and studies of other cities and municipalities with the appropriate resources to conduct same, is deleterious and inimical to health, safety and general welfare of the residents of the municipality. It is not the purpose of this section to restrict or deny access by adults to sexually oriented material protected by the First Amendment nor will this section have the effect of restricting or denying such access. (Ord. No. 92-09 § 3)

25-31.4 Definitions. As used in this section:

Adult arcade shall mean any place to which the public is permitted or invited, wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or image-producing devices are maintained to show images to one (1) person per machine at one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

Adult bookstore or *adult video store* shall mean a commercial establishment which, as its principal business purpose, conspicuously offers for sale or for rental for any form of consideration, any one (1) or more of the following:

- a. Books, magazines, periodicals or other printed material, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations, which depict or describe "specified sexual activities" or "specified anatomical areas", or
- b. Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities".

Adult motel shall mean a hotel, motel or similar commercial establishment which offers accommodations to the public for any form of consideration, and which:

- a. Provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas", and has a sign visible from a public right-of-way which advertises the availability of this adult type of photographic reproductions; or
- b. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

- c. Allows a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than ten (10) hours.

Adult motion picture theater shall mean a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas". Adult motion picture theaters shall meet the seating criteria established for adult theaters.

Adult theater shall mean a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity for live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities". Seating shall be provided in a design consistent with traditional movie theaters. All sitting areas shall be visible and unobstructed.

Commercial display shall mean the exhibition to the senses of another person for valuable consideration, whether the valuable consideration is paid by the recipient of the exhibition or by another, and whether the exhibition occurs at the exhibitor's place of business or elsewhere.

Nudity or a state of nudity shall mean the appearance of human bare buttocks, anus, male genitals, female genitals or female breasts.

Obscene materials shall mean the definition of obscene materials set forth in C.95, L. 1978, as amended by C. 211, Section 1, L. 1982 (effective December 23, 1982 as N.J.S. 2C:34-2), as same be, from time to time, amended or supplemented, as well as in accordance with, and not more strictly than judicial interpretations thereof, pursuant to the Constitution of the United States and of the State of New Jersey finally concluded in courts of jurisdiction

sufficient to render decisions on constitutional questions of general application.

Sexually oriented business shall mean an adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater or adult theater.

Specified anatomical areas means:

- a. The less than completely and opaquely covered human genitals, pubic region, buttocks or female breasts below the point immediately above the top of the areola; or
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities shall mean and include any of the following:

- a. The fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts;
- b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- c. Masturbation, actual or simulated;
- d. Excretory functions as part of or in conjunction with any of the activities set forth in a through c.
(Ord. No. 92-09 § B)

25-31.5 Location of Sexually Oriented Businesses.

- a. It shall be a violation of this section if a person operates or causes to be operated, or allows to be operated, a sexually oriented business:
 1. Within one thousand (1,000) feet of a place of worship;
 2. Within one thousand (1,000) feet of any school, whether public or private, or within one thousand (1,000) feet of any school bus stop;

3. Within one thousand (1,000) feet of a boundary of a growth area, village or rural development, district or zone;
 4. Within one thousand (1,000) feet of any other sexually oriented business;
 5. Within one thousand (1,000) feet of any residential use or zone;
 6. Within one thousand (1,000) feet of any public park or playground.
- b. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted to the nearest property line of the premises of a place or workshop, a school, a boundary of a residential district, a public part of playground or a lot devoted to residential use or a school bus stop.
 - c. A sexually oriented business lawfully operating as a conforming use, is not rendered a nonconforming use by the location, subsequent to the establishment of sexually oriented business of a place of worship, school, public area, residential district, or residential lot within one thousand (1,000) feet of the sexually oriented business.
 - d. The sexually oriented business shall conform with design standards and development requirements established through the Ordinances of the Borough of Lakehurst.
(Ord. No. 92-09 § C)

25-31.6 Enforcement.

- a. Any person violating any provision of this section shall, upon conviction, be liable for the penalty stated in Chapter I, Section 1-5.

- b. Each separate film, video cassette or other visual reproduction, or each showing of live entertainment which is displayed to another in violation of subsection 25-15.3 is a separate offense under this section.
(Ord. No. 92-09 § D; New)

25-32—25-37 RESERVED.

25-38 COMPLIANCE.

All zoning requirements shall be met at the time of any erection, enlargement, moving, or change in use. If a new structure is added to an existing complex of structures or if an existing structure has an addition, the site plan provisions of this section shall apply to the enlargement or new structure.

All developments resulting from subdivision and site plan approvals shall comply with all the design and performance standards, including conditions imposed by the approving authority as shown on the approved plat and/or included in the resolution adopted by the approving authority. (Ord. No. 11/78; Ord. No. 5/24/82 § A XV)

25-39 VIOLATIONS AND PENALTIES.

Failure to comply with any provision of this chapter shall be considered a violation of the chapter and shall be punishable by a fine of five hundred (\$500.00) dollars or ninety (90) days in jail, or both. Each date of such violation continuance shall be considered as a separate offense and shall be separately punishable.

These penalties shall not be the exclusive remedy available and nothing in this chapter shall prevent the application for and obtaining of injunctive relief as set forth below.

In case any building or structure is erected, constructed, altered, repaired, converted, or maintained or any building,

structure or land is used in violation of this chapter or of any other ordinance or other regulation made under authority conferred hereby, the proper local authorities of the municipality or an interested party, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of the building, structure or land, to prevent any illegal act, conduct business or use in or about such premises.

If, before final subdivision approval has been granted, any person transfers or sells or agrees to transfer or sell, except pursuant to an agreement expressly conditioned on final subdivision approval, as owner or agent, any land which forms a part of a subdivision for which municipal approval is required by this chapter, such persons shall be subject to penalty not to exceed one thousand (\$1,000.00) dollars and each lot disposition so made may be deemed a separate violation.

In addition to the foregoing, the municipality may institute and maintain a civil action:

- a. For injunctive relief, and
- b. To set aside and invalidate any conveyance made pursuant to such a contract of sale if a certificate of compliance has not been issued in accordance with N.J.S. 40:55D-56, but only if the municipality (1) has so determined and (2) has adopted by ordinance standards and procedures in accordance with N.J.S. 40:55D-38.

In any such action, the transferee, purchaser or grantee shall be entitled to a lien upon the portion of the land, from which the subdivision was made that remains in the possession of the developer or his assigns or successors, to secure the return of any deposits made or purchase price paid, and also, a reasonable search fee, survey expense and title closing expense, if any. Any such action must be brought within two (2) years after the date of the recording of the instrument of

transfer, sale or conveyance of the land or within six (6) years, if unrecorded.

(Ord. No. 11/78; Ord. No. 5/24/82 § A XVI)

25-40 ENFORCING OFFICERS.

It shall be the duty of the Construction Code Official to administer and enforce the zoning provisions of this chapter. No building permit shall be issued unless the plans are accompanied by an approved development permit. No development permit shall be issued unless the proposed structure, use, temporary activity, and construction activities are in compliance with this chapter. In cases involving the new use of an existing structure, no certificates of occupancy for the new tenant shall be issued until a development permit has been issued.

It shall be the duty of the Planning Board Engineer to enforce the provisions of subsection and site plan approval. (Ord. No. 11/78; Ord. No. 5/24/82 § A XVII)

25-41 BUILDING PERMITS, SITE PLAN APPROVALS AND ZONING VARIANCES OUTSTANDING.

Nothing in this chapter shall require any change in a building permit, site plan, or zoning variance which was approved before the enactment of this chapter, but is in violation of this chapter, provided that construction based on such a building permit shall have been started within the effective period of the permit but not to exceed one (1) year from the effective date of this chapter and, in the case of a site plan or variance, a building permit shall have been issued within ninety (90) days following the effective date of this chapter. In all instances the project shall be continuously pursued to completion, otherwise the approvals and permits shall be void. (Ord. No. 11/78; Ord. No. 5/24/82 § A XVIII)

25-42 REPEALER CLAUSE.

All ordinances or parts of ordinances which are inconsistent with the provisions of this chapter are hereby repealed to the extent of such inconsistency. Upon adopting of this chapter according to law, all previously adopted subdivision, site plan, and zoning ordinances and their amendments are repealed. (Ord. No. 11/78; Ord. No. 5/24/82 § XIX)

25-43 SEPARABILITY CLAUSE.

Should any section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. (Ord. No. 11/78; Ord. No. 5/24/82 § A XX)

25-44 AMENDMENTS.

In amending this chapter, the Borough's Master Plan, or any other ordinance regulating the use of land in the Pinelands Area, the Borough shall comply with all the requirements of N.J.A.C. 7:50-3.45. (Ord. No. 12/82 § XV)

25-45 EFFECTIVE DATE.

This chapter shall take effect immediately upon due publication and passage as provided by law. The provisions of this chapter applicable to Pinelands Area, Lakehurst and subsequent amendments to same shall be effective upon certification of the Pinelands Commission. (Ord. No. 11/78; Ord. No. 5/24/82 § A XXI; Ord. No. 12/82 § XV)

**Land Development
Index
for the
Revised General
Ordinances
of the
Borough of Lakehurst**

NOTE: This Index contains only references to Chapter XXV, Land Development. For references to Chapters I through XXIV see separate General Index.

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Additional Listings Request Page

If there are any additional listings you might request to be included in this Index, please obtain the necessary approval and complete this page and forward to:

Coded Systems Corporation
120 Main Street
Avon, New Jersey 07717

Dear Coded Systems Editorial Staff:

Please include the following additions to the Index for the Borough of Lakehurst Code.

Under Title _____

Include _____

Under Title _____

Include _____

Under Title _____

Include _____

Under Title _____

Include _____

Under Title _____

Include _____

Authorization to print _____ Date _____

ORDINANCE
NO. 01-02

AN ORDINANCE OF THE BOROUGH OF LAKEHURST,
COUNTY OF OCEAN, AND STATE OF NEW JERSEY,
AMENDING AND SUPPLEMENTING THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF
LAKEHURST, AMENDING SECTION 25-30.10 ENTITLED
"LI LIGHT INDUSTRIAL ZONE" TO PERMIT STORAGE
FACILITIES, WAREHOUSES AND RECYCLING
FACILITIES IN THE ZONE AND TO REDESIGNATE
LOTS 1, 1.01 AND 2 IN BLOCK 23 FROM R-1 RESIDENTIAL
TO LI LIGHT INDUSTRIAL

BE IT ORDAINED by the Mayor and Council of the Borough of Lakehurst, County of Ocean, and State of New Jersey, as follows:

Section 1. Section 25-30.10 (a) entitled "*Permitted Uses*" is hereby amended to add paragraph 7, as follows:

7. Storage facilities and warehouses, subject to the provisions of subsection 25-30.10 (a)
(2).

Section 2. Section 25-30.10 (e) entitled "*Conditional Uses*" is hereby amended as follows:

~~1. None~~

1. Recycling facilities.

i. Provided said facilities are located on property owned by the Borough of Lakehurst.

ii. Provided said activity or material does not create a significant hazard from fire or explosion or produce toxic or corrosive fumes, gas, smoke, obnoxious dust or vapor, offensive noise or vibration, glare, flashes or objectionable effluent.


Section 3. Section 25-30.2 entitled "*Zoning Map*" and the official map of the Borough of Lakehurst are hereby amended to reflect the redesignation of Lots 1, 1.01 and 2 from R-1 Residential Zone to LI Light Industrial Zone.

Section 4. If any section, subsection, paragraph, sentence, or any part of the Ordinance is adjudged unconstitutional or invalid, such judgment shall not effect, impair or invalidate the

remainder of this Ordinance, not directly involved in the controversy in which such judgment shall have been rendered.

Section 5. This Ordinance repeals any inconsistent ordinance or part or parts thereof.

Section 6. This Ordinance shall take effect immediately upon its final passage and publication as required by law.


Stephen F. Childers, Mayor

NOTICE

NOTICE IS HEREBY GIVEN that an ordinance #01-02 entitled: "AN ORDINANCE OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, AND STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, AMENDING SECTION 25-30.10 ENTITLED "LI LIGHT INDUSTRIAL ZONE" TO PERMIT STORAGE FACILITIES, WAREHOUSES, AND RECYCLING FACILITIES IN THE ZONE AND TO REDESIGNATE LOTS 1, 1.01, AND 2 IN BLOCK 23 FROM R-1 RESIDENTIAL TO LI LIGHT INDUSTRIAL" was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the fifth day of April, 2001.


Robert J. Morris, RMC/CPM *Acting Clerk*
Mun. Clerk/Administrator

ORDINANCE NO. 01-06

AN ORDINANCE OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENT THE LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF LAKEHURST, OCEAN COUNTY, NEW JERSEY

BE IT ORDAINED by Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey, as follows:

CHAPTER 25-17.8 Escrow Fees is hereby amended and supplemented as follows:

A. Escrow Amounts: Escrow funds in the amount

1. Sketch plat for Major Subdivision, Minor Subdivision, Preliminary Major Subdivision Approval and Preliminary Site Plan Approval for Residential Use

	Escrow Amount
1-3 lots or units	\$ 1,000.00
4-10 lots or units	\$ 3,000.00
11-75 lots or units	\$ 5,000.00
26-50 lots or units	\$ 7,000.00
51-100 lots or units	\$ 9,000.00
In excess of 100 lots or units	\$ 17,000.00

2. Final major subdivision approval and Final Site Plan approval for Residential Use.

1-3 lots or units	\$ 1,000.00
4-10 lots or units	\$ 2,500.00
11-25 lots or units	\$ 3,000.00
26-50 lots or units	\$ 4,500.00
51-100 lots or units	\$ 6,000.00
In excess or 100 lots or units	\$ 10,000.00

3. Non-residential Preliminary Site Plan Approval, inclusive of Minor Site Plan

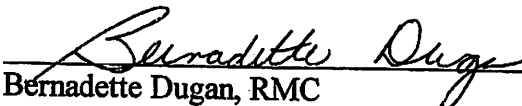
Less than 5,000 square feet of building area	\$ 3,000.00
5,001-10,000 square feet of building area	\$ 4,000.00
10,001-50,000 square feet of building area	\$ 12,000.00
50,001-100,000 square feet of building area	\$ 25,000.00
In excess of 100,000 square feet	\$ 30,000.00

6. The Borough shall provide the applicant with an accounting of escrow funds within one hundred twenty (120) days after the Land Use Board has taken action on the application.
7. All sums not actually expended shall be refunded to the applicant within one hundred twenty (120) days after the Land Use Board has taken action on the application.



NOTICE

NOTICE IS HEREBY GIVEN that an ordinance #01-06 entitled: "AN ORDINANCE OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF LAKEHURST, OCEAN COUNTY, NEW JERSEY" was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the seventh day of June, 2001.



Bernadette Dugan, RMC
Acting Borough Clerk

BOROUGH OF LAKEHURST
OCEAN COUNTY, NEW JERSEY

Ordinance No. 02-08

AN ORDINANCE TO AMEND "LAND USE REGULATIONS", a/k/a THE BOROUGH OF LAKEHURST ZONING ORDINANCE OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST TO PERMIT COMMUNICATION TOWERS AND ANTENNAS ONLY ON MUNICIPAL PROPERTY.

WHEREAS, the popularity of various forms of communication equipment, including but not limited to cellular telephones, pagers and satellite television, has created an increase in the demand for facilities for cellular communications systems, personal communication services (PCS) and specialized mobile radio transmitters (SMR) and for wireless communications towers and antennas capable of sending and receiving signals from same; and

WHEREAS, there is corresponding rise in concern within the Borough of Lakehurst and throughout the State of New Jersey over the safety, welfare and aesthetic effects that such wireless communication towers and antennas have on the community as a whole and

WHEREAS, the Federal Telecommunications Act of 1966, 47 U.S.C. #332 (the "Act") establishes a framework for the exercise of jurisdiction, in part, by municipalities over the construction, modification and placement of facilities for cellular telecommunications systems, personal communication services (PCS) and specialized mobile radio transmitters; and

WHEREAS, pursuant to the Act, the Borough of Lakehurst may not discriminate between different providers of cellular telecommunications systems, PCS or SMR; and

WHEREAS, in order to maximize the usefulness of wireless telecommunications towers and antennas while minimizing the negative impact created by same, and in order to protect and preserve the public health, safety and welfare of the residents of the Borough of Lakehurst and maintain the fair market value of properties in the Borough and, specifically in the immediate area of the location of wireless communications towers and antennas, the Mayor and Council desires to regulate the location and installation of wireless communications towers and antennas within the Borough to the extent permissible under the Act; and

WHEREAS, the purpose of this Ordinance is to establish general guidelines for the siting of wireless communications towers and antennas, in order to protect residential areas and

environmentally sensitive areas in the Borough from potential adverse impacts of towers and antennas, and to minimize the total number of towers throughout the Borough while enhancing the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently; and

WHEREAS, by this Ordinance, the Borough's intent and purpose is to advance the following purposes of the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq:

a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals and general welfare;

b. To secure safety from manmade disasters;

c. To provide adequate light, air and open space;

d. To ensure the development of individual municipalities does not conflict with the development of the general welfare of neighboring municipalities, the county and the State as a whole;

e. To provide sufficient space in appropriate locations for a variety of residential, recreational, commercial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;

f. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;

g. To promote the conservation of historic sites and districts, open spaces, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;

h. To encourage coordination of various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land; and

WHEREAS, The Mayor and Council believes that wireless communication towers and antennas should be located on municipally owned, leased or controlled property in order to minimize the impact of same upon the Borough; and

WHEREAS, the Mayor and Council desires to allow the installation of wireless communication towers and antennas on municipally owned or controlled property, subject to regulation as hereinafter provided, and further subject to entry into a lease of leases with the Borough of Lakehurst, in accordance with the requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq. and the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq.;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Lakehurst that the Revised General Ordinances of the Borough of Lakehurst, entitled "Land Use Regulations," be amended as follows:

Section I There shall be a new Section 25-30.13 entitled "Regulations Pertaining to All Districts" and same shall include the following:

Communication Towers and Antennas.

(1) Definitions.

(a) "Antenna" shall mean any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

(b) "Communication tower" shall mean and include any and all antennas and towers as defined in this section, together with other accessory structures and equipment associated therewith.

(c) "Preexisting towers and preexisting antennas" shall mean any tower or antenna for which a building permit has been properly issued, or for which a contract, lease or other agreement has been awarded or entered into by the Borough Council, prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

(d) "Tower" shall mean any structure that is designed and constructed primarily for the purpose of supporting on or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like. The term shall include the structure and any support thereof.

(2) Applicability.

(a) All towers and antennas within the Borough of Lakehurst shall be subject to these regulations, except as provided in sections (b) and (c) below.

(b) This ordinance shall not govern any tower, or the installation of any antenna, that is under thirty-five (35) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.

(c) Lawful, preexisting, nonconforming towers and antennas, as hereinabove described, shall be entitled to the protections and limitations available to lawful, preexisting, nonconforming structures.

(3) Locations Permitted. A communication tower shall be a permitted conditional use in the B1, B2, L1 zones within the Borough of Lakehurst, subject to the following conditions:

(a) Communication towers shall only be permitted on property owned, leased or otherwise controlled by the Borough of Lakehurst.

(b) The Borough of Lakehurst must give its consent before its property may be used for a communication tower. This consent shall be in the form of a resolution of approval adopted by the Mayor and Council of the Borough of Lakehurst.

(c) No communication tower shall be erected or operated within the Borough except pursuant to a license issued by the Mayor and Council or a lease entered into between the operator of the facility and the Borough.

(d) All communication towers shall meet the following requirements:

(i) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration, be painted a neutral color so as to reduce visual obtrusiveness.

(ii) Towers shall not be artificially lighted, unless required by the F.A.S. or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

(iii) No signs shall be allowed on an antenna or tower.

(e) No tower or antenna shall be permitted in any residential zones within the Borough.

(4) Application Procedure.

(a) All applications for the construction or modification of towers or antennas within the Borough of Lakehurst shall be made to the Borough Zoning Officer who shall transmit copies to the Borough Clerk and the Borough Engineer.

(b) The Zoning Officer shall review the application to determine if the proposed tower or antenna meets all of the conditions contained in this section. The Zoning Officer shall respond to each such application within thirty (30) days of reviewing it.

(c) If the Zoning Officer determines that the applicant has met all of the conditions of this section, he shall administratively approve the application.

(d) If the Zoning Officer determines that the applicant has not met all of the conditions of this section, he shall deny the application.

(5) Maintenance and Abandonment.

(a) All towers must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission, and any other agency of the state or federal government with the authority to regulate towers and antennas, if such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers or antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(b) To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes. If, upon inspection, the Borough concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(c) In the event any communication tower shall be abandoned or not operated for a period of one (1) year, the same may be removed, at the option of the Borough of Lakehurst, at the sole expense of the operator.

Section II Inconsistent Ordinances.

All ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies only.

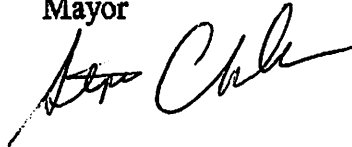
Section III Effect of Partial Invalidity.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance. The governing body of the Borough hereby declares that it would have passed this Ordinance and each section or part thereof irrespective of the fact that any one or part thereof be declared invalid or unconstitutional.

Section VI Effective Date.


This Ordinance shall take effect immediately after final adoption and publication as declared by law.

Stephen F. Childers
Mayor



NOTICE

NOTICE IS HEREBY GIVEN that an Ordinance #02-08 entitled: "AN ORDINANCE TO AMEND "LAND USE REGULATIONS" a/k/a THE BOROUGH OF LAKEHURST ZONING ORDINANCE OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST TO PERMIT COMMUNICATION TOWERS AND ANTENNAS ONLY ON MUNICIPAL PROPERTY" was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the sixth day of June, 2002.


Bernadette Dugan, RMC
Deputy Municipal Clerk

AN ORDINANCE OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST AMENDING CHAPTER XXV: CREATING SECTION 25 -13 AND AMENDING SECTION 25-30.8a

#03 - 10

LAND DEVELOPMENT

BE IT ORDAINED by the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey as follows:

25-13 R-4 MULTIPLE DWELLING, OFFICE DISTRICT IN RAIL TRANSIT AREA

25-13.1 Purpose

The regulations for this district are designed for certain types of housing, office accommodations and uses, which are necessary and desirable to the general welfare of the Borough. This district has been located and special procedures established in order to complete a diversified development of the Borough, and to stimulate the development of the areas chosen for the following reasons:

- a. The land values of the area chosen require intensifying the use of the lands by placing more units per gross land area;
- b. There is a need to promote residential home ownership in this area;
- c. This need arise from proximity of the area to the downtown business area, availability of open space and vacant land, nearness to Borough facilities, and rail and other mass transit service.
- d. The proposed uses fit in with existing and future traffic patterns, road improvements, and rail service.
- e. Consideration is given to proximity of rail lines and planning shall be used to ensure the stability of the environment of a character in harmony with surrounding development by proper land and architectural controls.

25-13.2 Definitions

Condominium shall mean the form of ownership of real property under a master deed providing for ownership by one (1) or more owners of improvements together with an undivided interest in common elements appurtenant to each unit.

Commercial shall mean businesses and professional offices

Homeowner's association shall mean an association of either townhouse unit or condominium unit owners organized under the Nonprofit Corporation Act of the State of New Jersey.

Multi-family dwelling shall mean a condominium or townhouse complex.

Townhouse shall mean a structure that contains three (3) or more attached single-family dwelling units arranged in a side-by-side configuration, each unit separated from others by a wall extending from ground to roof, situated on a fee simple lot as defined as under the control of the occupant for their private use, including both a front and rear yard having frontage on a public or private street or common area.

25-13.3 Permitted Uses

The following uses shall be permitted:

- a. Those uses permitted in the B-1 Business Zone
- b. Those permitted in the R-3 Residential Zone
- c. Condominium
- d. Townhouse
- e. Professional offices

25-13.4 Prohibited Uses

All other uses shall be prohibited.

25-13.5 Lot Areas, Building Coverage, Lot Coverage and Height Limits

- a. Principal structure – Commercial
 1. As established in 25-30.8
- b. Principal structure – Two Family Residential
 1. As established in 25-30.6
- c. Townhouse
 1. Minimum lot area 22,500 square feet
 - (a) Minimum bulk requirement for individual lots:
 1. Lot area: 1,800 square feet
 2. Lot width: 20 feet
 3. Lot depth: 90 feet
 2. Maximum building height:

- (a) principle 35 feet
- (b) accessory 15 feet
- 3. Maximum density 12 units per 40,000 square feet
 - (a) no more than 25% three-bedroom units
- 4. Minimum front setback 20 feet
- 5. Minimum side setback:
 - (a) building end: 10 feet
 - (b) common side: 3 feet
- 6. Minimum rear setback:
 - (a) principle 20 feet
 - (b) accessory 10 feet
- 7. Minimum gross habitable floor area:
 - (a) one-bedroom unit: 750 square feet
 - (b) two-bedroom unit: 800 square feet
 - (c) three-bedroom unit: 1,000 square feet
- 8. Maximum floor area ratio: 1
- 9. Maximum lot coverage:
 - (a) principle 40%
 - (b) total 60%
- 10. Buildings shall have no more than two dwelling units in a line without setbacks and/or breaks in building elevation of at least five feet.

d. Condominium

- 1. Minimum lot area 22,500 square feet
- 2. Maximum building height:
 - (a) principle 35 feet
 - (b) accessory 15 feet
- 3. Maximum density 15 units per 40,000 square feet
 - (a) no more than 25% three-bedroom units
- 4. Minimum front setback 20 feet
- 5. Minimum side setback 10 feet
- 6. Minimum rear setback:
 - (a) principle 20 feet
 - (b) accessory 10 feet
- 7. Minimum gross habitable floor area:
 - (a) one-bedroom unit: 750 square feet
 - (b) two-bedroom unit: 800 square feet
 - (c) three-bedroom unit: 1,000 square feet
- 8. Maximum floor area ratio: 1
- 9. Maximum lot coverage:
 - (a) principle 40%
 - (b) total 60%

10. Buildings shall have no more than two dwelling units in a line without setbacks and/or breaks in building elevation of at least five feet.

25-13.6 Buffer areas

To preserve and protect the character and value of the surrounding neighborhoods, thereby promoting the general welfare, all uses other than single-family detached and two-family detached dwellings and their accessory uses shall provide buffer areas along all side and rear property lines which abut areas zoned residential, or have a non-conforming pre-existing residential dwelling.

a. Buffer area: Included in required setback calculations

1. Multi-family dwelling: width 5 feet on side and rear property lines
2. Commercial: width 15 feet on side and rear property lines

b. General areas/common areas: All property shall be landscaped with at least grass or other ground cover, and in addition shall have trees, as approved by the Land Use Board, planted in a ratio of not less than 10 per acre in multifamily property and a minimum of two shrubs or one tree per 250 square feet in commercial property in all areas of the site not occupied by buildings, pavement, sidewalks, this is in addition to any required screening.

c. Screening:

1. A solid masonry wall not less than five feet six inches above finish grade
2. A solid fence with an uniform surface treatment constructed of a naturally durable material surface not less than six feet above finish grade
3. A densely landscaped evergreen planted at 30 inches on center in a single row or at five feet on center in two staggered rows, having a minimum height of five feet above grade at planting with a projected minimum growth to six feet above grade.

d. Exceptions: At the following locations within required screening areas, evergreen shrubs with a maximum mature height of 30 inches or less shall be provided in lieu of evergreen trees; or when contiguous to a fence or wall, the same in a height of 24 inches

1. Within sight triangle easements
2. Within 25 feet of intersections where sight triangle easements are not provided

3. Within 25 feet of access/egress drives

e. Sprinkler system. All property developed as either commercial or multi-family shall have an in the ground sprinkler system, separately metered or well supplied, installed to adequately maintain all landscaped areas to include common/general areas and landscaped screening.

25-13.7 Parking and internal roadways

a. Commercial. In accordance with 25-27.26

b. Two-family residential. In accordance with 25-27.26

c. Multi-family dwellings:

1. All common parking areas in multi-family areas, shall be owned, operated and maintained by either a homeowner's association or condominium association, whichever is applicable.

2. In a townhouse project, if private residential garages are provided they shall be an integral part of the townhouse units and not separate structures and accessible from a roadway or access aisle.

3. Private residential garages shall be included in the calculation of minimum off-street parking to be furnished in the project, and when in conjunction with a driveway at least 18 feet in length from the face of the garage to the right-of-way shall count as two spaces.

4. Parking spaces shall have a width of nine (9) feet and length of eighteen (18) feet.

5. Parking spaces shall be constructed in the following ratios:

(a) one bedroom unit: 1.5 parking spaces

(b) two bedroom unit: 2 parking spaces

(c) three bedroom unit: 2.5 parking spaces

d. Internal roadways will be constructed in accordance with the standards for public streets in this chapter.

25-13-8 Homeowner's Association

a. In any multi-family project a homeowner's association shall be established for the purpose of owning and assuming ownership and maintenance responsibilities for the common open space and common property designated within the multi-family development.

b. The homeowner's association shall be responsible for the following:

1. Snowplowing

2. Snow removal
3. Solid waste storage, collection, disposal and recycling
 - (a) there shall be provided at least one outdoor refuse storage area of at least 100 square feet, suitably located and arranged for access and ease collection and shall not be a part of, restrict or occupy any parking aisle and shall not be located further than 200 feet from the entrance to any unit which it is intended to serve
 - (b) the storage area shall be screened with a masonry wall in compliance with 25-13.6c1
4. The replacement, repair and maintenance of all private utilities, street lighting, internal roadway improvements, access drive and parking lot improvements, curbs, sidewalks, landscaping, common open space and recreation facilities and equipment.

c. As provided by law the homeowner's association will encourage homeownership and discourage developed rental units.

25-13.9 Outdoor lighting

a. Interior developed roads, parking areas, dwelling entranceways and pedestrian walks shall be provided with sufficient illumination to minimize hazards to pedestrians and vehicles utilizing the same, but in no case shall lighting be less than is required to provide a minimum lighting level of 0.5 horizontal footcandle throughout such areas from dawn to dusk.

1. Lights shall be shielded to avoid glare disturbing occupants of the buildings.
2. Lighting shall be so arranged as to reflect away from all adjoining residential buildings.

25-13.10 Multi-family dwelling structural requirements

- a. An architectural theme shall be utilized within the complex to form an aesthetically pleasing environment for the occupants, and to enhance the surrounding residential neighborhood.
- b. In a townhouse complex a variety of design elements will be utilized to avoid a monotonous and repetitive appearance of the units
- c. No multi-family dwelling shall have a length greater than 200 feet.
- d. No windows, door or other opening shall be installed in any common wall between units. However, where a two-story unit adjoins a single-story unit, windows may be installed in the second story wall of the unit.

e. When an end unit of a row does not side on a street, an open space of at least 16 feet in width shall be provided between the adjacent rows of units.

25-13.11 Public service

a. All permitted uses shall be served by public water and sanitary sewer, which if required, shall be installed by and at the expense of the developer.

b. In a multi-family complex all utilities shall be installed under ground, to include but not limited to the following:

1. Gas
2. Electric
3. Television cable
4. Telephone

c. No outside area or equipment shall be provided for the hanging or outside airing of laundry in any manner.

25-13.12 Zone description

a. The South-side of Pine Street located between:

1. The west-side of Center Street, and
2. The east-side of Elm Street

25-13.13 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Chapter shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Chapter, which shall continue in full force and effect.

25-30.8a Permitted uses B-1 Zone

8. Professional office
9. Restaurant either with or without liquor license

LEGAL NOTICE



NOTICE IS HEREBY GIVEN that an Ordinance #03-10 entitled: "AN ORDINANCE OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST AMENDING CHAPTER XXV: CREATING SECTION 25-13 AND AMENDING SECTION 25-30.8a was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the twenty-first day of August, 2003.



Bernadette Dugan, RMC
Municipal Clerk

AN ORDINANCE OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, AMENDING SECTION 25-25 GUARANTEES, INSPECTIONS, ACCEPTANCE OR IMPROVEMENTS

#04-04

BE IT ORDAINED by the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey, as follows:

Section 1. There shall be as an amendment to Ordinance Section 25-25.1 of the Borough of Lakehurst, State of New Jersey by adding a subparagraph (d.) and (e.) as follows:

- d. (1) Any such guaranty may be in the form of cash, certified check, negotiable securities, a bond issued by a bonding company or surety company approved by the Borough Council or any other type of surety acceptable to and approved by the Borough Attorney and the Borough Council, provided that at least ten (10%) of the performance guaranty shall be in the form of cash, certified check, certificate of deposit, an irrevocable letter of credit (said letter to be issued by a financial institution whose deposits are insured by the Federal Savings and Loan Insurance Corporation or Federal Deposit Insurance Corporation) or a bond issued by a surety or binding company authorized to do business in New Jersey; provided however, that all rights, including the right to interest with dividends, shall be assigned to the Borough in a form of assignment acceptable to the Borough Attorney for the period of the bond and that the principal amount of the passbook or certificate of deposit, together with interest, shall be returned to the developer upon completion of the bonded improvements, or, in the event of default, both interest and principal shall be used by and for the benefit of the borough in the completion of said improvements.
- (2) The form of any required guaranty shall be subject to the approval of the Borough Attorney as to form, sufficiency and execution.
- (3) Subject to N.J.S.A. 40:55D-1 et seq., as amended and supplemented, all rights in any guaranty, including the right to any interest earned on any deposits, shall belong to the Borough.
- (4) Notwithstanding the requirement of Subsection (a) above, when a letter of credit which has been previously accepted pursuant to Subsection (a) as a performance guaranty, is about to expire, it may be renewed administratively by the Borough Attorney, provided that all pertinent requirements are met by the applicant.
- (5) In the event of default, the principal and any interest shall be used for the benefit of the borough in the completion of the improvements.
- (6) All guaranties shall run to and be in favor of the Borough of Lakehurst in the County of Ocean.

e. If the required improvements have not been installed in accordance with the performance guaranty, the obligor and surety shall be liable thereon, at the option of the Borough, for:

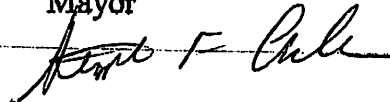
- (1) The reasonable cost of the improvements not installed, and, upon receipt of the proceeds thereof, the Borough shall install such improvements; or
- (2) The completion of all required improvements.

Section 2. Any or all other ordinances or parts thereof in conflict or in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.


Section 4. This ordinance shall become effective immediately upon final passage and publication as required by law.

Stephen F. Childers
Mayor



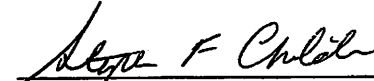
LEGAL NOTICE

NOTICE IS HEREBY GIVEN that an Ordinance #04-04 entitled: "AN ORDINANCE OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, AMENDING SECTION 25-25 GUARANTEES, INSPECTIONS, ACCEPTANCE OR IMPROVEMENTS" was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the eighteenth day of March, 2004.


Bernadette Dugan, RMC
Municipal Clerk

Effective date

This ordinance shall take effect immediately upon final passage and publication as required by law.



Stephen F. Childers, Mayor

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that an Ordinance #04-12 entitled: "AN ORDINANCE OF THE BOROUGH OF LAKEHURST, AMENDING CHAPTER XXV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED "LAND DEVELOPMENT" was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the second day of September, 2004.


Bernadette Dugan, RMC
Municipal Clerk

**“AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING
CHAPTER XXV OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW
JERSEY, ENTITLED LAND DEVELOPMENT”**

04-15

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Lakehurst, County of Ocean, State of New Jersey, that Section 25-27.6e is amended as follows:

25-27.26 OFF-STREET PARKING AND LOADING

e. *Dimensions.* Off-street parking spaces shall be nine (9') feet wide and a minimum of eighteen (18') feet in length.

Severability

All ordinances or parts of ordinances that are in conflict herewith are hereby repealed to the extent of such conflict or inconsistency. If any part of this ordinance shall be held to be invalid, such part shall be deemed to be severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

Effective date

This ordinance shall take effect immediately upon final passage and publication as required by law.



Stephen F. Childers, Mayor

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that an Ordinance #04-15 entitled: “AN ORDINANCE OF THE BOROUGH OF LAKEHURST, AMENDING CHAPTER XXV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED “LAND DEVELOPMENT” was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the second day of September, 2004.


Bernadette Dugan, RMC
Municipal Clerk

ORDINANCE

**“AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING
CHAPTER XXV OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW
JERSEY, ENTITLED LAND DEVELOPMENT”**

05-04

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Lakehurst, County of Ocean, State of New Jersey, that as follows:

Section 25-30.8 B-1 Downtown Business Zone is amended as follows:

f. *Area, Yard and Building Requirements.*

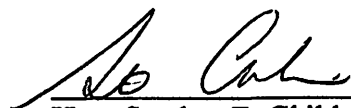
1. Minimum lot area: {Delete 9,375square feet} 5,000 square feet
2. Minimum lot width: {Delete 75 feet} 50 feet
3. Minimum lot frontage: {Delete 75 feet} 50 feet
4. Minimum lot depth: {Delete 125 feet} 100 feet
5. Minimum front yard setback: None
6. Minimum rear yard setback: {Delete 25 feet} 20 feet
7. Minimum side yard setback: none
8. Maximum building height: 35 feet or 2 ½ stories

Severability

All ordinances or parts of ordinances that are in conflict herewith are hereby repealed to the extent of such conflict or inconsistency. If any part of this ordinance shall be held to be invalid, such part shall be deemed to be severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

Effective date


This ordinance shall take effect immediately upon final passage and publication as required by law.



Hon. Stephen F. Childers
Mayor

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that an Ordinance #05-04 entitled: "AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING CHAPTER XXV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED "LAND DEVELOPMENT" was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the third day of March, 2005.


Bernadette Dugan, RMC
Municipal Clerk

ORDINANCE

**“AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING
CHAPTER XXV OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW
JERSEY, ENTITLED LAND DEVELOPMENT”**

05-19

BE IT ORDAINED by Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey, as follows:

CHAPTER 25-17.8 Escrow Fees is hereby amended and supplemented as follows:

A. Escrow Amounts: Escrow funds in the amount

1. Sketch plat for Major Subdivision, Minor Subdivision, Preliminary Major Subdivision Approval and Preliminary Site Plan Approval for Residential Use

	Escrow Amount
1-3 lots or units	\$ 2,000.00
4-10 lots or units	\$ 5,000.00
11-75 lots or units	\$ 7,000.00
26-50 lots or units	\$ 9,000.00
51-100 lots or units	\$ 11,000.00
In excess of 100 lots or units	\$ 25,000.00

2. Final major subdivision approval and Final Site Plan approval for Residential Use.

1-3 lots or units	\$ 2,000.00
4-10 lots or units	\$ 3,500.00
11-25 lots or units	\$ 4,000.00
26-50 lots or units	\$ 5,500.00
51-100 lots or units	\$ 7,000.00
In excess or 100 lots or units	\$ 12,000.00

3. Non-residential Preliminary Site Plan Approval, inclusive of Minor Site Plan

Less than 5,000 square feet of building area	\$ 4,500.00
5,001-10,000 square feet of building area	\$ 6,000.00
10,001-50,000 square feet of building area	\$ 15,000.00
50,001-100,000 square feet of building area	\$ 30,000.00
In excess of 100,000 square feet	\$ 40,000.00

6. The Borough shall provide the applicant with an accounting of escrow funds within one hundred twenty (120) days after the Land Use Board has taken action on the application.
7. All sums not actually expended shall be refunded to the applicant within one hundred twenty (120) days after the Land Use Board has taken action on the application.



Stephen F. Childers
Mayor

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that an Ordinance #05-19 entitled: "AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING CHAPTER XXV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED LAND DEVELOPMENT" was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the fifth day of May, 2005.



Bernadette Dugan, RMC
Municipal Clerk

ORDINANCE

“AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING CHAPTER XXV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED LAND DEVELOPMENT”

05-21

BE IT ORDAINED by Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey, as follows:

25-30.2 Zoning Map.

a. R-2 Boundary Change. The area in the Borough of Lakehurst previously set forth on the Zoning Map as R-1 Single Family Residential Zone encompassed within Block 62 and further defined as bordered by the eastern side of Brook Street; the southern side of Church Street; the western side of Center Street being contiguous to the B-1 Downtown Business Zone is hereby zoned R-2.

Severability.

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Effective date.

This ordinance shall take effect immediately upon final passage and publication as required by law.



Hon. Stephen F. Childers
Mayor

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that an Ordinance #05-21 entitled: “AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING CHAPTER XXV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED LAND DEVELOPMENT” was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the second day of June, 2005.

Bernadette Dugan, RMC
Municipal Clerk

ORDINANCE

“AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING SECTION 25-27.7 AND SECTION 25-27.34 OF CHAPTER XXV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED LAND DEVELOPMENT”

05-25

BE IT ORDAINED by Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey, as follows:

25-27.7 Curbs is hereby amended and supplemented as follows

a. Inspection. All new curbing and the replacement of any existing curb shall be inspected for conformity to this chapter and appropriate elevations.

1. The Land Use Board Engineer shall cause the inspection of the excavation and forms prior to installation and then inspect the finished curb.

2. No excavation and forming shall be started more than 48 hours prior to inspection, and installation to be accomplished within 48 hours of the preliminary form inspection.

b. Fees. A fee of fifty (\$ 50.00) dollars will be charged for each inspection of the curb project. When curbing is done contemporaneously with a sidewalk project only one fee of \$ 50.00 will be charged for the pre- and post- inspections.

c. Penalty. Anyone who violates section 25-27.7a2 shall be subject to a fine as established in the general penalties. Each twenty-four (24) hour period shall constitute a separate violation for purposes of enforcement action.

25-27.34 Sidewalks is hereby amended and supplemented as follows:

a. Inspection. All new sidewalks required by the Land Development Code or substantial replacement, 50 % or more, of an existing sidewalk, shall be inspected for conformity to the established standards.

1. The Land Use Board Engineer shall cause the inspection of the excavation and forms prior to installation and then inspect the finished sidewalk.

2. No excavation and forming shall be started more than 48 hours prior to inspection, and installation to be accomplished within 48 hours of the preliminary form inspection.

b. Fees. A fee of fifty (\$ 50.00) dollars will be charged for each inspection of the sidewalk. When curbing is done contemporaneously with a sidewalk project only one fee of \$ 50.00 will be charged for the pre- and post- inspections.

c. Penalty. Anyone who violates section 25-27.34a2 shall be subject to a fine as established in the general penalties. Each twenty-four (24) hour period shall constitute a separate violation for purposes of enforcement action.

Severability.

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Effective date.

This ordinance shall take effect immediately upon final passage and publication as required by law.



Stephen F. Childers
Mayor

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that an Ordinance #05-25 entitled: "AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING SECTION 25-27.7 AND SECTION 25-27.34 OF CHAPTER XXV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED LAND DEVELOPMENT" was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the fifteenth day of September, 2005.


Bernadette Dugan, RMC
Municipal Clerk

ORDINANCE

“AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING CHAPTER XXV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED LAND DEVELOPMENT”

05-28

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Lakehurst, County of Ocean, State of New Jersey, that as follows:

Section 25-30.4 R-1 Single Family Residential Zone is amended as follows:

c. *Permitted Accessory Uses.*

1. Private swimming pools subject to the provisions of subsection {delete 24-27.45} **25-27.45.**

Section 25-27.34 Sidewalks

25-27.34(1) Use of public sidewalks

Except as provided herein no person shall display any merchandise for sale or exhibition, or place any sign, or other obstruction on any public property in this municipality including but not limited to public walks, utility space, rights-of-way and streets.

25-27.34(1)a Within the B-1 Downtown Business Zone of the Borough of Lakehurst on any sidewalks in front of or on the side of any building merchants may display merchandise for sale, signage, or other commercial items, provided such display does not prohibit or impair the safe and free passage of any person on any sidewalk or municipal right of way. A clearance of at least four (4) feet must be maintained at all times. Displays shall not have a height in excess of forty-two (42) inches.

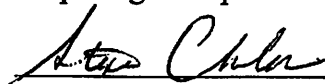
25-27.34(1)b This section shall not apply to the exhibition or sale of merchandise when offered in connection with a street fair or sidewalk sale as authorized by the Governing Body

Severability

All ordinances or parts of ordinances that are in conflict herewith are hereby repealed to the extent of such conflict or inconsistency. If any part of this ordinance shall be held to be invalid, such part shall be deemed to be severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

Effective date


This ordinance shall take effect immediately upon final passage and publication as required by law.



Hon. Stephen F. Childers
Mayor

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that an Ordinance #05-28 entitled: "AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING CHAPTER XXV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED LAND DEVELOPMENT" was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the sixteenth day of February, 2006.


Bernadette Dugan, RMC
Municipal Clerk

ORDINANCE

“AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING CHAPTER XXV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED LAND DEVELOPMENT”

06-01

25-15 STORMWATER CONTROL

25-15.1 Scope and Purpose.

A. Purpose.

(1) It is hereby determined that:

- a) Land development projects and associated disturbance of vegetation and soil and changes in land cover, including increases in impervious cover, alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes. If inadequately or improperly managed, this stormwater runoff can deplete groundwater resources and increase flooding, stream channel erosion, and sediment transport and deposition.
- b) This stormwater runoff contributes to increased quantities of waterborne pollutants.
- c) Increases of stormwater runoff, soil erosion and non-point source pollutants have occurred in the past as a result of land development, and contribute to the degradation of the water resources of the Borough of Lakehurst (Borough).
- d) Certain lands of the Borough lie within the Pinelands Area, and therefore, development in this portion of the Borough is subject to the requirements of the Pinelands Protection Act (N.J.S.A. 13:18A-1 et seq.) and the implementing regulations and minimum standards contained in the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-1.1 et seq.) (CMP). The purpose and intent of these regulations and standards is to promote orderly development of the Pinelands so as to preserve and protect the significant and unique natural, ecological, agricultural, archaeological, historical, scenic, cultural and recreational resources of the Pinelands.
- e) Pinelands Area resources are to be protected in accordance with Pinelands Comprehensive Management Plan at N.J.A.C. 7:50 et seq., New Jersey's Stormwater Management Rules at N.J.A.C. 7:8-1.1 et seq. and New Jersey's surface water quality anti-degradation policies contained in the New Jersey Surface Water Quality Standards at N.J.A.C. 7:9B-1.1 et seq. Permitted uses shall maintain the ecological character and quality of the Pinelands, including good water quality and natural rates and volumes of flow.

- f) Increased stormwater rates and volumes and the sediments and pollutants associated with stormwater runoff from future development projects within the Pinelands Area have the potential to adversely affect the Borough's streams and water resources and the streams and water resources of downstream municipalities.
- g) Stormwater runoff, soil erosion and non-point source pollution can be controlled and minimized through the regulation of stormwater runoff from development sites.
- h) It is in the public interest to regulate the discharge of stormwater runoff from "major development" projects, as defined in Section VII of this ordinance, conducted within the Pinelands Area, as provided in this ordinance, in order to control and minimize increases in stormwater runoff rates and volumes, to maintain groundwater recharge, and to control and minimize soil erosion, stream channel erosion and non-point source pollution associated with stormwater runoff.

(2) Therefore, it is the purpose of this ordinance to establish minimum stormwater management requirements and controls for major development, consistent with the statewide stormwater requirements at N.J.A.C. 7:8, the regulations and standards contained in the Pinelands CMP, and the provisions of the adopted master plan and land use ordinances of the Borough.

B. Goals and Techniques.

(1) Through this ordinance, the Borough has established the following goals for stormwater control:

- a) To reduce flood damage, including damage to life and property;
- b) To minimize any increase in stormwater runoff from new development;
- c) To reduce soil erosion from any development or construction project;
- d) To assure the adequacy of existing and proposed culverts and bridges, and other in-stream structures;
- e) To maintain groundwater recharge;
- f) To minimize any increase in non-point pollution;
- g) To maintain the integrity of stream channels for their biological functions, as well as for drainage;
- h) To restore, protect, maintain and enhance the quality of the streams and water resources of the Borough and the ecological character and quality of the Pinelands Area;
- i) To minimize pollutants in stormwater runoff from new and existing development in order to restore, protect, enhance and maintain the chemical, physical and biological integrity of the surface and groundwaters of the Borough, to protect public health and to enhance the domestic, municipal, recreational, industrial and other uses of water; and

- j) To protect public safety through the proper design and operation of stormwater management basins.

(2) In order to achieve the goals for stormwater control set forth in this ordinance, the Borough has identified the following management techniques:

- a) Implementation of multiple stormwater management Best Management Practices (BMPs) may be necessary to achieve the performance standards for stormwater runoff quantity and rate, groundwater recharge, erosion control, and stormwater runoff quality established through this ordinance.
- b) Compliance with the stormwater runoff quantity and rate, groundwater recharge, erosion control, and stormwater runoff quality standards established through N.J.A.C. 7:8-1.1 et seq., and this ordinance, shall be accomplished to the maximum extent practicable through the use of nonstructural BMPs, before relying on structural BMPs. Nonstructural BMPs are also known as Low Impact Development (LID) techniques.
- c) Nonstructural BMPs shall include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site or from being exposed to stormwater.
- d) Source control plans shall be developed based upon physical site conditions and the origin, nature and the anticipated quantity or amount of potential pollutants.
- e) Structural BMPs, where necessary shall be integrated with nonstructural stormwater management strategies and proper maintenance plans.
- f) When using structural BMPs, multiple stormwater management measures, smaller in size and distributed spatially throughout the land development site, shall be used wherever possible to achieve the performance standards for water quality, quantity and groundwater recharge established through this ordinance before relying on a single, larger stormwater management measure to achieve these performance standards.

C. Applicability.

This ordinance shall apply to:

- a) All site plans and subdivisions for major developments occurring within the Pinelands Area that require preliminary or final site plan or subdivision review; and
- b) All major development projects undertaken by the Borough shall comply with this ordinance.

D. Procedures. In addition to other development review procedures set forth in the Code of Borough, major developments located within the Pinelands Area shall comply with the stormwater management requirements and specifications set forth in this ordinance. New agricultural development that meets the definition of major development in Section VII of this ordinance shall be submitted to the appropriate Soil

Conservation District for review and approval in accordance with the requirements of N.J.A.C. 5.4(b) 7:8.

E. Compatibility with Other Permit and Ordinance Requirements.

(1) Development approvals issued for subdivisions and site plans pursuant to this ordinance are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable ordinance, code, rule, regulation, statute, act or other provision of law.

(2) In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive or stringent provisions or higher standards shall control.

(3) In the event that a regional stormwater management plan(s) is prepared and formally adopted pursuant to N.J.A.C. 7:8-1.1 et seq. for any drainage area(s) or watershed(s) of which the Borough is a part, the stormwater provisions of such a plan(s) shall be adopted by the Borough within one year of the adoption of a Regional Stormwater Management Plan (RSWMP) as an amendment to an Areawide Water Quality Management Plan. Local ordinances proposed to implement the RSWMP shall be submitted to the Commission for certification within six months of the adoption of the RSWMP per N.J.A.C. 7:8 and the Pinelands CMP (N.J.A.C. 7:50.)

25-15.2 Requirements for a Site Development Stormwater Plan.

A. Submission of Site Development Stormwater Plan.

(1) Whenever an applicant seeks municipal approval of a site development that is subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section II.C below as part of the applicant's application for subdivision or site plan approval. These required components are in addition to any other information required under any provisions of the Borough's land use ordinance or by the Pinelands Commission pursuant to N.J.A.C. 7:50-1.1 et seq.

(2) The applicant shall demonstrate that the site development project meets the standards set forth in this ordinance.

(3) The applicant shall submit three (3) copies of the materials listed in the checklist for site development stormwater plans in accordance with Section III.C of this ordinance.

B. Site Development Stormwater Plan Approval.

(1) The applicant's site development stormwater plan shall be reviewed as a part of the subdivision or site plan review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the engineer retained by the Land Use Board to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Checklist Requirements. Any application for approval of a major development shall include at least the following information. All required engineering plans shall be submitted to the Borough and the Pinelands Commission in CAD Format 15 or higher, registered and rectified to NJ State Plane Feet NAD 83 or Shape Format NJ State Plan Feet NAD 83, and all other documents shall be submitted in both paper and commonly used electronic file formats such as pdf., word processing, database or spreadsheet files. Three (3) copies of each item shall be submitted.

(1) Topographic Base Map. The applicant shall submit a topographic base map of the site which extends a minimum of three hundred (300) feet beyond the limits of the proposed development, at a scale of one (1) inch = two hundred (200) feet or greater, showing one (1) foot contour intervals. The map shall indicate the following: existing surface water drainage, shorelines, steep slopes, soils, highly erodible soils, perennial or intermittent streams that drain into or upstream of any Category One or Pinelands Waters, wetlands and floodplains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing surface and subsurface human-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown. The Borough or the Pinelands Commission may require upstream tributary drainage system information as necessary.

(2) Environmental Site Analysis. The applicant shall submit a written description along with the drawings of the natural and human-made features of the site and its environs. This description should include:

- a) A discussion of environmentally critical areas, soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual or environmentally sensitive features and to those that provide particular opportunities for or constraints on development; and
- b) Detailed soil and other environmental conditions on the portion of the site proposed for installation of any stormwater BMPs, including, at a minimum: soils report based on onsite soil tests; locations and spot elevations in plan view of test pits and permeability tests; permeability test data and calculations; and any other required soil data (e.g., mounding analyses results) correlated with location and elevation of each test site; cross-section of proposed stormwater BMP with side-by-side depiction of soil profile drawn to scale and seasonal high water table elevation identified; and any other information necessary to demonstrate the suitability of the specific proposed structural and nonstructural stormwater management measures relative to the

environmental conditions on the portion(s) of the site proposed for implementation of those measures.

(3) Project description and site plan(s). The applicant shall submit a map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

(4) Land Use Planning and Source Control Plan.

a) The applicant shall submit a detailed Land Use Planning and Source Control Plan which provides a description of how the site will be developed to meet the erosion control, groundwater recharge and stormwater runoff quantity and quality standards at Section IV through use of nonstructural or low impact development techniques and source controls to the maximum extent practicable before relying on structural BMPs. The Land Use Planning and Source Control Plan shall include a detailed narrative and associated illustrative maps and/or plans that specifically address how each of the following nine (9) nonstructural strategies identified in Subchapter 5 of the NJDEP Stormwater Management Rules (N.J.A.C. 7:8-5) and set forth below (4.a. i. through ix.) will be implemented to the maximum extent practicable to meet the standards at Section IV of this ordinance on the site. If one or more of the nine (9) nonstructural strategies will not be implemented on the site, the applicant shall provide a detailed rationale establishing a basis for the contention that use of the strategy is not practicable on the site.

- i. Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;
- ii. Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;
- iii. Maximize the protection of natural drainage features and vegetation;
- iv. Minimize the decrease in the pre-development “time of concentration”;
- v. Minimize land disturbance including clearing and grading;
- vi. Minimize soil compaction and all other soil disturbance;
- vii. Provide low-maintenance landscaping that provides for the retention and planting of native plants and minimizes the use of lawns, fertilizers and pesticides, in accordance with N.J.A.C. 7:50-6.24 ;
- viii. Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas; and

ix. Provide other source controls to prevent or minimize the use or exposure of pollutants at the site in order to prevent or minimize the release of those pollutants into stormwater runoff. These source controls shall include, but are not limited to:

- (1) Site design features that help to prevent accumulation of trash and debris in drainage systems;
- (2) Site design features that help to prevent discharge of trash and debris from drainage systems;
- (3) Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and
- (4) Applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules, when establishing vegetation after land disturbance.

b) For sites where stormwater will be generated from “high pollutant loading areas” or where stormwater will be exposed to “source material,” as defined in Section VII of this ordinance, the applicant shall also demonstrate in the Land Use Planning and Source Control Plan that the requirements of Section IV have been met.

c) The use of nonstructural strategies to meet the performance standards in Section IV of this ordinance is not required for development sites creating less than one (1) acre of disturbance. However, each application for major development and any other application where the Borough otherwise requires a landscaping plan shall contain a landscaping or re-vegetation plan in accordance with the CMP standards at N.J.A.C. 7:50-6.24(c). In addition, the applicant shall demonstrate that, at a minimum, existing trees and vegetation on the development site will be preserved and protected according to the minimum standards established by provisions of the Borough’s Land Use Ordinance, Zoning Ordinance or by conditions of zoning or variance approval.

(5) Stormwater Management Facilities Map. The applicant shall submit a map, at the same scale as the topographic base map, depicting the following information:

- a) The total area to be disturbed, paved and/or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to manage and dispose of stormwater; and
- b) Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention (if applicable) and emergency spillway provisions with maximum discharge capacity of each spillway.

(6) Calculations (groundwater recharge and stormwater runoff rate, volume and quality). The applicant shall submit comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section III. The standards for groundwater recharge and stormwater runoff rate, volume and quality required by Section IV shall be met using the methods, calculations and assumptions provided in Section III.

(7) Inspection, Maintenance and Repair Plan. The applicant shall submit a detailed plan describing how the proposed stormwater management measure(s) shall meet the maintenance and repair requirements of Section VI of this ordinance. Said plan shall include, at a minimum, the following elements:

- a) The frequency with which inspections will be made;
- b) The specific maintenance tasks and requirements for each proposed structural and nonstructural BMP;
- c) The name, address and telephone number for the entity responsible for implementation of the maintenance plan;
- d) The reporting requirements; and
- e) Copies of the inspection and maintenance reporting sheets.

(8) Exception from submission requirements. An exception may be granted from submission of any of these required components (except 7. above, Inspection, Maintenance, and Repair Plan) if its absence will not materially affect the review process. However, items required pursuant to the application requirements in the Pinelands CMP (N.J.A.C. 7:50-4.2(b)) and municipal code 25-27 et seq shall be submitted to the NJ Pinelands Commission unless the Executive Director waives or modifies the application requirements.

25-15.3 Methodologies for the Calculation of Stormwater Runoff Rate and Volume, Stormwater Runoff Quality, and Groundwater Recharge.

A. Method of Calculating Stormwater Runoff Rate and Volume.

(1) In complying with the Stormwater Runoff Quantity and Rate Standards in Section IV.B, the design engineer shall calculate the stormwater runoff rate and volume using the USDA Natural Resources Conservation Service (NRCS) Runoff Equation, Runoff Curve Numbers, and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Part 630 – Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds as amended and supplemented.

(2) In calculating stormwater runoff using the NRCS methodology, the design engineer shall separately calculate and then combine the runoff volumes from pervious and directly connected impervious surfaces within a drainage area.

(3) Calculation of stormwater runoff from unconnected impervious surfaces shall be based, as applicable, upon the Two-Step method described in the current New Jersey Stormwater Best Management Practices Manual or the NRCS methodology.

(4) In calculating stormwater runoff using the NRCS methodology, the design engineer shall use appropriate 24-hour rainfall depths as developed for the project site by the National Oceanic and Atmospheric Administration, available online at <http://hdsc.nws.noaa.gov/hdsc/pfds/index.html>.

(5) When calculating stormwater runoff for pre-developed site conditions, the design engineer shall use the following criteria:

a) When selecting or calculating Runoff Curve Numbers (CNs) for pre-developed project site conditions, the project site's land cover shall be assumed to be woods in good condition. However, another land cover may be used to calculate runoff coefficients if:

- i. Such land cover has existed at the site or portion thereof without interruption for at least five (5) years immediately prior to the time of application; and
- ii. The design engineer can document the character and extent of such land cover through the use of photographs, affidavits, and/or other acceptable land use records.

b) If more than one land cover has existed on the site during the five (5) years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations.

c) All pre-developed land covers shall be assumed to be in good hydrologic condition and, if cultivated, shall be assumed to have conservation treatment.

d) In calculating pre-developed site stormwater runoff, the design engineer shall include the effects of all land features and structures, such as ponds, wetlands, depressions, hedgerows, and culverts, that affect pre-developed site stormwater runoff rates and/or volumes.

e) Where tailwater will affect the hydraulic performance of a stormwater management measure, the design engineer shall include such effects in the measure's design.

B. Method of Calculating Stormwater Runoff Quality.

(1) In complying with the Stormwater Runoff Quality Standards in Section IV.F.1, the design engineer shall calculate the stormwater runoff rate and volume using the USDA Natural Resources Conservation Service (NRCS) Runoff Equation, Runoff Curve Numbers, and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Part 630 – Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds, as amended and supplemented.

(2) The design engineer shall also use the NJDEP Water Quality Design Storm, which is one and one-quarter (1.25) inches of rainfall falling in a nonlinear pattern in two (2) hours. Details of the Water Quality Design Storm are shown in Table 1.

(3) Calculation of runoff volumes, peak rates, and hydrographs for the Water Quality Design Storm may take into account the implementation of nonstructural and structural stormwater management measures.

Time (minutes)	Cumulative Rainfall (inches)	Time (minutes)	Cumulative Rainfall (inches)
0	0.0000	65	0.8917
5	0.0083	70	0.9917
10	0.0166	75	1.0500
15	0.0250	80	1.0840
20	0.0500	85	1.1170
25	0.0750	90	1.1500
30	0.1000	95	1.1750
35	0.1330	100	1.2000
40	0.1660	105	1.2250
45	0.2000	110	1.2334
50	0.2583	115	1.2417
55	0.3583	120	1.2500
60	0.6250		

(4) Total Suspended Solids (TSS) reduction calculations.

a) If more than one stormwater BMP in series is necessary to achieve the required eighty percent (80%) TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B) / 100, \text{ where:}$$

R = total TSS percent load removal from application of both BMPs;

A = the TSS percent removal rate applicable to the first BMP; and

B = the TSS percent removal rate applicable to the second BMP.

b) If there is more than one onsite drainage area, the eighty percent (80%) TSS removal rate shall apply to each drainage area, unless the runoff from the subareas converge on site, in which case the removal rate can be demonstrated through a calculation using a weighted average.

(5) TSS removal rates for stormwater BMPs.

a) For purposes of TSS reduction calculations, Table 2 presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey

¹ Source: N.J.A.C. 7:8-5.5(a).

BMP Manual. The BMP Manual may be obtained from the address identified in Section XII.A or found on the NJDEP's website at www.njstormwater.org. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2

b) Alternative stormwater management measures, removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the Borough. Any alternative stormwater management measure, removal rate or method of calculating the removal rate shall be subject to approval by the Borough and a copy shall be provided to the following:

- i. The Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418 Trenton, NJ, 08625-0418; and
- ii. The New Jersey Pinelands Commission, PO Box 7, New Lisbon, NJ, 08064.

Table 2: Pollutant Removal Rates for BMPs²			
Best Management Practice	TSS Percent Removal Rate	Total Phosphorus Percent Removal Rate	Total Nitrogen Percent Removal Rate
Bioretention Systems	90	60	30
Constructed Stormwater Wetland	90	50	30
Extended Detention Basin	40-60 (final rate based upon detention time; see New Jersey BMP Manual, Chap. 9)	20	20
Infiltration basin	80	60	50
Manufactured Treatment Device	Pollutant removal rates as certified by NJDEP; see Section III.	Pollutant removal rates as certified by NJDEP; see Section III.	Pollutant removal rates as certified by NJDEP; see Section III.
Pervious Paving Systems	80 (porous paving)	60	50
	80 (permeable pavers with storage bed)		
	0 - volume reduction only (permeable pavers without storage bed)	0 - volume reduction only (permeable pavers without storage bed)	0 - volume reduction only (permeable pavers without storage bed)
Sand Filter	80	50	35

² Source: 7:8-5.5(c) and New Jersey BMP Manual Chapter 4.

Vegetative Filter Strip (For filter strips with multiple vegetated covers, the final TSS removal rate should be based upon a weighted average of the adopted rates shown in Table 2, based upon the relative flow lengths through each cover type.)	60 (turf grass)	30	30
	70 (native grasses, meadow and planted woods)		
	80 (indigenous woods)		
Wet Pond / Retention Basin	50-90 (final rate based upon pool volume and detention time; see NJ BMP Manual)	50	30

(6) Nutrient removal rates for stormwater BMPs. For purposes of post-development nutrient load reduction calculations, Table 2 presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey BMP Manual. If alternative stormwater BMPs are proposed, the applicant shall demonstrate that the selected BMPs will achieve the nutrient removal standard required in Section IV.F.

C. Methods of Calculating Groundwater Recharge.

(1) In complying with the groundwater recharge requirements in Section IV.C.1.a, the design engineer may calculate groundwater recharge in accordance with the New Jersey Groundwater Recharge Spreadsheet (NJGRS) computer program incorporated herein by reference as amended and supplemented. Information regarding the methodology is available in Section XI.A or from the New Jersey BMP Manual.

(2) Alternative groundwater recharge calculation methods to meet these requirements may be used upon approval by the municipal engineer.

(3) In complying with the groundwater recharge requirements in Section IV.C.1.b, the design engineer shall:

- a) Calculate stormwater runoff volumes in accordance with the USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Runoff Curve Numbers, as described in the NRCS National Engineering Handbook Part 630 – Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds as amended and supplemented; and
- b) Use appropriate 2-year, 24-hour rainfall depths as developed for the project site by the National Oceanic and Atmospheric Administration, available online at <http://hdsc.nws.noaa.gov/hdsc/pfds/index.html>.

(4) When calculating groundwater recharge or stormwater runoff for pre-developed site conditions, the design engineer shall use the following criteria:

- a) When selecting land covers or calculating Runoff Curve Numbers (CNs) for pre-developed project site conditions, the project site's land cover shall be

assumed to be woods. However, another land cover may be used to calculate runoff coefficients if:

- i. Such land cover has existed at the site or portion thereof without interruption for at least five (5) years immediately prior to the time of application; and
 - ii. The design engineer can document the character and extent of such land cover through the use of photographs, affidavits, and/or other acceptable land use records.
- b) If more than one land cover, other than woods, has existed on the site during the five (5) years immediately prior to the time of application, the land cover with the lowest runoff potential (including woods) shall be used for the computations.
- c) All pre-developed land covers shall be assumed to be in good hydrologic condition and, if cultivated, shall be assumed to have conservation treatment.

25-15.4 Stormwater Management Performance Standards for Major Development.

A. Nonstructural Stormwater Management Strategies.

(1) To the maximum extent practicable, the performance standards in Section IV for major development shall be met by incorporating the nine (9) nonstructural strategies identified in Subchapter 5 of the NJ Stormwater Management Rules (N.J.A.C. 7:8-5), and set forth in Section II.C.4.a, into the design. The applicant shall identify within the Land Use Planning and Source Control Plan required by Section II.C.4 of this ordinance how each of the nine (9) nonstructural measures will be incorporated into the design of the project to the maximum extent practicable.

(2) If the applicant contends that it is not practical for engineering, environmental or safety reasons to incorporate any of the nine (9) nonstructural strategies into the design of a particular project, the applicant shall provide a detailed rationale establishing a basis for the contention that use of the strategy is not practical on the site. This rationale shall be submitted in accordance with the Checklist Requirements established by Section II to the Borough. A determination by the Borough that this rationale is inadequate or without merit shall result in a denial of the application unless one of the following conditions are met:

- a) The Land Use Planning and Source Control Plan is amended to include a description of how all nine (9) nonstructural measures will be implemented on the development site, and the amended Plan is approved by the Borough;
- b) The Land Use Planning and Source Control Plan is amended to provide an alternative nonstructural strategy or measure that is not included in the list of nine (9) nonstructural measures, but still meets the performance standards in Section IV, and the amended Plan is approved by the Borough; or

- c) The Land Use Planning and Source Control Plan is amended to provide an adequate rationale for the contention that use of the particular strategy is not practical on the site, and the amended Plan is approved by the Borough.

(3) In addition to all other requirements of this section, each applicant shall demonstrate that, at a minimum, existing trees and vegetation on the development site will be preserved, protected and maintained according to the minimum standards established by provisions of the Borough's Land Use Ordinance, Zoning Ordinance or by conditions of zoning or variance approval. Existing trees and vegetation shall be protected during construction activities in accordance with the "Standard for Tree Protection During Construction" provided in the NJ State Soil Conservation Committee Standards for Soil Erosion and Sediment Control in New Jersey, which is incorporated herein by reference as amended and supplemented.

(4) In addition to all other requirements of this section, each application for major development, and any other application where the Borough otherwise requires a landscaping plan, shall contain a landscaping or re-vegetation plan in accordance with the Pinelands CMP standards at N.J.A.C. 7:50-6.24(c).

(5) Any land area used as a nonstructural stormwater management measure to meet the performance standards in Section IV shall be dedicated to a government entity; shall be subjected to a conservation easement filed with the appropriate County Clerk's office; or shall be subjected to an equivalent form of restriction approved by the Borough that ensures that that measure, or equivalent stormwater management measure is maintained in perpetuity, as detailed in Section VI of this ordinance.

(6) Guidance for nonstructural stormwater management strategies is available in the New Jersey BMP Manual, which may be obtained from the address identified in Section XII.A or found on the NJDEP's website at www.njstormwater.org.

(7) Exception for major development sites creating less than one (1) acre of disturbance. The use of nonstructural strategies to meet the performance standards in Section IV of this ordinance is not required for major development creating less than one (1) acre of disturbance. However, the following requirements shall be met:

- a) Each application for major development and any other application where the Borough otherwise requires a landscaping plan shall contain a landscaping or re-vegetation plan prepared in accordance with the Pinelands CMP standards (N.J.A.C. 7:50-6.24(c));
- b) Each applicant shall demonstrate that, at a minimum, existing trees and vegetation on the development site will be preserved and protected according to the minimum standards established by provisions of the Borough's Land Use Ordinance, Zoning Ordinance or by conditions of zoning or variance approval; and
- c) Existing trees and vegetation shall be protected during construction activities in accordance with the "Standard for Tree Protection During Construction" provided in the NJ State Soil Conservation Committee Standards for Soil Erosion and Sediment Control in New Jersey, which is incorporated herein by reference as amended and supplemented.

B. Stormwater Runoff Quantity and Rate Standards.

(1) There shall be no direct discharge of stormwater runoff from any point or non-point source to any surface waterbody. In addition, stormwater runoff shall not be directed in such a way as to increase the volume and/or rate of discharge into any surface water body from that which existed prior to development of the site.

(2) For all major developments, the total runoff volume generated from the net increase in impervious surfaces by a ten (10) year, twenty-four (24) hour storm shall be retained and infiltrated onsite.

(3) In addition, the design engineer, using the assumptions and factors for stormwater runoff and groundwater recharge calculations contained in Section III, shall either:

a) Demonstrate through hydrologic and hydraulic analysis that the post-developed stormwater runoff hydrographs from the project site for the 2, 10, and 100-Year storms do not exceed, at any point in time, the site's pre-developed runoff hydrographs for the same storms;

b) Demonstrate through hydrologic and hydraulic analysis that under post-developed site conditions:

i. There is no increase in pre-developed stormwater runoff rates from the project site for the two (2), ten (10), and one hundred (100)-year storms; and

ii. Any increased stormwater runoff volume or change in stormwater runoff timing for the two (2), ten (10), and one hundred (100)-year storms will not increase flood damage at or downstream of the project site. When performing this analysis for pre-developed site conditions, all off-site development levels shall reflect existing conditions. When performing this analysis for post-developed site conditions, all off-site development levels shall reflect full development in accordance with current zoning and land use ordinances; or

c) Demonstrate that the peak post-developed stormwater runoff rates from the project site for the two (2), ten (10) and one hundred (100) year storms are fifty, seventy-five and eighty percent (50%, 75% and 80%), respectively, of the site's peak pre-developed stormwater runoff rates for the same storms. Peak outflow rates from onsite stormwater measures for these storms shall be adjusted where necessary to account for the discharge of increased stormwater runoff rates and/or volumes from project site areas not controlled by the onsite measures. These percentages do not have to be applied to those portions of the project site that are not proposed for development at the time of application, provided that such areas are:

i. Protected from future development by imposition of a conservation easement, deed restriction, or other acceptable legal measures; or

ii. Would be subject to review under these standards if they are proposed for any degree of development in the future.

(4) In tidal flood hazard areas, a stormwater runoff quantity analysis in accordance with a, b, and c above shall only be applied if the increased volume of stormwater runoff could increase flood damages below the point of discharge.

(5) The standards for stormwater runoff quantity and rate required by this section shall be met using the methods, calculations and assumptions provided in Section III.

C. Groundwater Recharge Standards.

(1) For all major developments, with the exception of those described in Section IV.C.4, below, the design engineer, using the assumptions and factors for stormwater runoff and groundwater recharge calculations contained in Section III, shall either:

a) Demonstrate through hydrologic and hydraulic analysis that the post-developed project site maintains 100 percent of the site's pre-developed average annual groundwater recharge volume; or

b) Demonstrate through hydrologic and hydraulic analysis that any increase in the project site's stormwater runoff volume for the two (2) year, twenty four (24) hour storm from pre-developed to post-developed conditions is infiltrated on-site.

(2) The design engineer shall assess the hydraulic impact on the groundwater table and design the project site and all site groundwater recharge measures so as to avoid adverse hydraulic impacts. Adverse hydraulic impacts include, but are not limited to: raising the groundwater table so as to cause surface ponding; flooding of basements and other subsurface structures and areas; preventing a stormwater infiltration basin from completely draining via infiltration within seventy-two (72) hours of a design storm event; and interference with the proper operation of subsurface sewage disposal systems and other surface and subsurface facilities in the vicinity of the groundwater recharge measure.

(3) The standards for groundwater recharge required by this section shall be met using the methods, calculations and assumptions provided in Section III.

D. Erosion Control Standards. The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and its implementing regulations, N.J.A.C 2:90-1.1 through 1.4.

E. Stormwater Runoff Quality Standards.

(1) There shall be no direct discharge of stormwater runoff from any point or non-point source to any surface waterbody.

(2) Stormwater management measures shall be designed to reduce the total suspended solids (TSS) load in the stormwater runoff from the post-developed site by eighty percent (80%) expressed as an annual average.

(3) Stormwater management measures shall also be designed to reduce the nutrient load in the stormwater runoff from the post-developed site by the maximum extent practicable. In achieving this reduction, the design of the development site shall include nonstructural and structural stormwater management measures that optimize

nutrient removal while still achieving the groundwater recharge, runoff quantity and rate, and TSS removal standards in this section.

(4) The standards for stormwater runoff quality required by this section shall be met using the methods, calculations, assumptions and pollutant removal rates provided in Section III.

(5) Exceptions.

a) The preceding stormwater runoff quality standards shall not apply to the following major development sites:

- i. Major development sites where less than one quarter (0.25) acre of additional impervious surface is proposed; or
- ii. Major residential development sites that create less than one (1) acre of disturbance.

b) The TSS reduction requirement in Section IV.F.2 shall not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the NJPDES rules (N.J.A.C. 7:14A) or in a discharge specifically exempt under a NJPDES permit from this requirement.

c) The stormwater runoff quantity and rate standards in Section IV.B shall still be met for all major development sites.

F. Additional stormwater quality standards for high pollutant loading areas and areas where stormwater runoff is exposed to source material.

(1) This subsection applies to the following areas of a major development as defined in Section VII of this ordinance:

- a) High pollutant loading areas (HPLAs); and
- b) Areas where stormwater is exposed to "source material."

(2) For a major development in areas described in 1.a or 1.b above, in addition to the infiltration requirements specified in Section IV.B.2 and the groundwater recharge requirements specified in Section IV.C, the applicant shall demonstrate in the Land Use Planning and Source Control Plan required in Section II.C.4 that the following requirements have been met:

- a) The extent of the areas described in 1.a. and 1.b. above have been minimized on the development site to the maximum extent practicable;
- b) The stormwater runoff from the areas described in 1.a and 1.b above is segregated to the maximum extent practicable from the stormwater runoff generated from the remainder of the site such that co-mingling of the stormwater runoff from the areas described in 1.a and 1.b above and the remainder of the site will be minimized;
- c) The amount of precipitation falling directly on the areas described in 1.a and 1.b above is minimized to the maximum extent practicable by means of a canopy,

roof or other similar structure that reduces the generation of stormwater runoff;
and

d) The stormwater runoff from or co-mingled with the areas described in 1.a and 1.b above for the Water Quality Design Storm, defined in Section III.B.Table 1 shall be subject to pretreatment by one or more of the following stormwater BMPs, designed in accordance with the New Jersey BMP Manual to provide 90 % TSS removal:

- i. Bioretention system;
- ii. Sand filter;
- iii. Wet pond with minimum 80% TSS removal rate;
- iv. Constructed stormwater wetlands; and/or
- v. Media filtration system manufactured treatment device with a minimum 80% TSS removal as verified by the New Jersey Corporation for Advanced Technology and as certified by NJDEP.

e) If the potential for contamination of stormwater runoff by petroleum products exists onsite, prior to being conveyed to the pretreatment BMP required in Section IV.D.2.d above, the stormwater runoff from the areas described in 1.a and 1.b above shall be conveyed through an oil/grease separator or other equivalent manufactured filtering device to remove the petroleum hydrocarbons. The applicant shall provide the reviewing agency with sufficient data to demonstrate acceptable performance of the device.

G. Threatened and Endangered Species and Associated Habitat Standards. Stormwater management measures shall avoid adverse impacts of the development on habitat for threatened and endangered species, in accordance with N.J.A.C. 7:8-5.2(c), N.J.A.C. 7:50-6.27, and 7:50-6.33 and 34.

H. Exceptions and Mitigation Requirements.

(1) Exceptions from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements established by this ordinance may be granted, at the discretion of the Borough, and subject to approval by the Pinelands Commission, provided that all of the following conditions are met:

- a) The exception is consistent with that allowed by the Borough;
- b) The Borough has an adopted and effective municipal stormwater management plan in accordance with N.J.A.C. 7:8-4.4, which includes a mitigation plan in accordance with N.J.A.C. 7:8-4.2(c)11, and is also certified by the Pinelands Commission. The mitigation plan shall identify what measures are necessary to offset the deficit created by granting the exception and the municipality shall submit a written report to the county review agency and the NJDEP describing the exception and the required mitigation. Guidance for developing municipal stormwater management plans, including mitigation

plans, is available from the NJDEP, Division of Watershed Management and the New Jersey BMP Manual.

- c) The applicant demonstrates that mitigation, in addition to the requirements of mitigation plan discussed in b) above, will be provided consistent with one of the following options:
 - i. Mitigation may be provided off-site, but within the Pinelands Area and within the same drainage area as the development site, and shall meet or exceed the equivalent recharge, quality or quantity performance standard which is lacking on the development site due to the exception; or
 - ii. In lieu of the required mitigation, a monetary "in lieu contribution" may be provided by the applicant to the Borough in accordance with the following:
 - (a) The amount of the in lieu contribution shall be determined by the Borough, but the maximum in lieu contribution required shall be equivalent to the cost of implementing and maintaining the stormwater management measure(s) for which the exception is granted;
 - (b) The in lieu contribution shall be used to fund an off-site stormwater control mitigation project(s) located within the Pinelands Area, within the same drainage area as the development site, and shall meet or exceed the equivalent recharge, quality or quantity performance standards which is lacking on the development site. Such mitigation project shall be identified by the Borough in the Borough's adopted municipal stormwater management plan. The stormwater control project to which the monetary contribution will be applied shall be identified by the Borough at the time the exception is granted. The applicant shall amend the project description and site plan required in Section II.C.3 to incorporate a description of both the standards for which an on-site exception is being granted and of the selected off-site mitigation project.
 - (c) The Borough shall expend the in lieu contribution to implement the selected off-site mitigation project within five (5) years from the date that payment is received. Should the Borough fail to expend the in lieu contribution within the required timeframe, the mitigation option provided in Section IV.H.1.c.iii of this ordinance shall be void and the Borough shall be prohibited from collecting in lieu contributions.
- (2) An exception from strict compliance granted in accordance with H.1. above shall not constitute a waiver of strict compliance from the requirements of the Pinelands Comprehensive Management Plan at N.J.A.C. 7:50. An applicant should contact the Pinelands Commission to determine whether a waiver of strict compliance is also required in accordance with N.J.A.C. 7:50, Subchapter 4, Part V.

25-15.5 Design, Construction, and Safety Standards for Structural Stormwater Management Measures

A. General Design and Construction Standards

(1) Structural stormwater management measures shall be designed to meet the standards established in this section. These standards have been developed to protect public safety, conserve natural features, create an aesthetically pleasing site and promote proper onsite stormwater management.

(2) The following structural stormwater management measures may be utilized as part of a stormwater management system at a major land development in the Pinelands, provided that the applicant demonstrates that they are designed, constructed and maintained so as to meet the standards and requirements established by this ordinance. If alternative stormwater management measures are proposed, the applicant shall demonstrate that the selected measures will achieve the standards established by this ordinance.

- a) Bioretention systems;
- b) Constructed stormwater wetlands;
- c) Extended detention basins;
- d) Infiltration basins;
- e) Vegetated filter strips;
- f) Infiltration basins and trenches;
- g) Wet ponds with suitable liners;
- h) Pervious paving systems; and
- i) Manufactured treatment devices, provided their pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the NJDEP.

(3) Structural stormwater management measures shall be designed to take into account the existing site conditions, including environmentally critical areas, wetlands, flood-prone areas, slopes, depth to seasonal high water table, soil type, permeability and texture, and drainage area and drainage patterns.

(4) Structural stormwater management measures shall be designed and constructed to be strong, durable, and corrosion resistant (measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.8 shall be deemed to meet this requirement); to minimize and facilitate maintenance and repairs; and to ensure proper functioning.

(5) For all stormwater management measures at a development site, each applicant shall submit a detailed Inspection, Maintenance and Repair Plan consistent with the requirements of Section V of this ordinance.

(6) To the maximum extent practicable, the design engineer shall design structural stormwater management measures on the development site in a manner that:

- a) Limits site disturbance, maximizes stormwater management efficiencies, and maintains or improves aesthetic conditions;
- b) Utilizes multiple stormwater management measures, smaller in size and distributed spatially throughout the land development site, instead of a single larger structural stormwater management measure;
- c) Incorporates pretreatment measures. Pretreatment can extend the functional life and increase the pollutant removal capability of a structural stormwater management measure. Pretreatment measures may be designed in accordance with the New Jersey BMP Manual or other sources approved by the municipal engineer.

(7) Stormwater management basins shall be designed in a manner that complements and mimics the existing natural landscape, including but not limited to the following design strategies:

- a) Use of natural, non-wetland wooded depressions for stormwater runoff storage; and
- b) Establishment of attractive landscaping in and around the basin that mimics the existing vegetation and incorporates native Pinelands plants, including, but not limited to, the species listed in N.J.A.C. 7:50-6.25 and 6.26.

(8) Stormwater management basins shall be designed with gently sloping sides. The maximum allowable basin side slope shall be three (3) horizontal to one (1) vertical (3:1).

(9) Guidance on the design and construction of structural stormwater management measures may be found in the New Jersey BMP Manual. Other guidance sources may also be used upon approval by the municipal engineer.

(10) After all construction activities and required field testing have been completed on the development site, as-built plans depicting design and as-built elevations of all stormwater management measures shall be prepared by a Licensed Land Surveyor and submitted to the municipal engineer. Based upon the municipal engineer's review of the as-built plans, all corrections or remedial actions deemed by the municipal engineer to be necessary due to the failure to comply with the standards established by this ordinance and/or any reasons of public health or safety, shall be completed by the applicant. In lieu of review by the municipal engineer, the Borough reserves the right to engage a Professional Engineer to review the as-built plans. The applicant shall pay all costs associated with such review.

B. Design and Construction Standards for Stormwater Infiltration BMP's.

(1) Stormwater infiltration BMP's, such as bioretention systems with infiltration, dry wells, infiltration basins, pervious paving systems with storage beds, and sand filters with infiltration, shall be designed, constructed and maintained to completely drain the total runoff volume generated by the basin's maximum design storm within seventy-two (72) hours after a storm event. Runoff storage for greater times can render the BMP ineffective and may result in anaerobic conditions, odor and both water quality and mosquito breeding problems.

(2) Stormwater infiltration BMPs shall be designed, constructed and maintained to provide a minimum separation of at least two (2) feet between the elevation of the lowest point of the bottom of the infiltration BMP and the seasonal high water table.

(3) A stormwater infiltration BMP shall be sited in suitable soils verified by field testing to have permeability rates between one (1) and twenty (20) inches per hour. If such site soils do not exist or if the design engineer demonstrates that it is not practical for engineering, environmental or safety reasons to site the stormwater infiltration BMP(s) in such soils, then the stormwater infiltration BMP(s) may be sited in soils verified by field testing to have permeability rates in excess of twenty (20) inches per hour, provided that a bioretention system, designed, installed and maintained in accordance with the New Jersey BMP Manual, is installed to meet one of the following conditions:

- a) The bioretention system is constructed as a separate measure designed to provide pretreatment of stormwater and to convey the pretreated stormwater into the infiltration BMP; or
- b) The bioretention system is integrated into and made part of the infiltration BMP and, as such, does not require an underdrain system. If this option is selected, the infiltration BMP shall be designed and constructed so that the maximum water depth in the bioretention system portion of the BMP during treatment of the stormwater quality design storm is twelve (12) inches in accordance with the New Jersey BMP Manual.

(4) The minimum design permeability rate for the soil within a BMP that relies on infiltration shall be one-half (0.5) inch per hour. A factor of safety of two (2) shall be applied to the soil's field-tested permeability rate to determine the soil's design permeability rate. For example, if the field-tested permeability rate of the soil is four (4) inches per hour, its design permeability rate would be two (2) inches per hour). The minimum design permeability rate for the soil within a stormwater infiltration basin shall also be sufficient to achieve the minimum seventy-two (72) hour drain time described in 1. above. The maximum design permeability shall be ten (10) inches per hour.

(5) A soil's field-tested permeability rate shall be determined in accordance with the following:

- a) The pre-development field test permeability rate shall be determined according to the methodologies provided in Section XI.C.3 of this ordinance;
- b) The results of the required field permeability tests shall demonstrate a minimum tested infiltration rate of one (1) inch per hour;
- c) After all construction activities have been completed on the site and the finished grade has been established in the infiltration BMP, post-development field permeability tests shall also be conducted according to the methodologies provided in Section XI.C.3 of this ordinance;
- d) If the results of the post-development field permeability tests fail to achieve the minimum required design permeability rates in 5 above utilizing a factor of

safety of two (2), the stormwater infiltration BMP shall be renovated and re-tested until such minimum required design permeability rates are achieved; and

e) The results of all field permeability tests shall be certified by a Professional Engineer and transmitted to the municipal engineer.

(6) To help ensure maintenance of the design permeability rate over time, a six (6) inch layer of K5 soil shall be placed on the bottom of a stormwater infiltration BMP. This soil layer shall meet the textural and permeability specifications of a K5 soil as provided at N.J.A.C. 7:9A, Appendix A, Figure 6, and be certified to meet these specifications by a Professional Engineer licensed in the State of New Jersey. The depth to the seasonal high water table shall be measured from the bottom of the K5 sand layer.

(7) The design engineer shall assess the hydraulic impact on the groundwater table and design the project site and all stormwater infiltration basins so as to avoid adverse hydraulic impacts. Adverse hydraulic impacts include, but are not limited to: raising the groundwater table so as to cause surface ponding; flooding of basements and other subsurface structures and areas; preventing a stormwater infiltration basin from completely draining via infiltration within seventy-two (72) hours of a design storm event; and interference with the proper operation of subsurface sewage disposal systems and other surface and subsurface structures in the vicinity of the stormwater infiltration basin.

(8) The design engineer shall conduct a mounding analysis, as defined in Section VII, of all stormwater infiltration BMPs. The mounding analysis shall be conducted in accordance with the requirements in Section XI.C.3.o.

(9) Stormwater infiltration BMPs shall be constructed in accordance with the following:

- a) To avoid sedimentation that may result in clogging and reduce the basin's permeability rate, stormwater infiltration basins shall be constructed according to the following:
 - i. Unless the conditions in (ii) below are met, a stormwater infiltration basin shall not be placed into operation until its drainage area is completely stabilized. Instead, upstream runoff shall be diverted around the basin and into separate, temporary stormwater management facilities and sediment basins. Such temporary facilities and basins shall be installed and utilized for stormwater management and sediment control until stabilization is achieved in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey, which is incorporated herein by reference as amended and supplemented.
 - ii. If the design engineer determines that, for engineering, environmental or safety reasons, temporary stormwater management facilities and sediment basins cannot be constructed on the site, the stormwater infiltration basin may be placed into operation prior to the complete stabilization of its drainage area provided that the basin's bottom during this period is constructed at a depth at least two (2) feet higher than its final design

elevation. All other infiltration BMP construction requirements in this section shall be followed. When the drainage area is completely stabilized, all accumulated sediment shall be removed from the infiltration BMP, which shall then be excavated to its final design elevation in accordance with the construction requirements of this section and the performance standards in Section IV.

- b) To avoid compaction of sub-grade soils of BMP's that rely on infiltration, no heavy equipment such as backhoes, dump trucks or bulldozers shall be permitted to operate within the footprint of the BMP. All excavation required to construct a stormwater infiltration BMP shall be performed by equipment placed outside the BMP. If this is not possible, the soils within the excavated area shall be renovated and tilled after construction is completed to reverse the effects of compaction. In addition, post-development soil permeability testing shall be performed in accordance with B.5 of this section.
- c) Earthwork associated with stormwater infiltration BMP construction, including excavation, grading, cutting or filling, shall not be performed when soil moisture content is above the lower plastic limit.

C. Safety Standards for Structural Stormwater Management Measures

(1) If a structural stormwater management measure has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions means the permanent installation of ladders, steps, rungs, or other features that provide readily accessible means of ingress and egress from the outlet structure.

(2) A trash rack is a device intended to intercept runoff-borne trash and debris that might otherwise block the hydraulic openings in an outlet structure of a structural stormwater management measure. Trash racks shall be installed upstream of such outlet structure openings as necessary to ensure proper functioning of the structural stormwater management measure in accordance with the following:

- a) The trash rack should be constructed primarily of bars aligned in the direction of flow with one (1) inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the bars shall be spaced no greater than one-third (1/3) the width of the hydraulic opening it is protecting or six inches, whichever is less. Transverse bars aligned perpendicular to flow should be sized and spaced as necessary for rack stability and strength.
- b) The trash rack shall not adversely affect the hydraulic performance of either the outlet structure opening it is protecting or the overall outlet structure.
- c) The trash rack shall have sufficient net open area under clean conditions to limit the peak design storm velocity through it to a maximum of 2.5 feet per second.
- d) The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.

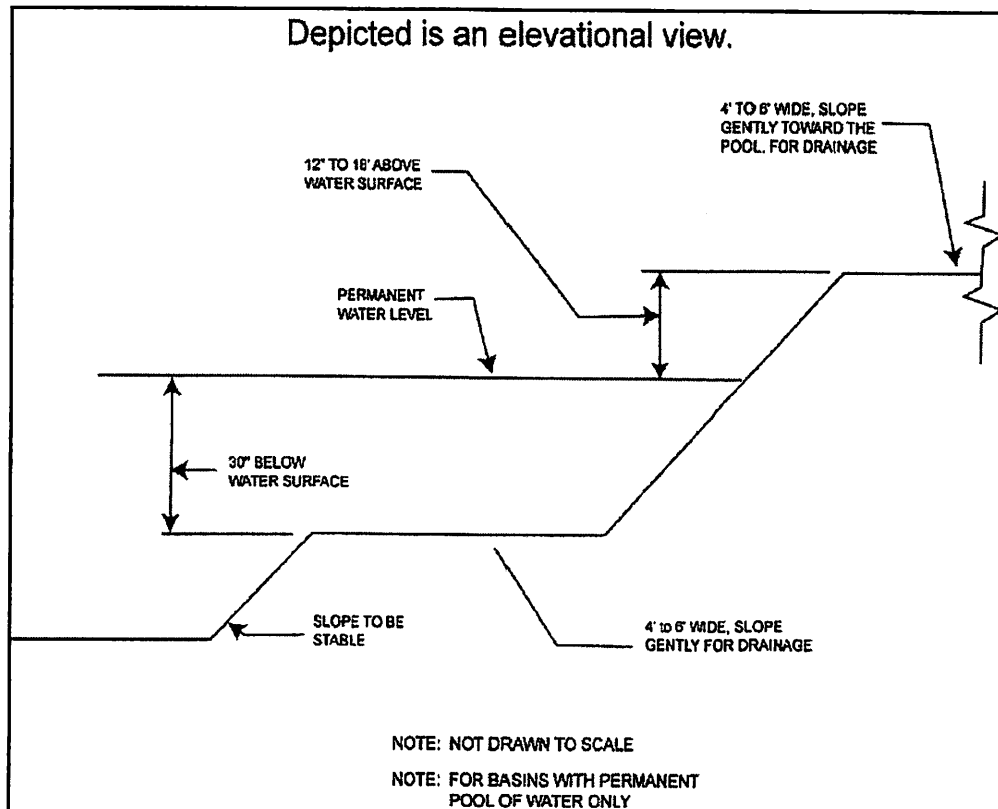
(3) An overflow grate is a device intended to protect the opening in the top of a stormwater management measure outlet structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

- a) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance;
- b) The overflow grate spacing shall be no more than two (2) inches across the smallest dimension; and
- c) The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of three hundred (300) pounds per square foot.

(4) The maximum side slope for an earthen dam, embankment, or berm shall not be steeper than three (3) horizontal to one (1) vertical (3:1).

(5) Safety ledges shall be constructed on the slopes of all new structural stormwater management measures having a permanent pool of water deeper than two and one-half feet. Such safety ledges shall be comprised of two steps. Each step shall be four (4) to six (6) feet in width. One step shall be located approximately two and one-half (2½) feet below the permanent water surface, and the second step shall be located one (1) to one and one-half (1½) feet above the permanent water surface. See a) below, for an illustration of safety ledges in a stormwater management basin.

- a) Illustration of safety ledges.



Source: N.J.A.C. 7:8-6 Appendix A.

25-15.6 Inspection, Maintenance and Repair of Stormwater Management Measures

A. Applicability. Projects subject to review pursuant to Section I.C of this ordinance shall comply with the requirements of Sections VI.B and VI.C below.

B. General Inspection, Maintenance and Repair Plan.

(1) The design engineer shall prepare an Inspection, Maintenance and Repair Plan for the stormwater management measures, including both structural and nonstructural measures incorporated into the design of a major development. This plan shall be submitted as part of the Checklist Requirements established in Section II.C.

Inspection and maintenance guidelines for stormwater management measures are available in the New Jersey BMP Manual.

(2) The Inspection, Maintenance and Repair Plan shall contain the following:

a) Accurate and comprehensive drawings of the site's stormwater management measures;

b) Specific locations of each stormwater management measure identified by means of longitude and latitude as well as block and lot number;

c) Specific preventative and corrective maintenance tasks and schedules for such tasks for each stormwater BMP;

d) Cost estimates, including estimated cost of sediment, debris or trash removal; and

e) The name, address and telephone number of the person or persons responsible for regular inspections and preventative and corrective maintenance (including repair and replacement). If the responsible person or persons is a corporation, company, partnership, firm, association, municipality or political subdivision of this State, the name and telephone number of an appropriate contact person shall also be included.

(3) The person responsible for inspection, maintenance and repair identified under Section VI.B.2 above shall maintain a detailed log of all preventative and corrective maintenance performed for the site's stormwater management measures, including a record of all inspections and copies of all maintenance-related work orders in the Inspection, Maintenance and Repair Plan. Said records and inspection reports shall be retained for a minimum of five (5) years.

(4) If the Inspection, Maintenance and Repair Plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for inspection and maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management measure to such person under an applicable ordinance or regulation.

(5) If the person responsible for inspection, maintenance and repair identified under Section VI.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section VI.B.6 below shall be recorded upon the deed of

record for each property on which the maintenance described in the maintenance plan shall be undertaken.

- (6) The person responsible for inspection, maintenance and repair identified under Section VI.B.2 above shall evaluate the effectiveness of the Inspection, Maintenance and Repair Plan at least once per year and update the plan and the deed as needed.
- (7) The person responsible for inspection, maintenance and repair identified under Section VI.B.2 above shall submit the updated Inspection, Maintenance and Repair Plan and the documentation required by Sections VI.B.2 and VI.B.3 above to the Borough once per year.
- (8) The person responsible for inspection, maintenance and repair identified under Section VI.B.2 above shall retain and make available, upon request by any public entity with administrative, health, environmental or safety authority over the site the Inspection, Maintenance and Repair Plan and the documentation required by Sections VI.B.2 and VI.B.3 above.

C. Responsibility for inspection, repair and maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project.

D. Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including, but not limited to: repairs or replacement to any associated appurtenance of the measure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; repair or replacement of linings; and restoration of infiltration function.

E. Stormwater management measure easements shall be provided by the property owner as necessary for facility inspections and maintenance and preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities. The purpose of the easement shall be specified in the maintenance agreement.

F. In the event that the stormwater management measure becomes a public health nuisance or danger to public safety or public health, or if it is in need of maintenance or repair, the Borough shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or the municipal engineer's designee. The Borough, at its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair within the allowable time, the Borough may immediately proceed to do so with its own forces and equipment and/or through contractors. The costs and expenses of such maintenance and repair by the Borough shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the maintenance and repair was performed.

G. Requirements for Inspection, Maintenance and Repair of Stormwater BMP's that rely on infiltration. If a stormwater infiltration BMP is incorporated into the design of a major development, the applicant shall include the following requirements in its Inspection, Maintenance and Repair Plan:

- (1) Once per month (if needed): Mow side slopes, remove litter and debris, stabilize eroded banks, repair erosion at inflow structure(s);
- (2) After every storm exceeding one (1) inch of rainfall: Ensure that infiltration BMPs drain completely within seventy-two (72) hours after the storm event. If stored water fails to infiltrate seventy-two (72) hours after the end of the storm, corrective measures shall be taken. Raking or tilling by light equipment can assist in maintaining infiltration capacity and break up clogged surfaces;
- (3) Four times per year (quarterly): Inspect stormwater infiltration BMPs for clogging and excessive debris and sediment accumulation within the BMP, remove sediment (if needed) when completely dry;
- (4) Two times per year: Inspect for signs of damage to structures, repair eroded areas, check for signs of petroleum contamination and remediate;
- (5) Once per year: Inspect BMPs for unwanted tree growth and remove if necessary, disc or otherwise aerate bottom of infiltration basin to a minimum depth of six (6) inches; and
- (6) After every storm exceeding one (1) inch of rainfall, inspect and, if necessary, remove and replace K5 sand layer and accumulated sediment, to restore original infiltration rate.
- (7) Additional guidance for the inspection, maintenance and repair of stormwater infiltration BMPs can be found in the New Jersey BMP Manual.

H. Maintenance Guarantee. The applicant shall provide a maintenance guarantee to ensure that all stormwater management measures required under the provisions of this ordinance will be maintained in perpetuity according to the specifications established herein. The Borough Engineer shall calculate, in accordance with accepted engineering procedures, the reasonable financial amount required for the perpetual maintenance of all stormwater management issues associated with the plan. Conditioned upon the Borough's approval, this guarantee may be accomplished by one or more mechanisms, including, but not limited to, the following:

- (1) The applicant may be required to post a bond or other financial assurance mechanism in the amount the Borough determines is needed to provide maintenance in perpetuity of all stormwater management measures; or
- (2) The applicant may be required to deposit funds in escrow in the amount the Borough determines is needed to provide maintenance in perpetuity of all stormwater management measures.

25-15.7 Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to

give this ordinance its most reasonable application. When used in this ordinance, the following terms shall have the meanings herein ascribed to them.

“The Borough” means the Land Use Board or other board, agency or official of the Borough of Lakehurst with authority to approve or disapprove subdivisions, site plans, construction permits, building permits or other applications for development approval. For the purposes of reviewing development applications and ensuring compliance with the requirements of this ordinance, the Borough of Lakehurst may designate the municipal engineer or other qualified designee to act on behalf of the Borough of Lakehurst.

“Aquaculture” means the propagation, rearing and subsequent harvesting of aquatic organisms in controlled or selected environments, and their subsequent processing, packaging and marketing, including but not limited to, activities to intervene in the rearing process to increase production such as stocking, feeding, transplanting and providing for protection from predators.

“Certification” means either a written statement signed and sealed by a licensed New Jersey Professional Engineer attesting that a BMP design or stormwater management system conforms to or meets a particular set of standards or to action taken by the Commission pursuant to N.J.A.C. 7:50-3, Part II or Part IV. Depending upon the context in which the term is use, the terms "certify" and "certified" shall be construed accordingly.

“Compaction” means the increase in soil bulk density caused by subjecting soil to greater-than-normal loading. Compaction can also decrease soil infiltration and permeability rates.

"Construction" means the construction, erection, reconstruction, alteration, conversion, demolition, removal or equipping of buildings, structures or components of a stormwater management system including but not limited to collection inlets, stormwater piping, swales and all other conveyance systems, and stormwater BMPs.

“County review agency” means an agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

A county planning agency; or

A county water resource association created under N.J.S.A. 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

“Design engineer” means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

“Design permeability” means the tested permeability rate with a factor of safety of two (2) applied to it (e.g., if the tested permeability rate of the soils is four (4) inches per hour, the design rate would be two (2) inches per hour).

“Development” means the change of or enlargement of any use or disturbance of any land, the performance of any building or mining operation, the division of land into two or more parcels, and the creation or termination of rights of access or riparian rights including, but not limited to:

1. A change in type of use of a structure or land;
2. A reconstruction, alteration of the size, or material change in the external appearance of a structure or land;
3. A material increase in the intensity of use of land, such as an increase in the number of businesses, manufacturing establishments, offices or dwelling units in a structure or on land;
4. Commencement of resource extraction or drilling or excavation on a parcel of land;
5. Demolition of a structure or removal of trees;
6. Commencement of forestry activities;
7. Deposit of refuse, solid or liquid waste or fill on a parcel of land;
8. In connection with the use of land, the making of any material change in noise levels, thermal conditions, or emissions of waste material; and
9. Alteration, either physically or chemically, of a shore, bank, or flood plain, seacoast, river, stream, lake, pond, wetlands or artificial body of water.

In the case of development on agricultural land, i.e. lands used for an agricultural use or purpose as defined at N.J.A.C. 7:50-2.11, development means: any activity that requires a State permit; any activity reviewed by the County Agricultural Boards (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A. 4:1C-1 et seq.

“Development, major” means any division of land into five or more lots; any construction or expansion of any housing development of five or more dwelling units; any construction or expansion of any commercial or industrial use or structure on a site of more than three acres; or any “development,” grading,

clearing or disturbance of an area in excess of five thousand square feet (5,000 ft²). Disturbance for the purpose of this ordinance is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting or removing of vegetation.

“Development, minor” means all development other than major development.

“Drainage area” means a geographic area within which stormwater, sediments, or dissolved materials drain to a BMP, a stormwater management system, a particular receiving waterbody or a particular point along a receiving waterbody.

“Environmentally critical area” means an area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitat of endangered or threatened animal species; threatened or endangered plants of the Pinelands pursuant to N.J.A.C. 7:5-6.27(a); large areas of contiguous open space or upland forest; steep slopes; and well head protection and groundwater recharge areas. T & E habitat constitutes habitat that is critical for the survival of a local population of threatened and endangered species or habitat that is identified using the Department’s Landscape Project as approved by the Department’s Endangered and Non-game Species Program, whichever is more inclusive. Threatened and endangered wildlife shall be protected in conformance with N.J.A.C. 7:50-6.33.

“Exception” means the approval by the approving authority of a variance or other material departure from strict compliance with any section, part, phrase or provision of this ordinance. An exception may be granted only under certain specific, narrowly defined conditions described herein and does not constitute a waiver of strict compliance with any section, part, phrase or provision of the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-1.1 et seq.).

“Extended detention basin” means a facility constructed through filling and/or excavation that provides temporary storage of stormwater runoff. It has an outlet structure that detains and attenuates runoff inflows and promotes the settlement of pollutants. An extended detention basin is normally designed as a multi-stage facility that provides runoff storage and attenuation for both stormwater quality and quantity management. The term “stormwater detention basin” shall have the same meaning as “extended detention basin.”

"Finished grade" means the elevation of the surface of the ground after completion of final grading, either via cutting, filling or a combination thereof.

"Grading" means modification of a land slope by cutting and filling with the native soil or re-distribution of the native soil which is present at the site.

"Groundwater" means water below the land surface in a zone of saturation.

"Groundwater mounding analysis" means a test performed to demonstrate that the groundwater below a stormwater infiltration basin will not "mound up," encroach on the unsaturated zone, break the surface of the ground at the infiltration area or downslope, and create an overland flow situation.

"Heavy Equipment" means equipment, machinery, or vehicles that exert ground pressure in excess of eight (8) pounds per square inch.

"High Pollutant Loading Area" means an area in an industrial or commercial development site: where solvents and/or petroleum products are loaded/unloaded, stored, or applied; where pesticides are loaded/unloaded or stored; where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; where recharge would be inconsistent with NJDEP-approved remedial action work plan or landfill closure plan; and/or where a high risk exists for spills of toxic materials, such as gas stations and vehicle maintenance facilities. The term "HPLA" shall have the same meaning as "High Pollutant Loading Area."

"Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

"Infiltration" is the process by which precipitation enters the soil through its surface.

"In lieu contribution" means a monetary fee collected by the Borough in lieu of requiring strict on-site compliance with the groundwater recharge, stormwater runoff quantity and/or stormwater runoff quality standards established in this ordinance.

"Install" means to assemble, construct, put in place or connect components of a stormwater management system.

"Mitigation" means acts necessary to prevent, limit, remedy or compensate for conditions that may result from those cases where an applicant has demonstrated the inability or impracticality of strict compliance with the stormwater management requirements set forth in N.J.A.C. 7:8, in an adopted regional

stormwater management plan, or in a local ordinance which is as protective as N.J.A.C. 7:8, and an exception from strict compliance is granted by the Borough and the Pinelands Commission.

“New Jersey Stormwater Best Management Practices Manual” means guidance developed by the New Jersey Department of Environmental Protection, in coordination with the New Jersey Department of Agriculture, the New Jersey Department of Community Affairs, the New Jersey Department of Transportation, municipal engineers, county engineers, consulting firms, contractors, and environmental organizations to address the standards in the New Jersey Stormwater Management Rules, N.J.A.C. 7:8. The BMP manual provides examples of ways to meet the standards contained in the rule. An applicant may demonstrate that other proposed management practices will also achieve the standards established in the rules. The manual, and notices regarding future versions of the manual, are available from the Division of Watershed Management, NJDEP, PO Box 418, Trenton, New Jersey 08625; and on the NJDEP’s website, www.njstormwater.org. The term “New Jersey BMP Manual” shall have the same meaning as “New Jersey Stormwater Best Management Practices Manual.”

“NJDEP” means the New Jersey Department of Environmental Protection.

"NJPDES" means the New Jersey Pollutant Discharge Elimination System as set forth in N.J.S.A. 58:10A-1 et seq. and in N.J.A.C. 7:14A.

"NJPDES permit" means a permit issued by the NJDEP pursuant to the authority of the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and N.J.A.C. 7:14A for a discharge of pollutants.

"Non-point source" means:

1. Any human-made or human-induced activity, factor, or condition, other than a point source, from which pollutants are or may be discharged;
2. Any human-made or human-induced activity, factor, or condition, other than a point source, that may temporarily or permanently change any chemical, physical, biological, or radiological characteristic of waters of the State from what was or is the natural, pristine condition of such waters, or that may increase the degree of such change; or
3. Any activity, factor, or condition, other than a point source, that contributes or may contribute to water pollution.

The term “NPS” shall have the same meaning as “non-point source.”

“Nonstructural BMP” means a stormwater management measure, strategy or combination of strategies that reduces adverse stormwater runoff impacts through sound site planning and design. Nonstructural BMPs include such practices as minimizing site disturbance, preserving important site features, reducing and disconnecting impervious cover, flattening slopes, utilizing native vegetation, minimizing turf grass lawns, maintaining natural drainage features and characteristics and controlling stormwater runoff and pollutants closer to the source. The term “Low Impact Development technique” shall have the same meaning as “nonstructural BMP.”

“Nutrient” means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

"Permeability" means the rate at which water moves through a saturated unit area of soil or rock material at hydraulic gradient of one, determined as prescribed in N.J.A.C. 7:9A-6.2 (Tube Permeameter Test), N.J.A.C. 6.5 (Pit Bailing Test) or N.J.A.C. 6.6 (Piezometer Test). Alternative permeability test procedures may be accepted by the approving authority provided the test procedure attains saturation of surrounding soils, accounts for hydraulic head effects on infiltration rates, provides a permeability rate with units expressed in inches per hour and is accompanied by a published source reference. Examples of suitable sources include hydrogeology, geotechnical, or engineering text and design manuals, proceedings of American Society for Testing and Materials (ASTM) symposia, or peer-review journals. Neither a Soil Permeability Class Rating Test, as described in N.J.A.C. 7:9A-6.3, nor a Percolation Test, as described in N.J.A.C. 7:9A-6.4, are acceptable tests for establishing permeability values for the purpose of complying with this ordinance.

"Permeable" means having a permeability of one (1) inch per hour or faster. The terms "permeable soil," "permeable rock" and "permeable fill" shall be construed accordingly.

“Person” means any individual, corporation, company, partnership, firm, association, municipality or political subdivision of this State subject to municipal jurisdiction pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

“Pinelands Commission” or “Commission” means the Commission created pursuant Section 5 of the Pinelands Protection Act, N.J.S.A. 13:18A-5.

"Pinelands CMP" means the New Jersey Pinelands Comprehensive Management Plan (N.J.A.C. 7:50 1.1 et seq).

"Point source" means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well,

discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substances (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), thermal waste, wrecked or discarded equipment, rock, sand, suspended solids, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, groundwaters or surface waters of the State, or to a domestic treatment works. “Pollutant” includes both hazardous and nonhazardous pollutants.

"Professional Engineer" means a person licensed to practice Professional Engineering in the State of New Jersey pursuant to N.J.S.A. 48:8-27 et seq.

“Recharge” means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

"Replicate" means one of two or more soil samples or tests taken at the same location (within five feet of each other) and depth, within the same soil horizon or substratum. In the case of fill material, replicate tests are tests performed on sub-samples of the same bulk sample packed to the same bulk density.

"Sand" means a particle size category consisting of mineral particles which are between 0.05 and 2.0 millimeters in equivalent spherical diameter. Also, a soil textural class having 85 percent or more of sand and a content of silt and clay such that the percentage of silt plus 1.5 times the percentage of clay does not exceed 15, as shown in Section XI.C.1 (USDA Soil Textural Triangle).

"Seasonally high water table" means the upper limit of the shallowest zone of saturation which occurs in the soil, identified as prescribed in N.J.A.C. 7:9A-5.8.

“Sediment” means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

“Site” means the lot or lots upon which a major development is to occur or has occurred.

“Soil” means all unconsolidated mineral and organic material of any origin, which is not a rock substratum, including sediments below the biologically active and/or weathered zones.

“Source material” means any material(s) or machinery, located at an industrial facility that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

“Stormwater” means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

“Stormwater infiltration BMP” means a basin or other facility constructed within permeable soils that provides temporary storage of stormwater runoff. An infiltration BMP does not normally have a structural outlet to discharge runoff from the stormwater quality design storm. Instead, outflow from an infiltration BMP is through the surrounding soil. The terms “infiltration measure” and “infiltration practice” shall have the same meaning as “stormwater infiltration basin.”

“Stormwater management measure” means any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances. This includes, but is not limited to, structural and nonstructural stormwater Best Management Practices described in the New Jersey BMP Manual and designed to meet the standards for stormwater control contained within this ordinance. The terms “stormwater Best Management Practice” and “stormwater BMP” shall have the same meaning as “stormwater management measure.”

“Stormwater runoff” means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

"Suitable soil" means unsaturated soil, above the seasonally high water table, which contains less than fifty percent (50%) by volume of coarse fragments and

which has a tested permeability rate of between one (1) and twenty (20) inches per hour.

"Surface water" means any waters of the State which are not groundwater.

"Time of concentration" means the time it takes for runoff to travel from the hydraulically most distant point of the drainage area to the point of interest within a watershed.

"Total Suspended Solids" means the insoluble solid matter suspended in water and stormwater that is separable by laboratory filtration in accordance with the procedure contained in the "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, American Water Works Association and the Water Pollution Control Federation. The term "TSS" shall have the same meaning as "Total Suspended Solids."

"Tidal Flood Hazard Area" means a flood hazard area, which may be influenced by stormwater runoff from inland areas, but which is primarily caused by the Atlantic Ocean.

"Waters of the State" means the ocean and its estuaries, all springs, streams and bodies of surface and groundwater, whether natural or artificial, within the boundaries of New Jersey or subject to its jurisdiction.

"Water table" means the upper surface of a zone of saturation.

"Well" means a bored, drilled or driven shaft, or a dug hole, which extends below the seasonally high water table and which has a depth which is greater than its largest surface dimension.

"Wetlands" mean those lands, which are inundated or saturated by water at a magnitude, duration and frequency sufficient to support the growth of hydrophytes. Wetlands include lands with poorly drained or very poorly drained soils as designated by the National Cooperative Soils Survey of the Soil Conservation Service of the United States Department of Agriculture. Wetlands include coastal wetlands and inland wetlands, including submerged lands. The "New Jersey Pinelands Commission Manual for Identifying and Delineating Pinelands Area Wetlands: A Pinelands Supplement to the Federal Manual for Identifying and Delineating Jurisdictional Wetlands," dated January, 1991, as amended, may be utilized in delineating the extent of wetlands based on the definitions of wetlands and wetlands soils contained in this section, N.J.A.C. 7:50

2.11, 6.4 and 6.5. The term “wetland” shall have the same meaning as “wetlands.”

“Wet pond” means a stormwater facility constructed through filling and/or excavation that provides both permanent and temporary storage of stormwater runoff. It has an outlet structure that creates a permanent pool and detains and attenuates runoff inflows and promotes the settling of pollutants. A stormwater retention basin can also be designed as a multi-stage facility that also provides extended detention for enhanced stormwater quality design storm treatment and runoff storage and attenuation for stormwater quantity management. The term “stormwater retention basin” shall have the same meaning as “wet pond.”

25-15.8 Penalties. Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the following penalties:

1. A fine not less than \$ 500.00 and not to exceed \$ 1,250.00;
2. Imprisonment up to 90 days in the county jail;
3. Or both

For purposes of this ordinance each 24-hour period shall be a separate and distinct offense.

25-15.9 Effective Date.

This ordinance shall take effect immediately upon the following:

- A) Certification by the Pinelands Commission in accordance with N.J.A.C. 7:50 Subchapter 3; and
- B) Approval by the county review agency.

25-15.10 Severability.

If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this ordinance.

25-15.11 Appendices.

A. Methods for Calculating Groundwater Recharge.

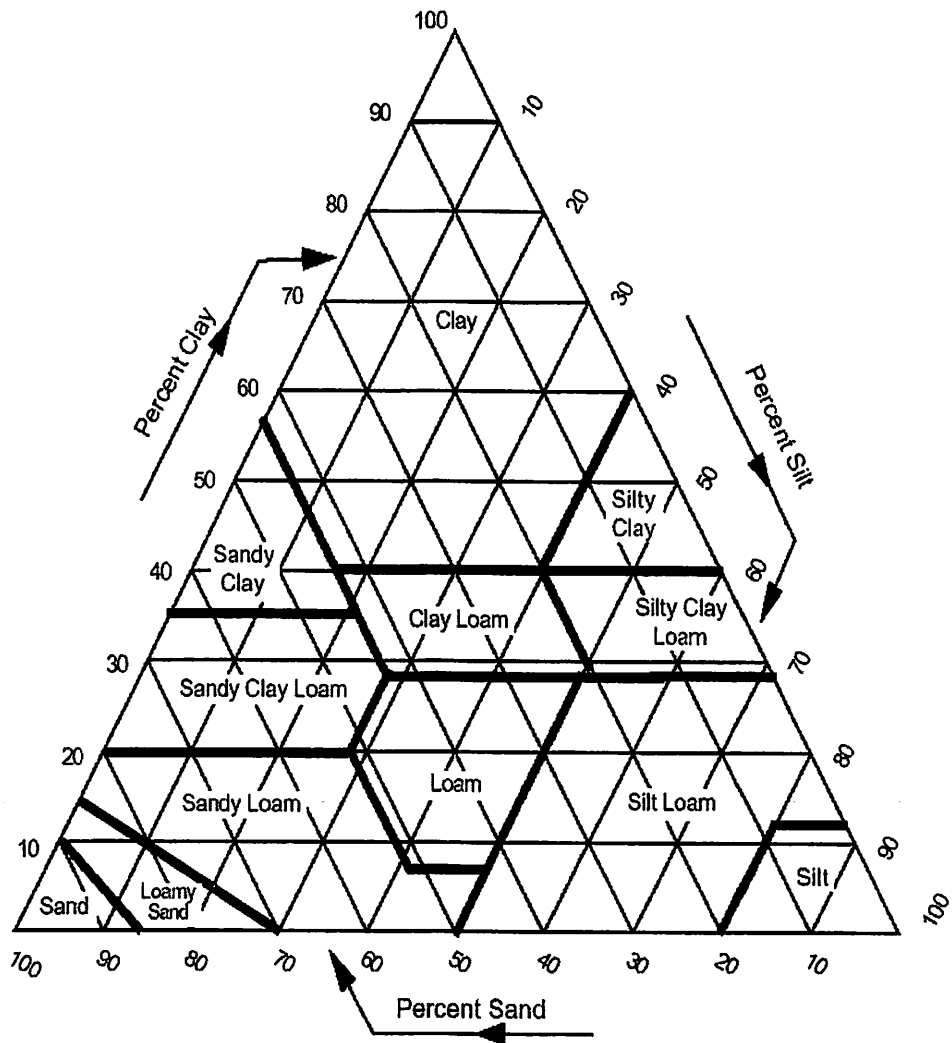
(1) The New Jersey Geological Survey Report GSR-32: A Method for Evaluating Ground-Water Recharge Areas in New Jersey. Available at <http://www.njgeology.org/geodata/dgs99-2.htm>.

(2) The New Jersey Groundwater Recharge Spreadsheet (NJGRS). Available in the New Jersey BMP Manual, Chapter 6, at http://www.njstormwater.org/bmp_manual2.htm.

B. NJDEP Nonstructural Strategies Point System (Reserved).

C. Soils.

(1) USDA Soil Textural Triangle.



Source: US Department of Agriculture.

(2) Definitions. For the purposes of this appendix, the following terms shall have the meanings herein ascribed to them.

"A-horizon" means the uppermost mineral horizon in a normal soil profile. The upper part of the A-horizon is characterized by maximum accumulation of finely divided, dark colored organic residues, known as humus, which are intimately mixed with the mineral particles of the soil.

"Artesian zone of saturation" means a zone of saturation which exists immediately below a hydraulically restrictive horizon, and which has an upper surface which is at a pressure greater than atmospheric, either seasonally or throughout the year.

"Chroma" means the relative purity or strength of a color, a quantity which decreases with increasing grayness. Chroma is one of the three variables of soil color as defined in the Munsell system of classification.

"Clay" means a particle size category consisting of mineral particles which are smaller than 0.002 millimeters in equivalent spherical diameter. Also, a soil textural class having more than 40 percent clay, less than 45 percent sand, and less than 40 percent silt, as shown in Section XI.C.1 (USDA Soil Textural Triangle).

"Clay loam" means a soil textural class having 27 to 40 percent clay and 20 to 45 percent sand, as shown in Section XI.C.1 (USDA Soil Textural Triangle).

"Coarse fragment" means a rock fragment contained within the soil which is greater than two millimeters in equivalent spherical diameter or which is retained on a two millimeter sieve.

"County soil survey report" means a report prepared by the US Department of Agriculture, Natural Resources Conservation Service which includes maps showing the distribution of soil mapping units throughout a particular county together with narrative descriptions of the soil series shown and other information relating to the uses and properties of the various soil series.

"Direct supervision" means control over and direction of work carried out by others with full knowledge of and responsibility for such work.

"Equivalent spherical diameter" of a particle means the diameter of a sphere which has a volume equal to the volume of the particle.

"Excessively coarse horizon" means a horizon of limited thickness within the soil profile which provides inadequate removal of pollutants from stormwater due to a high coarse fragment content, excessively coarse texture and/or excessively rapid permeability.

"Excessively coarse substratum" means a substratum below the soil profile which extends beyond the depth of soil profile pits and borings and which provides inadequate removal of pollutants from stormwater due to a high coarse fragment content, excessively coarse texture and/or excessively rapid permeability.

"Extremely firm consistence" means a type of soil material whose moist aggregated mass crushes only under very strong pressure; cannot be crushed between the thumb and forefinger and shall be broken apart bit by bit.

"Firm consistence" means a type of soil material whose moist aggregated mass crushes under moderate pressure between the thumb and forefinger but resistance is distinctly noticeable.

"Hard consistence" means a type of soil material whose dry aggregated mass is moderately resistant to pressure; can be broken in the hands without difficulty but is barely breakable between the thumb and forefinger.

"Hue" means the dominant spectral color, one of the three variables of soil color defined within the Munsell system of classification.

"Hydraulically restrictive horizon" means a horizon within the soil profile which slows or prevents the downward or lateral movement of water and which is underlain by permeable soil horizons or substrata. Any soil horizon which has a saturated permeability less than one (1.0) inch per hour is hydraulically restrictive.

"Hydraulically restrictive substratum" means a substratum below the soil profile which slows or prevents the downward or lateral movement of water and which extends beyond the depth of profile pits or borings or to a massive substratum. A substratum which has a saturated permeability less than one (1.0) inch per hour is hydraulically restrictive.

"Loamy sand" means a soil textural class, as shown in Section XI.C.1 (USDA Soil Textural Triangle), that has a maximum of 85 to 90 percent (85-90%) sand with a percentage of silt plus one and a half (1.5) times the percentage of clay not in excess of fifteen (15); or a minimum of 70 to 85 percent (70-85%) sand with a percentage of silt plus one and a half (1.5) times the percentage of clay not in excess of thirty (30).

"Lower plastic limit" means the moisture content corresponding to the transition between the plastic and semi-solid states of soil consistency. This corresponds to the lowest soil moisture content at which the soil can be molded in the fingers to form a rod or wire, one-eighth (1/8) inches in thickness, without crumbling.

"Mottling" means a color pattern observed in soil consisting of blotches or spots of contrasting color. The term "mottle" refers to an individual blotch or spot. The terms "color variegation," "iron depletion" and "iron concentration" are equivalent to the term "mottling." Mottling due to redoximorphic reactions is an indication of seasonal or periodic and recurrent saturation.

"Munsell system" means a system of classifying soil color consisting of an alphanumeric designation for hue, value and chroma, such as "7.5 YR 6/2," together with a descriptive color name, such as "strong brown."

"O-horizon" means a surface horizon, occurring above the A-horizon in some soils, which is composed primarily of un-decomposed or partially decomposed plant remains which have not been incorporated into the mineral soil.

"Perched zone of saturation" means a zone of saturation which occurs immediately above a hydraulically restrictive horizon and which is underlain by permeable horizons or substrata which are not permanently or seasonally saturated.

"Piezometer" means a device consisting of a length of metal or plastic pipe, open at the bottom or perforated within a specified interval, and used for the

determination of depth to water, permeability or hydraulic head within a specific soil horizon or substratum.

"Platy structure" is characterized by a soil aggregate, which has one axis distinctly shorter than the other two and are oriented with the short axis vertical.

"Regional zone of saturation" means a zone of saturation, which extends vertically without interruption below the depth of soil borings and profile pits.

"Sandy clay" means a soil textural class having 35 percent (35%) or more of clay and 45 percent (45%) or more of sand, as shown in Section XI.C.1 (USDA Soil Textural Triangle).

"Sandy loam" means a soil textural class, as shown in Section XI.C.1 (USDA Soil Textural Triangle), that has a maximum of 20 percent clay, and the percentage of silt plus twice the percentage of clay exceeds 30, and contains 52 percent or more sand; or less than 7 percent clay, less than 50 percent silt, and between 43 and 52 percent sand.

"Silt" means a particle size category consisting of mineral particles, which are between 0.002 and 0.05 millimeters in equivalent spherical diameter. It also means a soil textural class having 80 percent or more of silt and 12 percent or less of clay, as shown in Section XI.C.1 (USDA Soil Textural Triangle).

"Silt loam" means a soil textural class having 50 percent or more of silt and 12 to 27 percent of clay; or 50 to 80 percent of silt and less than 12 percent of clay, as shown in Section XI.C.1 (USDA Soil Textural Triangle).

"Silty clay" means a soil textural class having 40 percent or more of clay and 40 percent or more of silt, as shown in Section XI.C.1 (USDA Soil Textural Triangle).

"Silty clay loam" means a soil textural class having 27 to 40 percent of clay and less than 20 percent of sand, as shown in Section XI.C.1 (USDA Soil Textural Triangle).

"Soil aggregate" means a naturally occurring unit of soil structure consisting of particles of sand, silt, clay, organic matter, and coarse fragments held together by the natural cohesion of the soil.

"Soil color" means the soil color name and Munsell color designation determined by comparison of the moist soil with color chips contained in a Munsell soil color book.

"Soil consistence" means the resistance of a soil aggregate or clod to being crushed between the fingers or broken by the hands. Terms for describing soil consistence described are in N.J.A.C. 7:9A-5.3(h).

"Soil horizon" means a layer within a soil profile differing from layers of soil above and below it in one or more of the soil morphological characteristics including color, texture, coarse fragment content, structure, consistence and mottling.

"Soil log" means a description of the soil profile which includes the depth, thickness, color, texture, coarse fragment content, mottling, structure and consistence of each soil horizon or substratum.

"Soil mapping unit" means an area outlined on a map in a County Soil Survey Report and marked with a letter symbol designating a soil phase, a complex of two or more soil phases, or some other descriptive term where no soil type has been identified.

"Soil phase" means a specific type of soil which is mapped by the Natural Resources Conservation Service and which belongs to a soil series described within the County Soil Survey Report.

"Soil profile" means a vertical cross-section of undisturbed soil showing the characteristic horizontal layers or horizons of the soil which have formed as a result of the combined effects of parent material, topography, climate, biological activity and time.

"Soil series" means a grouping of soil types possessing a specific range of soil profile characteristics, which are described within the County Soil Survey Report. Each soil series may consist of several "soil phases" which may differ in slope, texture of the surface horizon or stoniness.

"Soil structural class" means one of the shape classes of soil structure described in N.J.A.C. 7:9A-5.3(g).

"Soil structure" means the naturally occurring arrangement, within a soil horizon, of sand, silt and clay particles, coarse fragments and organic matter, which are held together in clusters or aggregates of similar shape and size.

"Soil test pit" means an excavation made for the purpose of exposing a soil profile which is to be described.

"Soil textural class" means one of the classes of soil texture defined within the USDA system of classification. (Soil Survey Manual, Agricultural Handbook No. 18, USDA Soil Conservation Service 1962.)

"Soil texture" means the relative proportions of sand, silt and clay in that portion of the soil which passes through a sieve with two millimeter openings.

"Static water level" means the depth below the ground surface or the elevation with respect to some reference level, of the water level observed within a soil profile pit or boring, or within a piezometer, after this level has stabilized or become relatively constant with the passage of time.

"Substratum" means a layer of soil or rock material present below the soil profile and extending beyond the depth of soil borings or profile pits.

"Unsuitable soil" means all soil other than suitable soil.

"USDA system of classification" means the system of classifying soil texture used by the United States Department of Agriculture, which defines 12 soil textural classes based upon the weight percentages of sand, silt and clay in that portion of

the soil, which passes through a sieve with two-millimeter (2 mm) openings. The soil textural classes are shown graphically on the USDA Soil Textural Triangle, as shown in Section XI.C.1.

"Value" means the relative lightness or intensity of a color, one of the three variables of soil color defined within the Munsell system of classification.

"Very firm consistence" is characterized by a moist soil which crushes under strong pressure; barely crushable between thumb and forefinger.

"Very hard consistence" is characterized by a dry soil which is resistant to pressure, can be broken in the hands only with difficulty; not breakable between the thumb and forefinger.

"Zone of saturation" means a layer within or below the soil profile which is saturated with ground water either seasonally or throughout the year. This includes both regional and perched zones.

(3) Methods for Assessing Soil Suitability for Infiltration Stormwater Management BMPs. The results of a subsurface investigation shall serve as the basis for the site selection and design of stormwater infiltration BMPs. The subsurface investigation shall include, but not be limited to, a series of soil test pits and soil permeability tests conducted in accordance with the following:

- a) All soil test pits and soil permeability results shall be performed under the direct supervision of a Professional Engineer. All soil logs and permeability test data shall be accompanied by a certification by a Professional Engineer. The results and location (horizontal and vertical) of all soil test pits and soil permeability tests, both passing and failing, shall be reported to the Borough.
- b) During all subsurface investigations and soil test procedures, adequate safety measures shall be taken to prohibit unauthorized access to the excavations at all times. It is the responsibility of persons performing or witnessing subsurface investigations and soil permeability tests to comply with all applicable Federal, State and local laws and regulations governing occupational safety.
- c) A minimum of two (2) soil test pits shall be excavated within the footprint of any proposed infiltration BMP to determine the suitability and distribution of soil types present at the site. Placement of the test pits shall be within twenty (20) feet of the basin perimeter, located along the longest axis bisecting the BMP. For BMPs larger than ten thousand (10,000) square feet in area, a minimum of one (1) additional soil test pit shall be conducted within each additional area of ten thousand (10,000) square feet. The additional test pit(s) shall be placed approximately equidistant to other test pits, so as to provide adequate characterization of the subsurface material. In all cases, where soil and or groundwater properties vary significantly, additional test pits shall be excavated in order to accurately characterize the subsurface conditions below the proposed infiltration BMP. Soil test pits shall extend to a minimum depth of eight (8) feet below the lowest elevation of the basin bottom or to a depth that is at least two (2) times the maximum potential water depth in the proposed infiltration BMP, whichever is greater.

d) A soil test pit log shall be prepared for each soil test pit. The test pit log shall, at a minimum, provide the elevation of the existing ground surface, the depth and thickness (in inches) of each soil horizon or substratum, the dominant matrix or background and mottle colors using the Munsell system of classification for hue, value and chroma, the appropriate textural class as shown on the USDA textural triangle, the volume percentage of coarse fragments (larger than two (2) millimeters in diameter), the abundance, size, and contrast of mottles, the soil structure, soil consistence, and soil moisture condition, using standard USDA classification terminology for each of these soil properties. Soil test pit logs shall identify the presence of any soil horizon, substratum or other feature that exhibits an in-place permeability rate less than one (1) inch per hour.

e) Each soil test pit log shall report the depth to seasonally high water level, either perched or regional, and the static water level based upon the presence of soil mottles or other redoximorphic features, and observed seepage or saturation. Where redoximorphic features including soil mottles resulting from soil saturation are present, they shall be interpreted to represent the depth to the seasonal high water table unless soil saturation or seepage is observed at a higher level. When the determination of the seasonally high water table shall be made in ground previously disturbed by excavation, direct observation of the static water table during the months of January through April shall be the only method permitted.

f) Any soil horizon or substratum which exists immediately below a perched zone of saturation shall be deemed by rule to exhibit unacceptable permeability (less than one (1) inch per hour). The perched zone of saturation may be observed directly, inferred based upon soil morphology, or confirmed by performance of a hydraulic head test as defined at N.J.A.C. 7:9A-5.9.

g) Stormwater infiltration BMPs shall not be installed in soils that exhibit artesian groundwater conditions. A permeability test shall be conducted in all soils that immediately underlie a perched zone of saturation. Any zone of saturation which is present below a soil horizon which exhibits an in-place permeability of less than 0.2 inches per hour shall be considered an artesian zone of saturation unless a minimum one foot thick zone of unsaturated soil, free of mottling or other redoximorphic features and possessing a chroma of four or higher, exists immediately below the unsuitable soil.

h) A minimum of one (1) permeability test shall be performed at each soil test pit location. The soil permeability rate shall be determined using test methodology as prescribed in N.J.A.C. 7:9A-6.2 (Tube Permeameter Test), 6.5 (Pit Bailing Test) or 6.6 (Piezometer Test). When the tube permeameter test is used, a minimum of two replicate samples shall be taken and tested. Alternative permeability test procedures may be accepted by the approving authority provided the test procedure attains saturation of surrounding soils, accounts for hydraulic head effects on infiltration rates, provides a permeability rate with units expressed in inches per hour and is accompanied by a published source reference. Examples of suitable sources include hydrogeology, geotechnical or engineering text and design manuals, proceedings of American Society for Testing and Materials

(ASTM) symposia, or peer-review journals. Neither a Soil Permeability Class Rating Test, as described in N.J.A.C. 7:9A-6.3, nor a Percolation Test, as described in N.J.A.C. 7:9A-6.4, are acceptable tests for establishing permeability values for the purpose of complying with this ordinance.

i) Soil permeability tests shall be conducted on the most hydraulically restrictive horizon or substratum to be left in place below the basin as follows. Where no soil replacement is proposed, the permeability tests shall be conducted on the most hydraulically restrictive horizon or substratum within four (4) feet of the lowest elevation of the basin bottom or to a depth equal to two (2) times the maximum potential water depth within the basin, whichever is greater. Where soil replacement is proposed, the permeability tests shall be conducted within the soil immediately below the depth of proposed soil replacement or within the most hydraulically restrictive horizon or substratum to a depth equal to two (2) times the maximum potential water depth within the basin, whichever is greater. Permeability tests may be performed on the most hydraulically restrictive soil horizons or substrata at depths greater than those identified above based upon the discretion of the design or testing engineer. The tested infiltration rate should then be divided by two (2) to establish the soil's design permeability rate. Such division will provide a 100% safety factor to the tested rate.

j) The minimum acceptable "tested permeability rate" of any soil horizon or substratum shall be one (1) inch per hour. Soil materials that exhibit tested permeability rates slower than one (1) inch per hour shall be considered unsuitable for stormwater infiltration. The maximum reportable "tested permeability rate" of any soil horizon or substratum shall be no greater than twenty (20) inches per hour regardless of the rate attained in the test procedure.

k) After all construction activities have been completed on the development site and the finished grade has been established in the infiltration BMP, a minimum of one permeability test shall be conducted within the most hydraulically restrictive soil horizon or substratum below the as-built BMP to ensure the performance of the infiltration BMP is as designed. Hand tools and manual permeability test procedures shall be used for the purpose of confirming BMP performance. In addition, the infiltration BMP shall be flooded with water sufficient to demonstrate the performance of the BMP. Test results shall be certified to the municipal engineer.

l) A groundwater mounding analysis shall be provided for each stormwater infiltration BMP. The groundwater mounding analysis shall calculate the maximum height of the groundwater mound based upon the volume of the maximum design storm. The Professional Engineer conducting the analysis shall provide the municipal engineer with the methodology and supporting documentation for the mounding analysis used and shall certify to the Borough, based upon the analysis, that the groundwater mound will not cause stormwater or groundwater to breakout to the land surface or cause adverse impact to adjacent surface water bodies, wetlands or subsurface structures including but not limited to basements and septic systems. If there is more than one infiltration BMP proposed, the model shall indicate if and how the mounds will interact. The

mounding analysis shall be calculated using the most restrictive soil horizon that will remain in place within the explored aquifer thickness unless alternative analyses is authorized by the municipal engineer. The mounding analysis shall be accompanied by a cross section of the infiltration BMP and surrounding topography and the mound analysis shall extend out to the point(s) at which the mound intersects with the preexisting maximum water table elevation.

m) The applicant shall demonstrate that stormwater infiltration BMPs meet the seventy-two (72) hour drain time requirement established in Section V.B.1 of this ordinance.

D. Pretreatment measures for infiltration BMPs. By reducing incoming velocities and capturing coarser sediments, pretreatment can extend the functional life and increase the pollutant removal capability of infiltration measures. Therefore, the installation of pretreatment measures is recommended for all development sites. Pretreatment measures may include, but are not limited to, the following:

1. Vegetative filter strips;
2. Bioretention systems. Used in conjunction with a bioretention system, the infiltration basin takes the place of the standard underdrain;
3. Sand filters;
4. Grassed swales; and
5. Detention basins.

E. Collection and Conveyance.

(1) Bicycle-safe inlet grates. Site development plans that incorporate site design features that help to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids.

a) Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

- i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
- ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7) square inches, or is no greater than one half (0.5) inch across the smallest dimension. Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways,

parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

b) Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7) square inches, or be no greater than two (2) inches across the smallest dimension.

c) This standard does not apply:

i. Where the review agency determines that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

ii. Where flows from the water quality design storm as specified in Section III are conveyed through any device (e.g., end-of-pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

(a) A rectangular space four and five-eighths (4 and 5/8) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or

(b) A bar screen having a bar spacing of one-half (0.5) inch.

iii. Where flows are conveyed through a trash rack that has parallel bars with one (1) inch spacing between the bars, to the elevation of the water quality design storm as specified in Section III of this ordinance; or

iv. Where the NJDEP determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

(2) Catch basins. Catch basins are storm drain inlets with or without sumps. Catch basins may provide pretreatment for other stormwater BMPs by capturing large sediments. The sediment and pollutant removal efficiency of catch basins depends on the size of the sump and the performance of routine maintenance to retain the available sediment storage space in the sump. Where catch basins with sumps are proposed, the minimum two feet separation between the bottom of the sump and seasonally high water table shall be provided.

(3) Open or perforated conveyance piping. Where adequate separation to the seasonal high water table exists, stormwater from the development site may be conveyed to a stormwater basin via a system of perforated pipes. These pipes may be made of PVC or corrugated metal and are available with perforations of varying size and spacing. Perforated pipe specifications shall be certified by a Professional Engineer. A Professional Engineer shall certify that perforated conveyance piping will not act to intercept the seasonal high water table and convey groundwater to the stormwater basin. All open or perforated stormwater conveyance systems shall be

installed with a minimum separation of two (2) feet from the seasonal high water table.

25-15.12 Additional Sources for Technical Guidance.

A. NJDEP Technical Guidance Sources.

(1) New Jersey BMP Manual. Available from the Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418, Trenton, New Jersey 08625; or online at <http://www.njstormwater.org>.

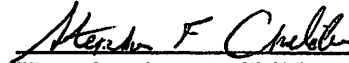
2) NJDEP Stormwater Management Facilities Maintenance Manual. Available from the Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418, Trenton, New Jersey 08625; or online at <http://njedl.rutgers.edu/ftp/PDFs/1188.pdf>.

B. Additional Guidance Sources.

(1) New Jersey Pinelands Commission, PO Box 7, 15 Springfield Road, New Lisbon, New Jersey 08064; Phone: 609-894-7300; Website: <http://www.state.nj.us/pinelands>.

(2) Ocean County Soil Conservation District, 714 Lacey Road, Forked River, New Jersey 08731; Phone: 609-971-7002; Fax 609-971-3391; Website: www.ocscd.org

(3) New Jersey Department of Transportation, PO Box 600, Trenton, NJ 08625-0600; Phone: 609-530-3536; Website: <http://www.state.nj.us/transportation>.



Hon. Stephen F. Childers
Mayor

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that Ordinance #06-01 entitled: "AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING CHAPTER XXV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED LAND DEVELOPMENT" was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the sixteenth day of March, 2006.


Bernadette Dugan, RMC
Municipal Clerk

ORDINANCE

“AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING CHAPTER XXV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED LAND DEVELOPMENT”

06-02

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Lakehurst, County of Ocean, State of New Jersey, that as follows:

Section 25-30.2 entitled “**Zoning Map**” and the official map of the Borough of Lakehurst are hereby amended to reflect the redesignation of Block 62 Lot 23; Block 70 Lot 13; and Block 71 Lot 5 from LI Light Industrial Zone to R-4 Multiple Dwelling, Office District in Rail Transit Area.

Severability.

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Effective date.


This ordinance shall take effect immediately upon final passage and publication as required by law.



Hon. Stephen F. Childers
Mayor

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that an Ordinance #06-02 entitled: “AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING CHAPTER XXV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED LAND DEVELOPMENT” was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the sixteenth day of February, 2006.


Bernadette Dugan, RMC
Municipal Clerk

ORDINANCE

“AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING CHAPTER XXV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED LAND DEVELOPMENT”

06-07

1. Section 25-15 is hereby repealed in its entirety and creates 25-16.

25-16 STORMWATER CONTROL

25-16.1 Scope and Purpose.

A. Purpose.

(1) It is hereby determined that:

- a) Land development projects and associated disturbance of vegetation and soil and changes in land cover, including increases in impervious cover, alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes. If inadequately or improperly managed, this stormwater runoff can deplete groundwater resources and increase flooding, stream channel erosion, and sediment transport and deposition.
- b) This stormwater runoff contributes to increased quantities of waterborne pollutants.
- c) Increases of stormwater runoff, soil erosion and non-point source pollutants have occurred in the past as a result of land development, and contribute to the degradation of the water resources of the Borough of Lakehurst (Borough).
- d) Certain lands of the Borough lie within the Pinelands Area, and therefore, development in this portion of the Borough is subject to the requirements of the Pinelands Protection Act (N.J.S.A. 13:18A-1 et seq.) and the implementing regulations and minimum standards contained in the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-1.1 et seq.) (CMP). The purpose and intent of these regulations and standards is to promote orderly development of the Pinelands so as to preserve and protect the significant and unique natural, ecological, agricultural, archaeological, historical, scenic, cultural and recreational resources of the Pinelands.
- e) Pinelands Area resources are to be protected in accordance with Pinelands Comprehensive Management Plan at N.J.A.C. 7:50 et seq., New Jersey's Stormwater Management Rules at N.J.A.C. 7:8-1.1 et seq. and New Jersey's surface water quality anti-degradation policies contained in the New Jersey Surface Water Quality Standards at N.J.A.C. 7:9B-1.1 et seq. Permitted uses shall maintain the ecological character and quality of the Pinelands, including good water quality and natural rates and volumes of flow.

- f) Increased stormwater rates and volumes and the sediments and pollutants associated with stormwater runoff from future development projects within the Pinelands Area have the potential to adversely affect the Borough's streams and water resources and the streams and water resources of downstream municipalities.
- g) Stormwater runoff, soil erosion and non-point source pollution can be controlled and minimized through the regulation of stormwater runoff from development sites.
- h) It is in the public interest to regulate the discharge of stormwater runoff from "major development" projects, as defined in Section VII of this ordinance, conducted within the Pinelands Area, as provided in this ordinance, in order to control and minimize increases in stormwater runoff rates and volumes, to maintain groundwater recharge, and to control and minimize soil erosion, stream channel erosion and non-point source pollution associated with stormwater runoff.

(2) Therefore, it is the purpose of this ordinance to establish minimum stormwater management requirements and controls for major development, consistent with the statewide stormwater requirements at N.J.A.C. 7:8, the regulations and standards contained in the Pinelands CMP, and the provisions of the adopted master plan and land use ordinances of the Borough.

B. Goals and Techniques.

(1) Through this ordinance, the Borough has established the following goals for stormwater control:

- a) To reduce flood damage, including damage to life and property;
- b) To minimize any increase in stormwater runoff from new development;
- c) To reduce soil erosion from any development or construction project;
- d) To assure the adequacy of existing and proposed culverts and bridges, and other in-stream structures;
- e) To maintain groundwater recharge;
- f) To minimize any increase in non-point pollution;
- g) To maintain the integrity of stream channels for their biological functions, as well as for drainage;
- h) To restore, protect, maintain and enhance the quality of the streams and water resources of the Borough and the ecological character and quality of the Pinelands Area;
- i) To minimize pollutants in stormwater runoff from new and existing development in order to restore, protect, enhance and maintain the chemical, physical and biological integrity of the surface and groundwaters of the Borough, to protect public health and to enhance the domestic, municipal, recreational, industrial and other uses of water; and
- j) To protect public safety through the proper design and operation of stormwater management basins.

(2) In order to achieve the goals for stormwater control set forth in this ordinance, the Borough has identified the following management techniques:

- a) Implementation of multiple stormwater management Best Management Practices (BMPs) may be necessary to achieve the performance standards for stormwater runoff quantity and rate, groundwater recharge, erosion control, and stormwater runoff quality established through this ordinance.
- b) Compliance with the stormwater runoff quantity and rate, groundwater recharge, erosion control, and stormwater runoff quality standards established through N.J.A.C. 7:8-1.1 et seq., and this ordinance, shall be accomplished to the maximum extent practicable through the use of nonstructural BMPs, before relying on structural BMPs. Nonstructural BMPs are also known as Low Impact Development (LID) techniques.
- c) Nonstructural BMPs shall include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site or from being exposed to stormwater.
- d) Source control plans shall be developed based upon physical site conditions and the origin, nature and the anticipated quantity or amount of potential pollutants.
- e) Structural BMPs, where necessary shall be integrated with nonstructural stormwater management strategies and proper maintenance plans.
- f) When using structural BMPs, multiple stormwater management measures, smaller in size and distributed spatially throughout the land development site, shall be used wherever possible to achieve the performance standards for water quality, quantity and groundwater recharge established through this ordinance before relying on a single, larger stormwater management measure to achieve these performance standards.

C. Applicability.

This ordinance shall apply to:

- a) All site plans and subdivisions for major developments occurring within the Pinelands Area that require preliminary or final site plan or subdivision review; and
- b) All major development projects undertaken by the Borough shall comply with this ordinance.

D. Procedures. In addition to other development review procedures set forth in the Code of Borough, major developments located within the Pinelands Area shall comply with the stormwater management requirements and specifications set forth in this ordinance. New agricultural development that meets the definition of major development in Section VII of this ordinance shall be submitted to the appropriate Soil Conservation District for review and approval in accordance with the requirements of N.J.A.C. 5.4(b) 7:8.

E. Compatibility with Other Permit and Ordinance Requirements.

(1) Development approvals issued for subdivisions and site plans pursuant to this ordinance are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required

permits or approvals for activities regulated by any other applicable ordinance, code, rule, regulation, statute, act or other provision of law.

(2) In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive or stringent provisions or higher standards shall control.

(3) In the event that a regional stormwater management plan(s) is prepared and formally adopted pursuant to N.J.A.C. 7:8-1.1 et seq. for any drainage area(s) or watershed(s) of which the Borough is a part, the stormwater provisions of such a plan(s) shall be adopted by the Borough within one year of the adoption of a Regional Stormwater Management Plan (RSWMP) as an amendment to an Areawide Water Quality Management Plan. Local ordinances proposed to implement the RSWMP shall be submitted to the Commission for certification within six months of the adoption of the RSWMP per N.J.A.C. 7:8 and the Pinelands CMP (N.J.A.C. 7:50.)

25-16.2 Requirements for a Site Development Stormwater Plan.

A. Submission of Site Development Stormwater Plan.

(1) Whenever an applicant seeks municipal approval of a site development that is subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section II.C below as part of the applicant's application for subdivision or site plan approval. These required components are in addition to any other information required under any provisions of the Borough's land use ordinance or by the Pinelands Commission pursuant to N.J.A.C. 7:50-1.1 et seq.

(2) The applicant shall demonstrate that the site development project meets the standards set forth in this ordinance.

(3) The applicant shall submit three (3) copies of the materials listed in the checklist for site development stormwater plans in accordance with Section III.C of this ordinance.

B. Site Development Stormwater Plan Approval.

(1) The applicant's site development stormwater plan shall be reviewed as a part of the subdivision or site plan review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the engineer retained by the Land Use Board to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Checklist Requirements. Any application for approval of a major development shall include at least the following information. All required engineering plans shall be submitted to the Borough and the Pinelands Commission in CAD Format 15 or higher, registered and rectified to NJ State Plane Feet NAD 83 or Shape Format NJ State Plane Feet NAD 83, and all other documents shall be submitted in both paper and commonly used electronic file formats

such as pdf., word processing, database or spreadsheet files. Three (3) copies of each item shall be submitted.

(1) Topographic Base Map. The applicant shall submit a topographic base map of the site which extends a minimum of three hundred (300) feet beyond the limits of the proposed development, at a scale of one (1) inch = two hundred (200) feet or greater, showing one (1) foot contour intervals. The map shall indicate the following: existing surface water drainage, shorelines, steep slopes, soils, highly erodible soils, perennial or intermittent streams that drain into or upstream of any Category One or Pinelands Waters, wetlands and floodplains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing surface and subsurface human-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown. The Borough or the Pinelands Commission may require upstream tributary drainage system information as necessary.

(2) Environmental Site Analysis. The applicant shall submit a written description along with the drawings of the natural and human-made features of the site and its environs. This description should include:

- a) A discussion of environmentally critical areas, soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual or environmentally sensitive features and to those that provide particular opportunities for or constraints on development; and
- b) Detailed soil and other environmental conditions on the portion of the site proposed for installation of any stormwater BMPs, including, at a minimum: soils report based on onsite soil tests; locations and spot elevations in plan view of test pits and permeability tests; permeability test data and calculations; and any other required soil data (e.g., mounding analyses results) correlated with location and elevation of each test site; cross-section of proposed stormwater BMP with side-by-side depiction of soil profile drawn to scale and seasonal high water table elevation identified; and any other information necessary to demonstrate the suitability of the specific proposed structural and nonstructural stormwater management measures relative to the environmental conditions on the portion(s) of the site proposed for implementation of those measures.

(3) Project description and site plan(s). The applicant shall submit a map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

(4) Land Use Planning and Source Control Plan.

- a) The applicant shall submit a detailed Land Use Planning and Source Control Plan which provides a description of how the site will be developed to meet the erosion control, groundwater recharge and stormwater runoff quantity and quality standards at Section IV through use of nonstructural or low impact development techniques and

source controls to the maximum extent practicable before relying on structural BMPs. The Land Use Planning and Source Control Plan shall include a detailed narrative and associated illustrative maps and/or plans that specifically address how each of the following nine (9) nonstructural strategies identified in Subchapter 5 of the NJDEP Stormwater Management Rules (N.J.A.C. 7:8-5) and set forth below (4.a. i. through ix.) will be implemented to the maximum extent practicable to meet the standards at Section IV of this ordinance on the site. If one or more of the nine (9) nonstructural strategies will not be implemented on the site, the applicant shall provide a detailed rationale establishing a basis for the contention that use of the strategy is not practicable on the site.

- i. Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;
- ii. Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;
- iii. Maximize the protection of natural drainage features and vegetation;
- iv. Minimize the decrease in the pre-development “time of concentration”;
- v. Minimize land disturbance including clearing and grading;
- vi. Minimize soil compaction and all other soil disturbance;
- vii. Provide low-maintenance landscaping that provides for the retention and planting of native plants and minimizes the use of lawns, fertilizers and pesticides, in accordance with N.J.A.C. 7:50-6.24 ;
- viii. Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas; and
- ix. Provide other source controls to prevent or minimize the use or exposure of pollutants at the site in order to prevent or minimize the release of those pollutants into stormwater runoff. These source controls shall include, but are not limited to:
 - (1) Site design features that help to prevent accumulation of trash and debris in drainage systems;
 - (2) Site design features that help to prevent discharge of trash and debris from drainage systems;
 - (3) Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and
 - (4) Applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules, when establishing vegetation after land disturbance.

b) For sites where stormwater will be generated from “high pollutant loading areas” or where stormwater will be exposed to “source material,” as defined in Section VII of this

ordinance, the applicant shall also demonstrate in the Land Use Planning and Source Control Plan that the requirements of Section IV have been met.

c) The use of nonstructural strategies to meet the performance standards in Section IV of this ordinance is not required for development sites creating less than one (1) acre of disturbance. However, each application for major development and any other application where the Borough otherwise requires a landscaping plan shall contain a landscaping or re-vegetation plan in accordance with the CMP standards at N.J.A.C. 7:50-6.24(c). In addition, the applicant shall demonstrate that, at a minimum, existing trees and vegetation on the development site will be preserved and protected according to the minimum standards established by provisions of the Borough's Land Use Ordinance, Zoning Ordinance or by conditions of zoning or variance approval.

(5) Stormwater Management Facilities Map. The applicant shall submit a map, at the same scale as the topographic base map, depicting the following information:

a) The total area to be disturbed, paved and/or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to manage and dispose of stormwater; and

b) Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention (if applicable) and emergency spillway provisions with maximum discharge capacity of each spillway.

(6) Calculations (groundwater recharge and stormwater runoff rate, volume and quality). The applicant shall submit comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section III. The standards for groundwater recharge and stormwater runoff rate, volume and quality required by Section IV shall be met using the methods, calculations and assumptions provided in Section III.

(7) Inspection, Maintenance and Repair Plan. The applicant shall submit a detailed plan describing how the proposed stormwater management measure(s) shall meet the maintenance and repair requirements of Section VI of this ordinance. Said plan shall include, at a minimum, the following elements:

a) The frequency with which inspections will be made;

b) The specific maintenance tasks and requirements for each proposed structural and nonstructural BMP;

c) The name, address and telephone number for the entity responsible for implementation of the maintenance plan;

d) The reporting requirements; and

e) Copies of the inspection and maintenance reporting sheets.

(8) Exception from submission requirements. An exception may be granted from submission of any of these required components (except 7. above, Inspection, Maintenance, and Repair Plan) if its absence will not materially affect the review process. However, items required pursuant to the application requirements in the Pinelands CMP (N.J.A.C. 7:50-4.2(b)) and municipal code 25-27 et seq shall be submitted to the NJ Pinelands Commission unless the Executive Director waives or modifies the application requirements.

25-16.3 Methodologies for the Calculation of Stormwater Runoff Rate and Volume, Stormwater Runoff Quality, and Groundwater Recharge.

A. Method of Calculating Stormwater Runoff Rate and Volume.

(1) In complying with the Stormwater Runoff Quantity and Rate Standards in Section IV.B, the design engineer shall calculate the stormwater runoff rate and volume using the USDA Natural Resources Conservation Service (NRCS) Runoff Equation, Runoff Curve Numbers, and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Part 630 – Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds as amended and supplemented. Alternative methods of calculation may be utilized, provided such alternative methods are at least as protective as the NRCS methodology when considered on a regional stormwater management basis.

(2) In calculating stormwater runoff using the NRCS methodology, the design engineer shall separately calculate and then combine the runoff volumes from pervious and directly connected impervious surfaces within each drainage area within the parcel.

(3) Calculation of stormwater runoff from unconnected impervious surfaces shall be based, as applicable, upon the Two-Step method described in the current New Jersey Stormwater Best Management Practices Manual or the NRCS methodology.

(4) In calculating stormwater runoff using the NRCS methodology, the design engineer shall use appropriate 24-hour rainfall depths as developed for the project site by the National Oceanic and Atmospheric Administration, available online at <http://hdsc.nws.noaa.gov/hdsc/pfds/index.html>.

(5) When calculating stormwater runoff for pre-developed site conditions, the design engineer shall use the following criteria:

a) When selecting or calculating Runoff Curve Numbers (CNs) for pre-developed project site conditions, the project site's land cover shall be assumed to be woods in good condition. However, another land cover may be used to calculate runoff coefficients if:

- i. Such land cover has existed at the site or portion thereof without interruption for at least five (5) years immediately prior to the time of application; and
- ii. The design engineer can document the character and extent of such land cover through the use of photographs, affidavits, and/or other acceptable land use records.

b) If more than one land cover has existed on the site during the five (5) years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations.

- c) All pre-developed land covers shall be assumed to be in good hydrologic condition and, if cultivated, shall be assumed to have conservation treatment.
- d) In calculating pre-developed site stormwater runoff, the design engineer shall include the effects of all land features and structures, such as ponds, wetlands, depressions, hedgerows, and culverts, that affect pre-developed site stormwater runoff rates and/or volumes.
- e) Where tailwater will affect the hydraulic performance of a stormwater management measure, the design engineer shall include such effects in the measure's design.

B. Method of Calculating Stormwater Runoff Quality.

(1) In complying with the Stormwater Runoff Quality Standards in Section IV.F.1, the design engineer shall calculate the stormwater runoff rate and volume using the USDA Natural Resources Conservation Service (NRCS) Runoff Equation, Runoff Curve Numbers, and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Part 630 – Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds, as amended and supplemented.

(2) The design engineer shall also use the NJDEP Water Quality Design Storm, which is one and one-quarter (1.25) inches of rainfall falling in a nonlinear pattern in two (2) hours. Details of the Water Quality Design Storm are shown in Table 1.

(3) Calculation of runoff volumes, peak rates, and hydrographs for the Water Quality Design Storm may take into account the implementation of nonstructural and structural stormwater management measures.

Table 1: Water Quality Design Storm Distribution¹			
Time (minutes)	Cumulative Rainfall (inches)	Time (minutes)	Cumulative Rainfall (inches)
0	0.0000	65	0.8917
5	0.0083	70	0.9917
10	0.0166	75	1.0500
15	0.0250	80	1.0840
20	0.0500	85	1.1170
25	0.0750	90	1.1500
30	0.1000	95	1.1750
35	0.1330	100	1.2000
40	0.1660	105	1.2250
45	0.2000	110	1.2334
50	0.2583	115	1.2417

¹ Source: N.J.A.C. 7:8-5.5(a).

Table 1: Water Quality Design Storm Distribution¹			
55	0.3583	120	1.2500
60	0.6250		

(4) Total Suspended Solids (TSS) reduction calculations.

a) If more than one stormwater BMP in series is necessary to achieve the required eighty percent (80%) TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B) / 100, \text{ where:}$$

R = total TSS percent load removal from application of both BMPs;

A = the TSS percent removal rate applicable to the first BMP; and

B = the TSS percent removal rate applicable to the second BMP.

b) If there is more than one onsite drainage area, the eighty percent (80%) TSS removal rate shall apply to each drainage area, unless the runoff from the subareas converge on site, in which case the removal rate can be demonstrated through a calculation using a weighted average.

(5) TSS removal rates for stormwater BMPs.

a) For purposes of TSS reduction calculations, Table 2 presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey BMP Manual. The BMP Manual may be obtained from the address identified in Section XII.A or found on the NJDEP's website at www.njstormwater.org. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2

b) Alternative stormwater management measures, removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the Borough. Any alternative stormwater management measure, removal rate or method of calculating the removal rate shall be subject to approval by the Borough and a copy shall be provided to the following:

i. The Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418 Trenton, NJ, 08625-0418; and

ii. The New Jersey Pinelands Commission, PO Box 7, New Lisbon, NJ, 08064.

Table 2: Pollutant Removal Rates for BMPs²			
Best Management Practice	TSS Percent Removal Rate	Total Phosphorus Percent Removal Rate	Total Nitrogen Percent Removal Rate
Bioretention Systems	90	60	30

² Source: 7:8-5.5(c) and New Jersey BMP Manual Chapter 4.

Constructed Stormwater Wetland	90	50	30
Extended Detention Basin	40-60 (final rate based upon detention time; see New Jersey BMP Manual, Chap. 9)	20	20
Infiltration basin	80	60	50
Manufactured Treatment Device	Pollutant removal rates as certified by NJDEP; see Section III.	Pollutant removal rates as certified by NJDEP; see Section III.	Pollutant removal rates as certified by NJDEP; see Section III.
Pervious Paving Systems	80 (porous paving)	60	50
	80 (permeable pavers with storage bed)		
	0 - volume reduction only (permeable pavers without storage bed)	0 - volume reduction only (permeable pavers without storage bed)	0 - volume reduction only (permeable pavers without storage bed)
Sand Filter	80	50	35
Vegetative Filter Strip (For filter strips with multiple vegetated covers, the final TSS removal rate should be based upon a weighted average of the adopted rates shown in Table 2, based upon the relative flow lengths through each cover type.)	60 (turf grass)	30	30
	70 (native grasses, meadow and planted woods)		
	80 (indigenous woods)		
Wet Pond / Retention Basin	50-90 (final rate based upon pool volume and detention time; see NJ BMP Manual)	50	30

(6) Nutrient removal rates for stormwater BMPs. For purposes of post-development nutrient load reduction calculations, Table 2 presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey BMP Manual. If alternative stormwater BMPs are proposed, the applicant shall demonstrate that the selected BMPs will achieve the nutrient removal standard required in Section IV.F.

C. Methods of Calculating Groundwater Recharge.

(1) In complying with the groundwater recharge requirements in Section IV.C.1.a, the design engineer may calculate groundwater recharge in accordance with the New Jersey Groundwater Recharge Spreadsheet (NJGRS) computer program incorporated herein by

reference as amended and supplemented. Information regarding the methodology is available in Section XI.A or from the New Jersey BMP Manual.

(2) Alternative groundwater recharge calculation methods to meet these requirements may be used upon approval by the municipal engineer.

(3) In complying with the groundwater recharge requirements in Section IV.C.1.b, the design engineer shall:

- a) Calculate stormwater runoff volumes in accordance with the USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Runoff Curve Numbers, as described in the NRCS National Engineering Handbook Part 630 – Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds as amended and supplemented; and
- b) Use appropriate 2-year, 24-hour rainfall depths as developed for the project site by the National Oceanic and Atmospheric Administration, available online at <http://hdsc.nws.noaa.gov/hdsc/pfds/index.html>.

(4) When calculating groundwater recharge or stormwater runoff for pre-developed site conditions, the design engineer shall use the following criteria:

- a) When selecting land covers or calculating Runoff Curve Numbers (CNs) for pre-developed project site conditions, the project site's land cover shall be assumed to be woods. However, another land cover may be used to calculate runoff coefficients if:
 - i. Such land cover has existed at the site or portion thereof without interruption for at least five (5) years immediately prior to the time of application; and
 - ii. The design engineer can document the character and extent of such land cover through the use of photographs, affidavits, and/or other acceptable land use records.
- b) If more than one land cover, other than woods, has existed on the site during the five (5) years immediately prior to the time of application, the land cover with the lowest runoff potential (including woods) shall be used for the computations.
- c) All pre-developed land covers shall be assumed to be in good hydrologic condition and, if cultivated, shall be assumed to have conservation treatment.

25-16.4 Stormwater Management Performance Standards for Major Development.

A. Nonstructural Stormwater Management Strategies.

(1) To the maximum extent practicable, the performance standards in Section IV for major development shall be met by incorporating the nine (9) nonstructural strategies identified in Subchapter 5 of the NJ Stormwater Management Rules (N.J.A.C. 7:8-5), and set forth in Section II.C.4.a, into the design. The applicant shall identify within the Land Use Planning and Source Control Plan required by Section II.C.4 of this ordinance how each of the nine (9) nonstructural measures will be incorporated into the design of the project to the maximum extent practicable.

(2) If the applicant contends that it is not practical for engineering, environmental or safety reasons to incorporate any of the nine (9) nonstructural strategies into the design of a

particular project, the applicant shall provide a detailed rationale establishing a basis for the contention that use of the strategy is not practical on the site. This rationale shall be submitted in accordance with the Checklist Requirements established by Section II to the Borough. A determination by the Borough that this rationale is inadequate or without merit shall result in a denial of the application unless one of the following conditions are met:

- a) The Land Use Planning and Source Control Plan is amended to include a description of how all nine (9) nonstructural measures will be implemented on the development site, and the amended Plan is approved by the Borough;
- b) The Land Use Planning and Source Control Plan is amended to provide an alternative nonstructural strategy or measure that is not included in the list of nine (9) nonstructural measures, but still meets the performance standards in Section IV, and the amended Plan is approved by the Borough; or
- c) The Land Use Planning and Source Control Plan is amended to provide an adequate rationale for the contention that use of the particular strategy is not practical on the site, and the amended Plan is approved by the Borough.

(3) In addition to all other requirements of this section, each applicant shall demonstrate that, at a minimum, existing trees and vegetation on the development site will be preserved, protected and maintained according to the minimum standards established by provisions of the Borough's Land Use Ordinance, Zoning Ordinance or by conditions of zoning or variance approval. Existing trees and vegetation shall be protected during construction activities in accordance with the "Standard for Tree Protection During Construction" provided in the NJ State Soil Conservation Committee Standards for Soil Erosion and Sediment Control in New Jersey, which is incorporated herein by reference as amended and supplemented.

(4) In addition to all other requirements of this section, each application for major development, and any other application where the Borough otherwise requires a landscaping plan, shall contain a landscaping or re-vegetation plan in accordance with the Pinelands CMP standards at N.J.A.C. 7:50-6.24(c).

(5) Any land area used as a nonstructural stormwater management measure to meet the performance standards in Section IV shall be dedicated to a government entity; shall be subjected to a conservation easement filed with the appropriate County Clerk's office; or shall be subjected to an equivalent form of restriction approved by the Borough that ensures that that measure, or equivalent stormwater management measure is maintained in perpetuity, as detailed in Section VI of this ordinance.

(6) Guidance for nonstructural stormwater management strategies is available in the New Jersey BMP Manual, which may be obtained from the address identified in Section XII.A or found on the NJDEP's website at www.njstormwater.org.

(7) Exception for major development sites creating less than one (1) acre of disturbance. The use of nonstructural strategies to meet the performance standards in Section IV of this ordinance is not required for major development creating less than one (1) acre of disturbance. However, the following requirements shall be met:

- a) Each application for major development and any other application where the Borough otherwise requires a landscaping plan shall contain a landscaping or re-vegetation plan prepared in accordance with the Pinelands CMP standards (N.J.A.C. 7:50-6.24(c));
- b) Each applicant shall demonstrate that, at a minimum, existing trees and vegetation on the development site will be preserved and protected according to the minimum standards established by provisions of the Borough's Land Use Ordinance, Zoning Ordinance or by conditions of zoning or variance approval; and
- c) Existing trees and vegetation shall be protected during construction activities in accordance with the "Standard for Tree Protection During Construction" provided in the NJ State Soil Conservation Committee Standards for Soil Erosion and Sediment Control in New Jersey, which is incorporated herein by reference as amended and supplemented.

B. Stormwater Runoff Quantity and Rate Standards.

- (1) There shall be no direct discharge of stormwater runoff from any point or non-point source to any wetland, wetlands transition area or surface waterbody. In addition, stormwater runoff shall not be directed in such a way as to increase the volume and/or rate of discharge into any surface water body from that which existed prior to development of the site.
- (2) To the maximum extent practical, there shall be no direct discharge of stormwater runoff onto farm fields so as to protect farm crops from damage due to flooding, erosion and long-term saturation of cultivated crops and cropland.
- (3) For all major developments, the total runoff volume generated from the net increase in impervious surfaces by a ten (10) year, twenty-four (24) hour storm shall be retained and infiltrated onsite.
- (4) In addition, the design engineer, using the assumptions and factors for stormwater runoff and groundwater recharge calculations contained in Section III, shall either:
 - a) Demonstrate through hydrologic and hydraulic analysis that the post-developed stormwater runoff hydrographs from the project site for the 2, 10, and 100-Year storms do not exceed, at any point in time, the site's pre-developed runoff hydrographs for the same storms;
 - b) Demonstrate through hydrologic and hydraulic analysis that under post-developed site conditions:
 - i. There is no increase in pre-developed stormwater runoff rates from the project site for the two (2), ten (10), and one hundred (100)-year storms; and
 - ii. Any increased stormwater runoff volume or change in stormwater runoff timing for the two (2), ten (10), and one hundred (100)-year storms will *not increase flood damage at or downstream of the project site. When performing this analysis for pre-developed site conditions, all off-site development levels shall reflect existing conditions. When performing this analysis for post-developed site conditions, all off-site development levels shall reflect full development in accordance with current zoning and land use ordinances; or

c) Demonstrate that the peak post-developed stormwater runoff rates from the project site for the two (2), ten (10) and one hundred (100) year storms are fifty, seventy-five and eighty percent (50%, 75% and 80%), respectively, of the site's peak pre-developed stormwater runoff rates for the same storms. Peak outflow rates from onsite stormwater measures for these storms shall be adjusted where necessary to account for the discharge of increased stormwater runoff rates and/or volumes from project site areas not controlled by the onsite measures. These percentages do not have to be applied to those portions of the project site that are not proposed for development at the time of application, provided that such areas are:

- i. Protected from future development by imposition of a conservation easement, deed restriction, or other acceptable legal measures; or
- ii. Would be subject to review under these standards if they are proposed for any degree of development in the future.

(5) In tidal flood hazard areas, a stormwater runoff quantity analysis in accordance with a, b, and c above shall only be applied if the increased volume of stormwater runoff could increase flood damages below the point of discharge.

(6) The standards for stormwater runoff quantity and rate required by this section shall be met using the methods, calculations and assumptions provided in Section III.

C. Groundwater Recharge Standards.

(1) For all major developments, with the exception of those described in Section IV.C.4, below, the design engineer, using the assumptions and factors for stormwater runoff and groundwater recharge calculations contained in Section III, shall either:

- a) Demonstrate through hydrologic and hydraulic analysis that the post-developed project site maintains 100 percent of the site's pre-developed average annual groundwater recharge volume; or
- b) Demonstrate through hydrologic and hydraulic analysis that any increase in the project site's stormwater runoff volume for the two (2) year, twenty four (24) hour storm from pre-developed to post-developed conditions is infiltrated on-site.

(2) The design engineer shall assess the hydraulic impact on the groundwater table and design the project site and all site groundwater recharge measures so as to avoid adverse hydraulic impacts. Adverse hydraulic impacts include, but are not limited to: raising the groundwater table so as to cause surface ponding; flooding of basements and other subsurface structures and areas; preventing a stormwater infiltration basin from completely draining via infiltration within seventy-two (72) hours of a design storm event; and interference with the proper operation of subsurface sewage disposal systems and other surface and subsurface facilities in the vicinity of the groundwater recharge measure.

(3) The standards for groundwater recharge required by this section shall be met using the methods, calculations and assumptions provided in Section III.

D. Erosion Control Standards. The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and its implementing regulations, N.J.A.C 2:90-1.1 through 1.4.

E. Stormwater Runoff Quality Standards.

(1) There shall be no direct discharge of stormwater runoff from any point or non-point source to any wetland, wetlands transition area or surface waterbody.

(2) Stormwater management measures shall be designed to reduce the total suspended solids (TSS) load in the stormwater runoff from the post-developed site by eighty percent (80%) expressed as an annual average.

(3) Stormwater management measures shall also be designed to reduce the nutrient load in the stormwater runoff from the post-developed site by the maximum extent practicable. In achieving this reduction, the design of the development site shall include nonstructural and structural stormwater management measures that optimize nutrient removal while still achieving the groundwater recharge, runoff quantity and rate, and TSS removal standards in this section.

(4) The standards for stormwater runoff quality required by this section shall be met using the methods, calculations, assumptions and pollutant removal rates provided in Section III.

(5) Exceptions.

a) The preceding stormwater runoff quality standards shall not apply to the following major development sites:

i. Major development sites where less than one quarter (0.25) acre of additional impervious surface is proposed; or

ii. Major residential development sites that create less than one (1) acre of disturbance.

b) The TSS reduction requirement in Section IV.F.2 shall not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the NJPDES rules (N.J.A.C. 7:14A) or in a discharge specifically exempt under a NJPDES permit from this requirement.

c) The stormwater runoff quantity and rate standards in Section IV.B shall still be met for all major development sites.

F. Additional stormwater quality standards for high pollutant loading areas and areas where stormwater runoff is exposed to source material.

(1) This subsection applies to the following areas of a major development as defined in Section VII of this ordinance:

a) High pollutant loading areas (HPLAs); and

b) Areas where stormwater is exposed to "source material."

(2) For a major development in areas described in 1.a or 1.b above, in addition to the infiltration requirements specified in Section IV.B.2 and the groundwater recharge requirements specified in Section IV.C, the applicant shall demonstrate in the Land Use Planning and Source Control Plan required in Section II.C.4 that the following requirements have been met:

- a) The extent of the areas described in 1.a. and 1.b. above have been minimized on the development site to the maximum extent practicable;
- b) The stormwater runoff from the areas described in 1.a and 1.b above is segregated to the maximum extent practicable from the stormwater runoff generated from the remainder of the site such that co-mingling of the stormwater runoff from the areas described in 1.a and 1.b above and the remainder of the site will be minimized;
- c) The amount of precipitation falling directly on the areas described in 1.a and 1.b above is minimized to the maximum extent practicable by means of a canopy, roof or other similar structure that reduces the generation of stormwater runoff; and
- d) The stormwater runoff from or co-mingled with the areas described in 1.a and 1.b above for the Water Quality Design Storm, defined in Section III.B. Table 1 shall be subject to pretreatment by one or more of the following stormwater BMPs, designed in accordance with the New Jersey BMP Manual to provide 90 % TSS removal:
 - i. Bioretention system;
 - ii. Sand filter;
 - iii. Wet pond which shall be hydraulically disconnected by a minimum of 2 feet of vertical separation from the seasonal high water table and shall be designed to achieve a minimum 80% TSS removal rate;
 - iv. Constructed stormwater wetlands; and/or
 - v. Media filtration system manufactured treatment device with a minimum 80% TSS removal as verified by the New Jersey Corporation for Advanced Technology and as certified by NJDEP.
- e) If the potential for contamination of stormwater runoff by petroleum products exists onsite, prior to being conveyed to the pretreatment BMP required in Section IV.D.2.d above, the stormwater runoff from the areas described in 1.a and 1.b above shall be conveyed through an oil/grease separator or other equivalent manufactured filtering device to remove the petroleum hydrocarbons. The applicant shall provide the reviewing agency with sufficient data to demonstrate acceptable performance of the device.

G. Threatened and Endangered Species and Associated Habitat Standards. Stormwater management measures shall address the impacts of the development on habitat for threatened and endangered species, in accordance with N.J.A.C. 7:8-5.2(c), N.J.A.C. 7:50-6.27, and 7:50-6.33 and 34.

H. Exceptions and Mitigation Requirements.

(1) Exceptions from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements established by this ordinance may be granted, at the discretion of the Borough, and subject to approval by the Pinelands Commission, provided that all of the following conditions are met:

- a) The exception is consistent with that allowed by the Borough;
- b) The Borough has an adopted and effective municipal stormwater management plan in accordance with N.J.A.C. 7:8-4.4, which includes a mitigation plan in accordance

with N.J.A.C. 7:8-4.2(c)11, and is also certified by the Pinelands Commission. The mitigation plan shall identify what measures are necessary to offset the deficit created by granting the exception and the municipality shall submit a written report to the county review agency and the NJDEP describing the exception and the required mitigation. Guidance for developing municipal stormwater management plans, including mitigation plans, is available from the NJDEP, Division of Watershed Management and the New Jersey BMP Manual.

- c) The applicant demonstrates that mitigation, in addition to the requirements of mitigation plan discussed in b) above, will be provided consistent with one of the following options:
 - i. Mitigation may be provided off-site, but within the Pinelands Area and within the same drainage area as the development site, and shall meet or exceed the equivalent recharge, quality or quantity performance standard which is lacking on the development site due to the exception; or
 - ii. In lieu of the required mitigation, a monetary "in lieu contribution" may be provided by the applicant to the Borough in accordance with the following:
 - (a) The amount of the in lieu contribution shall be determined by the Borough, but the maximum in lieu contribution required shall be equivalent to the cost of implementing and maintaining the stormwater management measure(s) for which the exception is granted;
 - (b) The in lieu contribution shall be used to fund an off-site stormwater control mitigation project(s) located within the Pinelands Area, within the same drainage area as the development site, and shall meet or exceed the equivalent recharge, quality or quantity performance standards which is lacking on the development site. Such mitigation project shall be identified by the Borough in the Borough's adopted municipal stormwater management plan. The stormwater control project to which the monetary contribution will be applied shall be identified by the Borough at the time the exception is granted. The applicant shall amend the project description and site plan required in Section II.C.3 to incorporate a description of both the standards for which an on-site exception is being granted and of the selected off-site mitigation project.
 - (c) The Borough shall expend the in lieu contribution to implement the selected off-site mitigation project within five (5) years from the date that payment is received. Should the Borough fail to expend the in lieu contribution within the required timeframe, the mitigation option provided in Section IV.H.1.c.iii of this ordinance shall be void and the Borough shall be prohibited from collecting in lieu contributions.
- (2) An exception from strict compliance granted in accordance with H.1. above shall not constitute a waiver of strict compliance from the requirements of the Pinelands Comprehensive Management Plan at N.J.A.C. 7:50. An applicant should contact the Pinelands Commission to determine whether a waiver of strict compliance is also required in accordance with N.J.A.C. 7:50, Subchapter 4, Part V.

25-16.5 Design, Construction, and Safety Standards for Structural Stormwater Management Measures

A. General Design and Construction Standards

(1) Structural stormwater management measures shall be designed to meet the standards established in this section. These standards have been developed to protect public safety, conserve natural features, create an aesthetically pleasing site and promote proper onsite stormwater management.

(2) The following structural stormwater management measures may be utilized as part of a stormwater management system at a major land development in the Pinelands, provided that the applicant demonstrates that they are designed, constructed and maintained so as to meet the standards and requirements established by this ordinance. If alternative stormwater management measures are proposed, the applicant shall demonstrate that the selected measures will achieve the standards established by this ordinance.

- a) Bioretention systems;
- b) Constructed stormwater wetlands;
- c) Extended detention basins;
- d) Infiltration basins;
- e) Vegetated filter strips;
- f) Infiltration basins and trenches;
- g) Wet ponds with suitable liners;
- h) Pervious paving systems; and
- i) Manufactured treatment devices, provided their pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the NJDEP.

(3) Structural stormwater management measures shall be designed to take into account the existing site conditions, including environmentally critical areas, wetlands, flood-prone areas, slopes, depth to seasonal high water table, soil type, permeability and texture, and drainage area and drainage patterns.

(4) Structural stormwater management measures shall be designed and constructed to be strong, durable, and corrosion resistant (measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.8 shall be deemed to meet this requirement); to minimize and facilitate maintenance and repairs; and to ensure proper functioning.

(5) For all stormwater management measures at a development site, each applicant shall submit a detailed Inspection, Maintenance and Repair Plan consistent with the requirements of Section V of this ordinance.

(6) To the maximum extent practicable, the design engineer shall design structural stormwater management measures on the development site in a manner that:

- a) Limits site disturbance, maximizes stormwater management efficiencies, and maintains or improves aesthetic conditions;
- b) Utilizes multiple stormwater management measures, smaller in size and distributed spatially throughout the land development site, instead of a single larger structural stormwater management measure;
- c) Incorporates pretreatment measures. Pretreatment can extend the functional life and increase the pollutant removal capability of a structural stormwater management measure. Pretreatment measures may be designed in accordance with the New Jersey BMP Manual or other sources approved by the municipal engineer.

(7) Stormwater management basins shall be designed in a manner that complements and mimics the existing natural landscape, including but not limited to the following design strategies:

- a) Use of natural, non-wetland wooded depressions for stormwater runoff storage; and
- b) Establishment of attractive landscaping in and around the basin that mimics the existing vegetation and incorporates native Pinelands plants, including, but not limited to, the species listed in N.J.A.C. 7:50-6.25 and 6.26.

(8) Stormwater management basins shall be designed with gently sloping sides. The maximum allowable basin side slope shall be three (3) horizontal to one (1) vertical (3:1).

(9) Guidance on the design and construction of structural stormwater management measures may be found in the New Jersey BMP Manual. Other guidance sources may also be used upon approval by the municipal engineer.

(10) After all construction activities and required field testing have been completed on the development site, as-built plans depicting design and as-built elevations of all stormwater management measures shall be prepared by a Licensed Land Surveyor and submitted to the municipal engineer. Based upon the municipal engineer's review of the as-built plans, all corrections or remedial actions deemed by the municipal engineer to be necessary due to the failure to comply with the standards established by this ordinance and/or any reasons of public health or safety, shall be completed by the applicant. In lieu of review by the municipal engineer, the Borough reserves the right to engage a Professional Engineer to review the as-built plans. The applicant shall pay all costs associated with such review.

B. Design and Construction Standards for Stormwater Infiltration BMP's.

(1) Stormwater infiltration BMP's, such as bioretention systems with infiltration, dry wells, infiltration basins, pervious paving systems with storage beds, and sand filters with infiltration, shall be designed, constructed and maintained to completely drain the total runoff volume generated by the basin's maximum design storm within seventy-two (72) hours after a storm event. Runoff storage for greater times can render the BMP ineffective and may result in anaerobic conditions, odor and both water quality and mosquito breeding problems.

(2) Stormwater infiltration BMPs shall be designed, constructed and maintained to provide a minimum separation of at least two (2) feet between the elevation of the lowest point of the bottom of the infiltration BMP and the seasonal high water table.

(3) A stormwater infiltration BMP shall be sited in suitable soils verified by field testing to have permeability rates between one (1) and twenty (20) inches per hour. If such site soils do not exist or if the design engineer demonstrates that it is not practical for engineering, environmental or safety reasons to site the stormwater infiltration BMP(s) in such soils, then the stormwater infiltration BMP(s) may be sited in soils verified by field testing to have permeability rates in excess of twenty (20) inches per hour, provided that a bioretention system, designed, installed and maintained in accordance with the New Jersey BMP Manual, is installed to meet one of the following conditions:

a) The bioretention system is constructed as a separate measure designed to provide pretreatment of stormwater and to convey the pretreated stormwater into the infiltration BMP; or

b) The bioretention system is integrated into and made part of the infiltration BMP and, as such, does not require an underdrain system. If this option is selected, the infiltration BMP shall be designed and constructed so that the maximum water depth in the bioretention system portion of the BMP during treatment of the stormwater quality design storm is twelve (12) inches in accordance with the New Jersey BMP Manual.

(4) The minimum design permeability rate for the soil within a BMP that relies on infiltration shall be one-half (0.5) inch per hour. A factor of safety of two (2) shall be applied to the soil's field-tested permeability rate to determine the soil's design permeability rate. For example, if the field-tested permeability rate of the soil is four (4) inches per hour, its design permeability rate would be two (2) inches per hour). The minimum design permeability rate for the soil within a stormwater infiltration basin shall also be sufficient to achieve the minimum seventy-two (72) hour drain time described in 1. above. The maximum design permeability shall be ten (10) inches per hour.

(5) A soil's field-tested permeability rate shall be determined in accordance with the following:

a) The pre-development field test permeability rate shall be determined according to the methodologies provided in Section XI.C.3 of this ordinance;

b) The results of the required field permeability tests shall demonstrate a minimum tested infiltration rate of one (1) inch per hour;

c) After all construction activities have been completed on the site and the finished grade has been established in the infiltration BMP, post-development field permeability tests shall also be conducted according to the methodologies provided in Section XI.C.3 of this ordinance;

d) If the results of the post-development field permeability tests fail to achieve the minimum required design permeability rates in 5 above utilizing a factor of safety of two (2), the stormwater infiltration BMP shall be renovated and re-tested until such minimum required design permeability rates are achieved; and

e) The results of all field permeability tests shall be certified by a Professional Engineer and transmitted to the municipal engineer.

(6) To help ensure maintenance of the design permeability rate over time, a six (6) inch layer of K5 soil shall be placed on the bottom of a stormwater infiltration BMP. This soil layer

shall meet the textural and permeability specifications of a K5 soil as provided at N.J.A.C. 7:9A, Appendix A, Figure 6, and be certified to meet these specifications by a Professional Engineer licensed in the State of New Jersey. The depth to the seasonal high water table shall be measured from the bottom of the K5 sand layer.

(7) The design engineer shall assess the hydraulic impact on the groundwater table and design the project site and all stormwater infiltration basins so as to avoid adverse hydraulic impacts. Adverse hydraulic impacts include, but are not limited to: raising the groundwater table so as to cause surface ponding; flooding of basements and other subsurface structures and areas; preventing a stormwater infiltration basin from completely draining via infiltration within seventy-two (72) hours of a design storm event; and interference with the proper operation of subsurface sewage disposal systems and other surface and subsurface structures in the vicinity of the stormwater infiltration basin.

(8) The design engineer shall conduct a mounding analysis, as defined in Section VII, of all stormwater infiltration BMPs. The mounding analysis shall be conducted in accordance with the requirements in Section XI.C.3.1. Where the mounding analysis identifies adverse impacts, the stormwater infiltration BMP shall be redesigned or relocated, as appropriate.

(9) Stormwater infiltration BMPs shall be constructed in accordance with the following:

- a) To avoid sedimentation that may result in clogging and reduce the basin's permeability rate, stormwater infiltration basins shall be constructed according to the following:
 - i. Unless the conditions in (ii) below are met, a stormwater infiltration basin shall not be placed into operation until its drainage area is completely stabilized. Instead, upstream runoff shall be diverted around the basin and into separate, temporary stormwater management facilities and sediment basins. Such temporary facilities and basins shall be installed and utilized for stormwater management and sediment control until stabilization is achieved in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey, which is incorporated herein by reference as amended and supplemented.
 - ii. If the design engineer determines that, for engineering, environmental or safety reasons, temporary stormwater management facilities and sediment basins cannot be constructed on the site, the stormwater infiltration basin may be placed into operation prior to the complete stabilization of its drainage area provided that the basin's bottom during this period is constructed at a depth at least two (2) feet higher than its final design elevation. All other infiltration BMP construction requirements in this section shall be followed. When the drainage area is completely stabilized, all accumulated sediment shall be removed from the infiltration BMP, which shall then be excavated to its final design elevation in accordance with the construction requirements of this section and the performance standards in Section IV.
- b) To avoid compaction of sub-grade soils of BMP's that rely on infiltration, no heavy equipment such as backhoes, dump trucks or bulldozers shall be permitted to operate within the footprint of the BMP. All excavation required to construct a stormwater infiltration BMP shall be performed by equipment placed outside the BMP. If this is

not possible, the soils within the excavated area shall be renovated and tilled after construction is completed to reverse the effects of compaction. In addition, post-development soil permeability testing shall be performed in accordance with B.5 of this section.

- c) Earthwork associated with stormwater infiltration BMP construction, including excavation, grading, cutting or filling, shall not be performed when soil moisture content is above the lower plastic limit.

C. Safety Standards for Structural Stormwater Management Measures

(1) If a structural stormwater management measure has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions means the permanent installation of ladders, steps, rungs, or other features that provide readily accessible means of ingress and egress from the outlet structure.

(2) A trash rack is a device intended to intercept runoff-borne trash and debris that might otherwise block the hydraulic openings in an outlet structure of a structural stormwater management measure. Trash racks shall be installed upstream of such outlet structure openings as necessary to ensure proper functioning of the structural stormwater management measure in accordance with the following:

- a) The trash rack should be constructed primarily of bars aligned in the direction of flow with one (1) inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the bars shall be spaced no greater than one-third (1/3) the width of the hydraulic opening it is protecting or six inches, whichever is less. Transverse bars aligned perpendicular to flow should be sized and spaced as necessary for rack stability and strength.
- b) The trash rack shall not adversely affect the hydraulic performance of either the outlet structure opening it is protecting or the overall outlet structure.
- c) The trash rack shall have sufficient net open area under clean conditions to limit the peak design storm velocity through it to a maximum of 2.5 feet per second.
- d) The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.

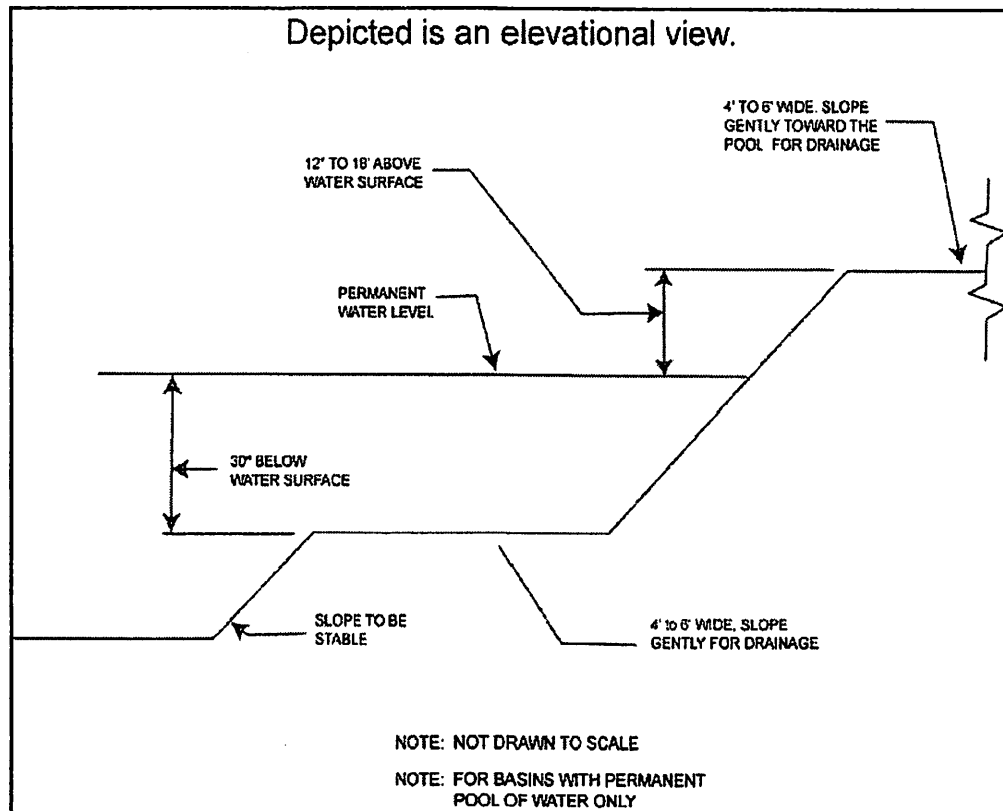
(3) An overflow grate is a device intended to protect the opening in the top of a stormwater management measure outlet structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

- a) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance;
- b) The overflow grate spacing shall be no more than two (2) inches across the smallest dimension; and
- c) The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of three hundred (300) pounds per square foot.

(4) The maximum side slope for an earthen dam, embankment, or berm shall not be steeper than three (3) horizontal to one (1) vertical (3:1).

(5) Safety ledges shall be constructed on the slopes of all new structural stormwater management measures having a permanent pool of water deeper than two and one-half feet. Such safety ledges shall be comprised of two steps. Each step shall be four (4) to six (6) feet in width. One step shall be located approximately two and one-half (2½) feet below the permanent water surface, and the second step shall be located one (1) to one and one-half (1½) feet above the permanent water surface. See a) below, for an illustration of safety ledges in a stormwater management basin.

a) Illustration of safety ledges.



Source: N.J.A.C. 7:8-6 Appendix A.

25-16.6 Inspection, Maintenance and Repair of Stormwater Management Measures

A. Applicability. Projects subject to review pursuant to Section I.C of this ordinance shall comply with the requirements of Sections VI.B and VI.C below.

B. General Inspection, Maintenance and Repair Plan.

(1) The design engineer shall prepare an Inspection, Maintenance and Repair Plan for the stormwater management measures, including both structural and nonstructural measures incorporated into the design of a major development. This plan shall be submitted as part of the Checklist Requirements established in Section II.C.

Inspection and maintenance guidelines for stormwater management measures are available in the New Jersey BMP Manual.

(2) The Inspection, Maintenance and Repair Plan shall contain the following:

a) Accurate and comprehensive drawings of the site's stormwater management measures;

b) Specific locations of each stormwater management measure identified by means of longitude and latitude as well as block and lot number;

c) Specific preventative and corrective maintenance tasks and schedules for such tasks for each stormwater BMP;

d) Cost estimates, including estimated cost of sediment, debris or trash removal; and

e) The name, address and telephone number of the person or persons responsible for regular inspections and preventative and corrective maintenance (including repair and replacement). If the responsible person or persons is a corporation, company, partnership, firm, association, municipality or political subdivision of this State, the name and telephone number of an appropriate contact person shall also be included.

(3) The person responsible for inspection, maintenance and repair identified under Section VI.B.2 above shall maintain a detailed log of all preventative and corrective maintenance performed for the site's stormwater management measures, including a record of all inspections and copies of all maintenance-related work orders in the Inspection, Maintenance and Repair Plan. Said records and inspection reports shall be retained for a minimum of five (5) years.

(4) If the Inspection, Maintenance and Repair Plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for inspection and maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management measure to such person under an applicable ordinance or regulation.

(5) If the person responsible for inspection, maintenance and repair identified under Section VI.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section VI.B.6 below shall be recorded upon the deed of

record for each property on which the maintenance described in the maintenance plan shall be undertaken.

- (6) The person responsible for inspection, maintenance and repair identified under Section VI.B.2 above shall evaluate the effectiveness of the Inspection, Maintenance and Repair Plan at least once per year and update the plan and the deed as needed.
- (7) The person responsible for inspection, maintenance and repair identified under Section VI.B.2 above shall submit the updated Inspection, Maintenance and Repair Plan and the documentation required by Sections VI.B.2 and VI.B.3 above to the Borough once per year.
- (8) The person responsible for inspection, maintenance and repair identified under Section VI.B.2 above shall retain and make available, upon request by any public entity with administrative, health, environmental or safety authority over the site the Inspection, Maintenance and Repair Plan and the documentation required by Sections VI.B.2 and VI.B.3 above.

C. Responsibility for inspection, repair and maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project.

D. Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including, but not limited to: repairs or replacement to any associated appurtenance of the measure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; repair or replacement of linings; and restoration of infiltration function.

E. Stormwater management measure easements shall be provided by the property owner as necessary for facility inspections and maintenance and preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities. The purpose of the easement shall be specified in the maintenance agreement.

F. In the event that the stormwater management measure becomes a public health nuisance or danger to public safety or public health, or if it is in need of maintenance or repair, the Borough shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or the municipal engineer's designee. The Borough, at its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair within the allowable time, the Borough may immediately proceed to do so with its own forces and equipment and/or through contractors. The costs and expenses of such maintenance and repair by the Borough shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the maintenance and repair was performed.

G. Requirements for Inspection, Maintenance and Repair of Stormwater BMP's that rely on infiltration. If a stormwater infiltration BMP is incorporated into the design of a major development, the applicant shall include the following requirements in its Inspection, Maintenance and Repair Plan:

- (1) Once per month (if needed): Mow side slopes, remove litter and debris, stabilize eroded banks, repair erosion at inflow structure(s);
- (2) After every storm exceeding one (1) inch of rainfall: Ensure that infiltration BMPs drain completely within seventy-two (72) hours after the storm event. If stored water fails to infiltrate seventy-two (72) hours after the end of the storm, corrective measures shall be taken. Raking or tilling by light equipment can assist in maintaining infiltration capacity and break up clogged surfaces;
- (3) Four times per year (quarterly): Inspect stormwater infiltration BMPs for clogging and excessive debris and sediment accumulation within the BMP, remove sediment (if needed) when completely dry;
- (4) Two times per year: Inspect for signs of damage to structures, repair eroded areas, check for signs of petroleum contamination and remediate;
- (5) Once per year: Inspect BMPs for unwanted tree growth and remove if necessary, disc or otherwise aerate bottom of infiltration basin to a minimum depth of six (6) inches; and
- (6) After every storm exceeding one (1) inch of rainfall, inspect and, if necessary, remove and replace K5 sand layer and accumulated sediment, to restore original infiltration rate.
- (7) Additional guidance for the inspection, maintenance and repair of stormwater infiltration BMPs can be found in the New Jersey BMP Manual.

H. Financing of Inspection, Maintenance and Repair of Stormwater BMPs. An adequate means of ensuring permanent financing of the inspection, maintenance and repair of stormwater BMPs shall be implemented and detailed in the Inspection, Maintenance and Repair Plan. Permanent financing of the inspection, maintenance and repair of stormwater BMPs shall be accomplished by:

- a) The assumption of the inspection and maintenance program by a municipality, county, public utility or homeowner's association.
- b) Other suitable method approved by the municipality.

25-16.7 Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. When used in this ordinance, the following terms shall have the meanings herein ascribed to them.

“The Borough” means the Land Use Board or other board, agency or official of the Borough of Lakehurst with authority to approve or disapprove subdivisions,

site plans, construction permits, building permits or other applications for development approval. For the purposes of reviewing development applications and ensuring compliance with the requirements of this ordinance, the Borough of Lakehurst may designate the municipal engineer or other qualified designee to act on behalf of the Borough of Lakehurst.

“Aquaculture” means the propagation, rearing and subsequent harvesting of aquatic organisms in controlled or selected environments, and their subsequent processing, packaging and marketing, including but not limited to, activities to intervene in the rearing process to increase production such as stocking, feeding, transplanting and providing for protection from predators.

“Certification” means either a written statement signed and sealed by a licensed New Jersey Professional Engineer attesting that a BMP design or stormwater management system conforms to or meets a particular set of standards or to action taken by the Commission pursuant to N.J.A.C. 7:50-3, Part II or Part IV. Depending upon the context in which the term is use, the terms "certify" and "certified" shall be construed accordingly.

“Compaction” means the increase in soil bulk density caused by subjecting soil to greater-than-normal loading. Compaction can also decrease soil infiltration and permeability rates.

"Construction" means the construction, erection, reconstruction, alteration, conversion, demolition, removal or equipping of buildings, structures or components of a stormwater management system including but not limited to collection inlets, stormwater piping, swales and all other conveyance systems, and stormwater BMPs.

“County review agency” means an agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

A county planning agency; or

A county water resource association created under N.J.S.A. 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

“Design engineer” means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

“Design permeability” means the tested permeability rate with a factor of safety of two (2) applied to it (e.g., if the tested permeability rate of the soils is four (4) inches per hour, the design rate would be two (2) inches per hour).

“Development” means the change of or enlargement of any use or disturbance of any land, the performance of any building or mining operation, the division of

land into two or more parcels, and the creation or termination of rights of access or riparian rights including, but not limited to:

1. A change in type of use of a structure or land;
2. A reconstruction, alteration of the size, or material change in the external appearance of a structure or land;
3. A material increase in the intensity of use of land, such as an increase in the number of businesses, manufacturing establishments, offices or dwelling units in a structure or on land;
4. Commencement of resource extraction or drilling or excavation on a parcel of land;
5. Demolition of a structure or removal of trees;
6. Commencement of forestry activities;
7. Deposit of refuse, solid or liquid waste or fill on a parcel of land;
8. In connection with the use of land, the making of any material change in noise levels, thermal conditions, or emissions of waste material; and
9. Alteration, either physically or chemically, of a shore, bank, or flood plain, seacoast, river, stream, lake, pond, wetlands or artificial body of water.

In the case of development on agricultural land, i.e. lands used for an agricultural use or purpose as defined at N.J.A.C. 7:50-2.11, development means: any activity that requires a State permit; any activity reviewed by the County Agricultural Boards (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A. 4:1C-1 et seq.

“Development, major” means any division of land into five or more lots; any construction or expansion of any housing development of five or more dwelling units; any construction or expansion of any commercial or industrial use or structure on a site of more than three acres; or any “development,” grading, clearing or disturbance of an area in excess of five thousand square feet (5,000 ft²). Disturbance for the purpose of this ordinance is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting or removing of vegetation.

“Development, minor” means all development other than major development.

“Drainage area” means a geographic area within which stormwater, sediments, or dissolved materials drain to a BMP, a stormwater management system, a particular receiving waterbody or a particular point along a receiving waterbody.

“Environmentally critical area” means an area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitat of endangered or threatened animal species; threatened or endangered plants of the Pinelands pursuant to N.J.A.C. 7:5-6.27(a);

large areas of contiguous open space or upland forest; steep slopes; and well head protection and groundwater recharge areas. T & E habitat constitutes habitat that is critical for the survival of a local population of threatened and endangered species or habitat that is identified using the Department's Landscape Project as approved by the Department's Endangered and Non-game Species Program, whichever is more inclusive. Threatened and endangered wildlife shall be protected in conformance with N.J.A.C. 7:50-6.33.

"Exception" means the approval by the approving authority of a variance or other material departure from strict compliance with any section, part, phrase or provision of this ordinance. An exception may be granted only under certain specific, narrowly defined conditions described herein and does not constitute a waiver of strict compliance with any section, part, phrase or provision of the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-1.1 et seq.).

"Extended detention basin" means a facility constructed through filling and/or excavation that provides temporary storage of stormwater runoff. It has an outlet structure that detains and attenuates runoff inflows and promotes the settlement of pollutants. An extended detention basin is normally designed as a multi-stage facility that provides runoff storage and attenuation for both stormwater quality and quantity management. The term "stormwater detention basin" shall have the same meaning as "extended detention basin."

"Finished grade" means the elevation of the surface of the ground after completion of final grading, either via cutting, filling or a combination thereof.

"Grading" means modification of a land slope by cutting and filling with the native soil or re-distribution of the native soil which is present at the site.

"Groundwater" means water below the land surface in a zone of saturation.

"Groundwater mounding analysis" means a test performed to demonstrate that the groundwater below a stormwater infiltration basin will not "mound up," encroach on the unsaturated zone, break the surface of the ground at the infiltration area or downslope, and create an overland flow situation.

"Heavy Equipment" means equipment, machinery, or vehicles that exert ground pressure in excess of eight (8) pounds per square inch.

"High Pollutant Loading Area" means an area in an industrial or commercial development site: where solvents and/or petroleum products are loaded/unloaded, stored, or applied; where pesticides are loaded/unloaded or stored; where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; where recharge would be inconsistent with NJDEP-approved remedial action work plan or landfill closure plan; and/or where a high risk exists for spills of toxic materials, such as gas stations and vehicle maintenance facilities. The term "HPLA" shall have the same meaning as "High Pollutant Loading Area."

"Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

“Infiltration” is the process by which precipitation enters the soil through its surface.

"In lieu contribution" means a monetary fee collected by the Borough in lieu of requiring strict on-site compliance with the groundwater recharge, stormwater runoff quantity and/or stormwater runoff quality standards established in this ordinance.

"Install" means to assemble, construct, put in place or connect components of a stormwater management system.

“Mitigation” means acts necessary to prevent, limit, remedy or compensate for conditions that may result from those cases where an applicant has demonstrated the inability or impracticality of strict compliance with the stormwater management requirements set forth in N.J.A.C. 7:8, in an adopted regional stormwater management plan, or in a local ordinance which is as protective as N.J.A.C. 7:8, and an exception from strict compliance is granted by the Borough and the Pinelands Commission.

“New Jersey Stormwater Best Management Practices Manual” means guidance developed by the New Jersey Department of Environmental Protection, in coordination with the New Jersey Department of Agriculture, the New Jersey Department of Community Affairs, the New Jersey Department of Transportation, municipal engineers, county engineers, consulting firms, contractors, and environmental organizations to address the standards in the New Jersey Stormwater Management Rules, N.J.A.C. 7:8. The BMP manual provides examples of ways to meet the standards contained in the rule. An applicant may demonstrate that other proposed management practices will also achieve the standards established in the rules. The manual, and notices regarding future versions of the manual, are available from the Division of Watershed Management, NJDEP, PO Box 418, Trenton, New Jersey 08625; and on the NJDEP’s website, www.njstormwater.org. The term “New Jersey BMP Manual” shall have the same meaning as “New Jersey Stormwater Best Management Practices Manual.”

“NJDEP” means the New Jersey Department of Environmental Protection.

"NJPDES" means the New Jersey Pollutant Discharge Elimination System as set forth in N.J.S.A. 58:10A-1 et seq. and in N.J.A.C. 7:14A.

"NJPDES permit" means a permit issued by the NJDEP pursuant to the authority of the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and N.J.A.C. 7:14A for a discharge of pollutants.

"Non-point source" means:

1. Any human-made or human-induced activity, factor, or condition, other than a point source, from which pollutants are or may be discharged;
2. Any human-made or human-induced activity, factor, or condition, other than a point source, that may temporarily or permanently change any chemical, physical,

biological, or radiological characteristic of waters of the State from what was or is the natural, pristine condition of such waters, or that may increase the degree of such change; or

3. Any activity, factor, or condition, other than a point source, that contributes or may contribute to water pollution.

The term "NPS" shall have the same meaning as "non-point source."

"Nonstructural BMP" means a stormwater management measure, strategy or combination of strategies that reduces adverse stormwater runoff impacts through sound site planning and design. Nonstructural BMPs include such practices as minimizing site disturbance, preserving important site features, reducing and disconnecting impervious cover, flattening slopes, utilizing native vegetation, minimizing turf grass lawns, maintaining natural drainage features and characteristics and controlling stormwater runoff and pollutants closer to the source. The term "Low Impact Development technique" shall have the same meaning as "nonstructural BMP."

"Nutrient" means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

"Permeability" means the rate at which water moves through a saturated unit area of soil or rock material at hydraulic gradient of one, determined as prescribed in N.J.A.C. 7:9A-6.2 (Tube Permeameter Test), N.J.A.C. 6.5 (Pit Bailing Test) or N.J.A.C. 6.6 (Piezometer Test). Alternative permeability test procedures may be accepted by the approving authority provided the test procedure attains saturation of surrounding soils, accounts for hydraulic head effects on infiltration rates, provides a permeability rate with units expressed in inches per hour and is accompanied by a published source reference. Examples of suitable sources include hydrogeology, geotechnical, or engineering text and design manuals, proceedings of American Society for Testing and Materials (ASTM) symposia, or peer-review journals. Neither a Soil Permeability Class Rating Test, as described in N.J.A.C. 7:9A-6.3, nor a Percolation Test, as described in N.J.A.C. 7:9A-6.4, are acceptable tests for establishing permeability values for the purpose of complying with this ordinance.

"Permeable" means having a permeability of one (1) inch per hour or faster. The terms "permeable soil," "permeable rock" and "permeable fill" shall be construed accordingly.

"Person" means any individual, corporation, company, partnership, firm, association, municipality or political subdivision of this State subject to municipal jurisdiction pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

"Pinelands Commission" or "Commission" means the Commission created pursuant Section 5 of the Pinelands Protection Act, N.J.S.A. 13:18A-5.

"Pinelands CMP" means the New Jersey Pinelands Comprehensive Management Plan (N.J.A.C. 7:50 1.1 et seq).

"Point source" means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

"Pollutant" means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substances (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), thermal waste, wrecked or discarded equipment, rock, sand, suspended solids, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, groundwaters or surface waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

"Professional Engineer" means a person licensed to practice Professional Engineering in the State of New Jersey pursuant to N.J.S.A. 48:8-27 et seq.

"Recharge" means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

"Replicate" means one of two or more soil samples or tests taken at the same location (within five feet of each other) and depth, within the same soil horizon or substratum. In the case of fill material, replicate tests are tests performed on sub-samples of the same bulk sample packed to the same bulk density.

"Sand" means a particle size category consisting of mineral particles which are between 0.05 and 2.0 millimeters in equivalent spherical diameter. Also, a soil textural class having 85 percent or more of sand and a content of silt and clay such that the percentage of silt plus 1.5 times the percentage of clay does not exceed 15, as shown in Section XI.C.1 (USDA Soil Textural Triangle).

"Seasonally high water table" means the upper limit of the shallowest zone of saturation which occurs in the soil, identified as prescribed in N.J.A.C. 7:9A-5.8.

"Sediment" means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

"Site" means the lot or lots upon which a major development is to occur or has occurred.

"Soil" means all unconsolidated mineral and organic material of any origin, which is not a rock substratum, including sediments below the biologically active and/or weathered zones.

"Source material" means any material(s) or machinery, located at an industrial facility that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial

stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

“Stormwater” means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

“Stormwater infiltration BMP” means a basin or other facility constructed within permeable soils that provides temporary storage of stormwater runoff. An infiltration BMP does not normally have a structural outlet to discharge runoff from the stormwater quality design storm. Instead, outflow from an infiltration BMP is through the surrounding soil. The terms “infiltration measure” and “infiltration practice” shall have the same meaning as “stormwater infiltration basin.”

“Stormwater management measure” means any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances. This includes, but is not limited to, structural and nonstructural stormwater Best Management Practices described in the New Jersey BMP Manual and designed to meet the standards for stormwater control contained within this ordinance. The terms “stormwater Best Management Practice” and “stormwater BMP” shall have the same meaning as “stormwater management measure.”

“Stormwater runoff” means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

"Suitable soil" means unsaturated soil, above the seasonally high water table, which contains less than fifty percent (50%) by volume of coarse fragments and which has a tested permeability rate of between one (1) and twenty (20) inches per hour.

"Surface water" means any waters of the State which are not groundwater.

“Time of concentration” means the time it takes for runoff to travel from the hydraulically most distant point of the drainage area to the point of interest within a watershed.

“Total Suspended Solids” means the insoluble solid matter suspended in water and stormwater that is separable by laboratory filtration in accordance with the procedure contained in the "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, American Water Works Association and the Water Pollution Control Federation. The term “TSS” shall have the same meaning as “Total Suspended Solids.”

“Tidal Flood Hazard Area” means a flood hazard area, which may be influenced by stormwater runoff from inland areas, but which is primarily caused by the Atlantic Ocean.

"Waters of the State" means the ocean and its estuaries, all springs, streams and bodies of surface and groundwater, whether natural or artificial, within the boundaries of New Jersey or subject to its jurisdiction.

"Water table" means the upper surface of a zone of saturation.

"Well" means a bored, drilled or driven shaft, or a dug hole, which extends below the seasonally high water table and which has a depth which is greater than its largest surface dimension.

“Wetlands” mean those lands, which are inundated or saturated by water at a magnitude, duration and frequency sufficient to support the growth of hydrophytes. Wetlands include lands with poorly drained or very poorly drained soils as designated by the National Cooperative Soils Survey of the Soil Conservation Service of the United States Department of Agriculture. Wetlands include coastal wetlands and inland wetlands, including submerged lands. The "New Jersey Pinelands Commission Manual for Identifying and Delineating Pinelands Area Wetlands: A Pinelands Supplement to the Federal Manual for Identifying and Delineating Jurisdictional Wetlands," dated January, 1991, as amended, may be utilized in delineating the extent of wetlands based on the definitions of wetlands and wetlands soils contained in this section, N.J.A.C. 7:50 2.11, 6.4 and 6.5. The term “wetland” shall have the same meaning as “wetlands.”

“Wet pond” means a stormwater facility constructed through filling and/or excavation that provides both permanent and temporary storage of stormwater runoff. It has an outlet structure that creates a permanent pool and detains and attenuates runoff inflows and promotes the settling of pollutants. A stormwater retention basin can also be designed as a multi-stage facility that also provides extended detention for enhanced stormwater quality design storm treatment and runoff storage and attenuation for stormwater quantity management. The term “stormwater retention basin” shall have the same meaning as “wet pond.”

25-16.8 Penalties. Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the following penalties:

1. A fine not less than \$ 500.00 and not to exceed \$ 2,000.00;
2. Imprisonment up to 90 days in the county jail;
3. Or both

For purposes of this ordinance each 24-hour period shall be a separate and distinct offense.

25-16.9 Effective Date.

This ordinance shall take effect immediately upon the following:

A) Certification by the Pinelands Commission in accordance with N.J.A.C. 7:50 Subchapter 3; and

B) Approval by the county review agency.

25-16.10 Severability.

If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this ordinance.

25-16.11 Appendices.

A. Methods for Calculating Groundwater Recharge.

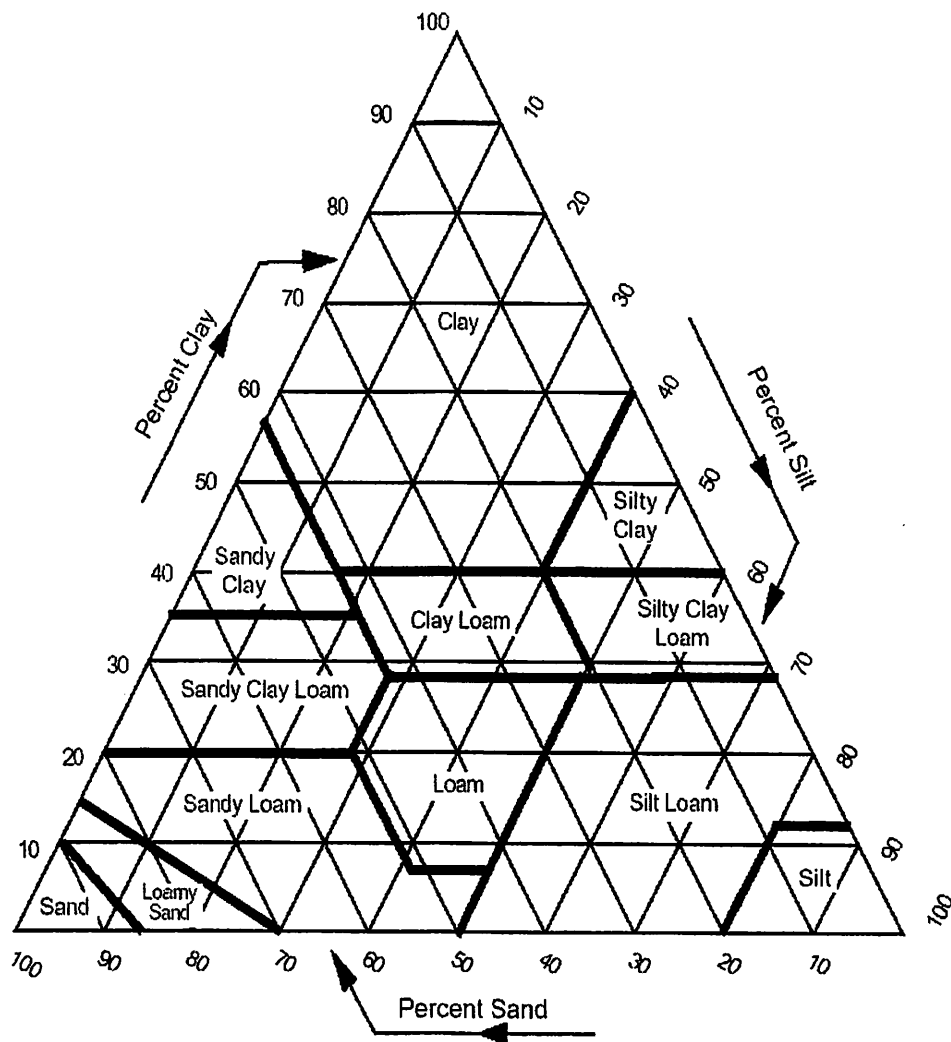
(1) The New Jersey Geological Survey Report GSR-32: A Method for Evaluating Ground-Water Recharge Areas in New Jersey. Available at <http://www.njgeology.org/geodata/dgs99-2.htm>.

(2) The New Jersey Groundwater Recharge Spreadsheet (NJGRS). Available in the New Jersey BMP Manual, Chapter 6, at http://www.njstormwater.org/bmp_manual2.htm.

B. NJDEP Nonstructural Strategies Point System. The New Jersey Stormwater Management Rules at N.J.A.C. 7:8-5.2(a), and Section IV. A. of this Ordinance, require nonstructural stormwater management strategies to be incorporated into the site design of a major development. A total of nine strategies are to be used to the maximum extent practical to meet the groundwater recharge, stormwater quality and stormwater quantity requirements of the Rules prior to utilizing structural stormwater management measures. The New Jersey Nonstructural Stormwater Management Strategies Point System (NSPS) provides a tool to assist planners, designers and regulators in determining that the strategies have been used to the “maximum extent practical” at a major development as required by the Rules. Refer online to <http://www.njstormwater.org> for information on the NSPS.

C. Soils.

(1) USDA Soil Textural Triangle.



Source: US Department of Agriculture.

(2) Definitions. For the purposes of this appendix, the following terms shall have the meanings herein ascribed to them.

"A-horizon" means the uppermost mineral horizon in a normal soil profile. The upper part of the A-horizon is characterized by maximum accumulation of finely divided, dark colored organic residues, known as humus, which are intimately mixed with the mineral particles of the soil.

"Artesian zone of saturation" means a zone of saturation which exists immediately below a hydraulically restrictive horizon, and which has an upper surface which is at a pressure greater than atmospheric, either seasonally or throughout the year.

"Chroma" means the relative purity or strength of a color, a quantity which decreases with increasing grayness. Chroma is one of the three variables of soil color as defined in the Munsell system of classification.

"Clay" means a particle size category consisting of mineral particles which are smaller than 0.002 millimeters in equivalent spherical diameter. Also, a soil textural class having more than 40 percent clay, less than 45 percent sand, and less than 40 percent silt, as shown in Section XI.C.1 (USDA Soil Textural Triangle).

"Clay loam" means a soil textural class having 27 to 40 percent clay and 20 to 45 percent sand, as shown in Section XI.C.1 (USDA Soil Textural Triangle).

"Coarse fragment" means a rock fragment contained within the soil which is greater than two millimeters in equivalent spherical diameter or which is retained on a two millimeter sieve.

"County soil survey report" means a report prepared by the US Department of Agriculture, Natural Resources Conservation Service which includes maps showing the distribution of soil mapping units throughout a particular county together with narrative descriptions of the soil series shown and other information relating to the uses and properties of the various soil series.

"Direct supervision" means control over and direction of work carried out by others with full knowledge of and responsibility for such work.

"Equivalent spherical diameter" of a particle means the diameter of a sphere which has a volume equal to the volume of the particle.

"Excessively coarse horizon" means a horizon of limited thickness within the soil profile which provides inadequate removal of pollutants from stormwater due to a high coarse fragment content, excessively coarse texture and/or excessively rapid permeability.

"Excessively coarse substratum" means a substratum below the soil profile which extends beyond the depth of soil profile pits and borings and which provides inadequate removal of pollutants from stormwater due to a high coarse fragment content, excessively coarse texture and/or excessively rapid permeability.

"Extremely firm consistence" means a type of soil material whose moist aggregated mass crushes only under very strong pressure; cannot be crushed between the thumb and forefinger and shall be broken apart bit by bit.

"Firm consistence" means a type of soil material whose moist aggregated mass crushes under moderate pressure between the thumb and forefinger but resistance is distinctly noticeable.

"Hard consistence" means a type of soil material whose dry aggregated mass is moderately resistant to pressure; can be broken in the hands without difficulty but is barely breakable between the thumb and forefinger.

"Hue" means the dominant spectral color, one of the three variables of soil color defined within the Munsell system of classification.

"Hydraulically restrictive horizon" means a horizon within the soil profile which slows or prevents the downward or lateral movement of water and which is underlain by permeable soil horizons or substrata. Any soil horizon which has a saturated permeability less than one (1.0) inch per hour is hydraulically restrictive.

"Hydraulically restrictive substratum" means a substratum below the soil profile which slows or prevents the downward or lateral movement of water and which extends beyond the depth of profile pits or borings or to a massive substratum. A substratum which has a saturated permeability less than one (1.0) inch per hour is hydraulically restrictive.

"Loamy sand" means a soil textural class, as shown in Section XI.C.1 (USDA Soil Textural Triangle), that has a maximum of 85 to 90 percent (85-90%) sand with a percentage of silt plus one and a half (1.5) times the percentage of clay not in excess of fifteen (15); or a minimum of 70 to 85 percent (70-85%) sand with a percentage of silt plus one and a half (1.5) times the percentage of clay not in excess of thirty (30).

"Lower plastic limit" means the moisture content corresponding to the transition between the plastic and semi-solid states of soil consistency. This corresponds to the lowest soil moisture content at which the soil can be molded in the fingers to form a rod or wire, one-eighth (1/8) inches in thickness, without crumbling.

"Mottling" means a color pattern observed in soil consisting of blotches or spots of contrasting color. The term "mottle" refers to an individual blotch or spot. The terms "color variegation," "iron depletion" and "iron concentration" are equivalent to the term "mottling." Mottling due to redoximorphic reactions is an indication of seasonal or periodic and recurrent saturation.

"Munsell system" means a system of classifying soil color consisting of an alphanumeric designation for hue, value and chroma, such as "7.5 YR 6/2," together with a descriptive color name, such as "strong brown."

"O-horizon" means a surface horizon, occurring above the A-horizon in some soils, which is composed primarily of un-decomposed or partially decomposed plant remains which have not been incorporated into the mineral soil.

"Perched zone of saturation" means a zone of saturation which occurs immediately above a hydraulically restrictive horizon and which is underlain by permeable horizons or substrata which are not permanently or seasonally saturated.

"Piezometer" means a device consisting of a length of metal or plastic pipe, open at the bottom or perforated within a specified interval, and used for the determination of depth to water, permeability or hydraulic head within a specific soil horizon or substratum.

"Platy structure" is characterized by a soil aggregate, which has one axis distinctly shorter than the other two and are oriented with the short axis vertical.

"Regional zone of saturation" means a zone of saturation, which extends vertically without interruption below the depth of soil borings and profile pits.

"Sandy clay" means a soil textural class having 35 percent (35%) or more of clay and 45 percent (45%) or more of sand, as shown in Section XI.C.1 (USDA Soil Textural Triangle).

"Sandy loam" means a soil textural class, as shown in Section XI.C.1 (USDA Soil Textural Triangle), that has a maximum of 20 percent clay, and the percentage of silt plus twice the percentage of clay exceeds 30, and contains 52 percent or more sand; or less than 7 percent clay, less than 50 percent silt, and between 43 and 52 percent sand.

"Silt" means a particle size category consisting of mineral particles, which are between 0.002 and 0.05 millimeters in equivalent spherical diameter. It also means a soil textural class having 80 percent or more of silt and 12 percent or less of clay, as shown in Section XI.C.1 (USDA Soil Textural Triangle).

"Silt loam" means a soil textural class having 50 percent or more of silt and 12 to 27 percent of clay; or 50 to 80 percent of silt and less than 12 percent of clay, as shown in Section XI.C.1 (USDA Soil Textural Triangle).

"Silty clay" means a soil textural class having 40 percent or more of clay and 40 percent or more of silt, as shown in Section XI.C.1 (USDA Soil Textural Triangle).

"Silty clay loam" means a soil textural class having 27 to 40 percent of clay and less than 20 percent of sand, as shown in Section XI.C.1 (USDA Soil Textural Triangle).

"Soil aggregate" means a naturally occurring unit of soil structure consisting of particles of sand, silt, clay, organic matter, and coarse fragments held together by the natural cohesion of the soil.

"Soil color" means the soil color name and Munsell color designation determined by comparison of the moist soil with color chips contained in a Munsell soil color book.

"Soil consistence" means the resistance of a soil aggregate or clod to being crushed between the fingers or broken by the hands. Terms for describing soil consistence described are in N.J.A.C. 7:9A-5.3(h).

"Soil horizon" means a layer within a soil profile differing from layers of soil above and below it in one or more of the soil morphological characteristics including color, texture, coarse fragment content, structure, consistence and mottling.

"Soil log" means a description of the soil profile which includes the depth, thickness, color, texture, coarse fragment content, mottling, structure and consistence of each soil horizon or substratum.

"Soil mapping unit" means an area outlined on a map in a County Soil Survey Report and marked with a letter symbol designating a soil phase, a complex of two or more soil phases, or some other descriptive term where no soil type has been identified.

"Soil phase" means a specific type of soil which is mapped by the Natural Resources Conservation Service and which belongs to a soil series described within the County Soil Survey Report.

"Soil profile" means a vertical cross-section of undisturbed soil showing the characteristic horizontal layers or horizons of the soil which have formed as a result of the combined effects of parent material, topography, climate, biological activity and time.

"Soil series" means a grouping of soil types possessing a specific range of soil profile characteristics, which are described within the County Soil Survey Report. Each soil series may consist of several "soil phases" which may differ in slope, texture of the surface horizon or stoniness.

"Soil structural class" means one of the shape classes of soil structure described in N.J.A.C. 7:9A-5.3(g).

"Soil structure" means the naturally occurring arrangement, within a soil horizon, of sand, silt and clay particles, coarse fragments and organic matter, which are held together in clusters or aggregates of similar shape and size.

"Soil test pit" means an excavation made for the purpose of exposing a soil profile which is to be described.

"Soil textural class" means one of the classes of soil texture defined within the USDA system of classification. (Soil Survey Manual, Agricultural Handbook No. 18, USDA Soil Conservation Service 1962.)

"Soil texture" means the relative proportions of sand, silt and clay in that portion of the soil which passes through a sieve with two millimeter openings.

"Static water level" means the depth below the ground surface or the elevation with respect to some reference level, of the water level observed within a soil profile pit or boring, or within a piezometer, after this level has stabilized or become relatively constant with the passage of time.

"Substratum" means a layer of soil or rock material present below the soil profile and extending beyond the depth of soil borings or profile pits.

"Unsuitable soil" means all soil other than suitable soil.

"USDA system of classification" means the system of classifying soil texture used by the United States Department of Agriculture, which defines 12 soil textural classes based upon the weight percentages of sand, silt and clay in that portion of the soil, which passes through a sieve with two-millimeter (2 mm) openings. The soil textural classes are shown graphically on the USDA Soil Textural Triangle, as shown in Section XI.C.1.

"Value" means the relative lightness or intensity of a color, one of the three variables of soil color defined within the Munsell system of classification.

"Very firm consistence" is characterized by a moist soil which crushes under strong pressure; barely crushable between thumb and forefinger.

"Very hard consistence" is characterized by a dry soil which is resistant to pressure, can be broken in the hands only with difficulty; not breakable between the thumb and forefinger.

"Zone of saturation" means a layer within or below the soil profile which is saturated with ground water either seasonally or throughout the year. This includes both regional and perched zones.

(3) Methods for Assessing Soil Suitability for Infiltration Stormwater Management BMPs. The results of a subsurface investigation shall serve as the basis for the site selection and design of stormwater infiltration BMPs. The subsurface investigation shall include, but not be limited to, a series of soil test pits and soil permeability tests conducted in accordance with the following:

a) All soil test pits and soil permeability results shall be performed under the direct supervision of a Professional Engineer. All soil logs and permeability test data shall be accompanied by a certification by a Professional Engineer. The results and location (horizontal and vertical) of all soil test pits and soil permeability tests, both passing and failing, shall be reported to the Borough.

b) During all subsurface investigations and soil test procedures, adequate safety measures shall be taken to prohibit unauthorized access to the excavations at all times. It is the responsibility of persons performing or witnessing subsurface investigations and soil permeability tests to comply with all applicable Federal, State and local laws and regulations governing occupational safety.

c) A minimum of two (2) soil test pits shall be excavated within the footprint of any proposed infiltration BMP to determine the suitability and distribution of soil types present at the site. Placement of the test pits shall be within twenty (20) feet of the basin perimeter, located along the longest axis bisecting the BMP. For BMPs larger than ten thousand (10,000) square feet in area, a minimum of one (1) additional soil test pit shall be conducted within each additional area of ten thousand (10,000) square feet. The additional test pit(s) shall be placed approximately equidistant to other test pits, so as to provide adequate characterization of the subsurface material. In all cases, where soil and or groundwater properties vary significantly, additional test pits shall be excavated in order to accurately characterize the subsurface conditions below the proposed infiltration BMP. Soil test pits shall extend to a minimum depth of eight (8) feet below the lowest elevation of the basin bottom or to a depth that is at least two (2) times the maximum potential water depth in the proposed infiltration BMP, whichever is greater.

d) A soil test pit log shall be prepared for each soil test pit. The test pit log shall, at a minimum, provide the elevation of the existing ground surface, the depth and thickness (in inches) of each soil horizon or substratum, the dominant matrix or

background and mottle colors using the Munsell system of classification for hue, value and chroma, the appropriate textural class as shown on the USDA textural triangle, the volume percentage of coarse fragments (larger than two (2) millimeters in diameter), the abundance, size, and contrast of mottles, the soil structure, soil consistence, and soil moisture condition, using standard USDA classification terminology for each of these soil properties. Soil test pit logs shall identify the presence of any soil horizon, substratum or other feature that exhibits an in-place permeability rate less than one (1) inch per hour.

e) Each soil test pit log shall report the depth to seasonally high water level, either perched or regional, and the static water level based upon the presence of soil mottles or other redoximorphic features, and observed seepage or saturation. Where redoximorphic features including soil mottles resulting from soil saturation are present, they shall be interpreted to represent the depth to the seasonal high water table unless soil saturation or seepage is observed at a higher level. When the determination of the seasonally high water table shall be made in ground previously disturbed by excavation, direct observation of the static water table during the months of January through April shall be the only method permitted.

f) Any soil horizon or substratum which exists immediately below a perched zone of saturation shall be deemed by rule to exhibit unacceptable permeability (less than one (1) inch per hour). The perched zone of saturation may be observed directly, inferred based upon soil morphology, or confirmed by performance of a hydraulic head test as defined at N.J.A.C. 7:9A-5.9.

g) Stormwater infiltration BMPs shall not be installed in soils that exhibit artesian groundwater conditions. A permeability test shall be conducted in all soils that immediately underlie a perched zone of saturation. Any zone of saturation which is present below a soil horizon which exhibits an in-place permeability of less than 0.2 inches per hour shall be considered an artesian zone of saturation unless a minimum one foot thick zone of unsaturated soil, free of mottling or other redoximorphic features and possessing a chroma of four or higher, exists immediately below the unsuitable soil.

h) A minimum of one (1) permeability test shall be performed at each soil test pit location. The soil permeability rate shall be determined using test methodology as prescribed in N.J.A.C. 7:9A-6.2 (Tube Permeameter Test), 6.5 (Pit Bailing Test) or 6.6 (Piezometer Test). When the tube permeameter test is used, a minimum of two replicate samples shall be taken and tested. Alternative permeability test procedures may be accepted by the approving authority provided the test procedure attains saturation of surrounding soils, accounts for hydraulic head effects on infiltration rates, provides a permeability rate with units expressed in inches per hour and is accompanied by a published source reference. Examples of suitable sources include hydrogeology, geotechnical or engineering text and design manuals, proceedings of American Society for Testing and Materials (ASTM) symposia, or peer-review journals. Neither a Soil Permeability Class Rating Test, as described in N.J.A.C. 7:9A-6.3, nor a Percolation Test, as

described in N.J.A.C. 7:9A-6.4, are acceptable tests for establishing permeability values for the purpose of complying with this ordinance.

i) Soil permeability tests shall be conducted on the most hydraulically restrictive horizon or substratum to be left in place below the basin as follows. Where no soil replacement is proposed, the permeability tests shall be conducted on the most hydraulically restrictive horizon or substratum within four (4) feet of the lowest elevation of the basin bottom or to a depth equal to two (2) times the maximum potential water depth within the basin, whichever is greater. Where soil replacement is proposed, the permeability tests shall be conducted within the soil immediately below the depth of proposed soil replacement or within the most hydraulically restrictive horizon or substratum to a depth equal to two (2) times the maximum potential water depth within the basin, whichever is greater. Permeability tests may be performed on the most hydraulically restrictive soil horizons or substrata at depths greater than those identified above based upon the discretion of the design or testing engineer. The tested infiltration rate should then be divided by two (2) to establish the soil's design permeability rate. Such division will provide a 100% safety factor to the tested rate.

j) The minimum acceptable "tested permeability rate" of any soil horizon or substratum shall be one (1) inch per hour. Soil materials that exhibit tested permeability rates slower than one (1) inch per hour shall be considered unsuitable for stormwater infiltration. The maximum reportable "tested permeability rate" of any soil horizon or substratum shall be no greater than twenty (20) inches per hour regardless of the rate attained in the test procedure.

k) After all construction activities have been completed on the development site and the finished grade has been established in the infiltration BMP, a minimum of one permeability test shall be conducted within the most hydraulically restrictive soil horizon or substratum below the as-built BMP to ensure the performance of the infiltration BMP is as designed. Hand tools and manual permeability test procedures shall be used for the purpose of confirming BMP performance. In addition, the infiltration BMP shall be flooded with water sufficient to demonstrate the performance of the BMP. Test results shall be certified to the municipal engineer.

l) A groundwater mounding analysis shall be provided for each stormwater infiltration BMP. The groundwater mounding analysis shall calculate the maximum height of the groundwater mound based upon the volume of the maximum design storm. The Professional Engineer conducting the analysis shall provide the municipal engineer with the methodology and supporting documentation for the mounding analysis used and shall certify to the Borough, based upon the analysis, that the groundwater mound will not cause stormwater or groundwater to breakout to the land surface or cause adverse impact to adjacent surface water bodies, wetlands or subsurface structures including but not limited to basements and septic systems. If there is more than one infiltration BMP proposed, the model shall indicate if and how the mounds will interact. The mounding analysis shall be calculated using the most restrictive soil horizon that will remain in place within the explored aquifer thickness unless alternative

analyses is authorized by the municipal engineer. The mounding analysis shall be accompanied by a cross section of the infiltration BMP and surrounding topography and the mound analysis shall extend out to the point(s) at which the mound intersects with the preexisting maximum water table elevation.

m) The applicant shall demonstrate that stormwater infiltration BMPs meet the seventy-two (72) hour drain time requirement established in Section V.B.1 of this ordinance.

D. Pretreatment measures for infiltration BMPs. By reducing incoming velocities and capturing coarser sediments, pretreatment can extend the functional life and increase the pollutant removal capability of infiltration measures. Therefore, the installation of pretreatment measures is recommended for all development sites. Pretreatment measures may include, but are not limited to, the following:

1. Vegetative filter strips;
2. Bioretention systems. Used in conjunction with a bioretention system, the infiltration basin takes the place of the standard underdrain;
3. Sand filters;
4. Grassed swales; and
5. Detention basins.

E. Collection and Conveyance.

(1) Bicycle-safe inlet grates. Site development plans that incorporate site design features that help to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids.

a) Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

- i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
- ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7) square inches, or is no greater than one half (0.5) inch across the smallest dimension. Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

b) Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7) square inches, or be no greater than two (2) inches across the smallest dimension.

c) This standard does not apply:

i. Where the review agency determines that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

ii. Where flows from the water quality design storm as specified in Section III are conveyed through any device (e.g., end-of-pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

(a) A rectangular space four and five-eighths (4 and 5/8) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or

(b) A bar screen having a bar spacing of one-half (0.5) inch.

iii. Where flows are conveyed through a trash rack that has parallel bars with one (1) inch spacing between the bars, to the elevation of the water quality design storm as specified in Section III of this ordinance; or

iv. Where the NJDEP determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

(2) Catch basins. Catch basins are storm drain inlets with or without sumps. Catch basins may provide pretreatment for other stormwater BMPs by capturing large sediments. The sediment and pollutant removal efficiency of catch basins depends on the size of the sump and the performance of routine maintenance to retain the available sediment storage space in the sump. Where catch basins with sumps are proposed, the minimum two feet separation between the bottom of the sump and seasonally high water table shall be provided.

(3) Open or perforated conveyance piping. Where adequate separation to the seasonal high water table exists, stormwater from the development site may be conveyed to a stormwater basin via a system of perforated pipes. These pipes may be made of PVC or corrugated metal and are available with perforations of varying size and spacing. Perforated pipe specifications shall be certified by a Professional Engineer. A Professional Engineer shall certify that perforated conveyance piping will not act to intercept the seasonal high water table and convey groundwater to the stormwater basin. All open or perforated stormwater conveyance systems shall be installed with a minimum separation of two (2) feet from the seasonal high water table.

25-16.12 Additional Sources for Technical Guidance.

A. NJDEP Technical Guidance Sources.

(1) New Jersey BMP Manual. Available from the Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418, Trenton, New Jersey 08625; or online at <http://www.njstormwater.org>.

2) NJDEP Stormwater Management Facilities Maintenance Manual. Available from the Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418, Trenton, New Jersey 08625; or online at <http://njedl.rutgers.edu/ftp/PDFs/1188.pdf>.


B. Additional Guidance Sources.

(1) New Jersey Pinelands Commission, PO Box 7, 15 Springfield Road, New Lisbon, New Jersey 08064; Phone: 609-894-7300; Website: <http://www.state.nj.us/pinelands>.

(2) State Soil Conservation Committee Standards for Soil Erosion and Sediment Control in New Jersey. Available from all State Soil Conservation Districts[, including Burlington County Soil Conservation District, Tiffany Square, Suite 100, 1289 Route 38, Hainesport, New Jersey 08036; Phone: 609-267-7410; Fax 609-267-3347; Website: <http://bscd.org>]

(3) Ocean County Soil Conservation Districts.

(4) New Jersey Department of Transportation, PO Box 600, Trenton, NJ 08625-0600; Phone: 609-530-3536; Website: <http://www.state.nj.us/transportation>.



Hon. Stephen F. Childers
Mayor

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that Ordinance #06-07 entitled: "AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING CHAPTER XXV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED LAND DEVELOPMENT" was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the fifth day of October, 2006.


Bernadette Dugan, RMC
Municipal Clerk

ORDINANCE

**“AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING
CHAPTER XXV OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW
JERSEY, ENTITLED LAND DEVELOPMENT”**

07-08

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Lakehurst, County of Ocean, State of New Jersey, that as follows:

Section 25-30.1 List of Zones is amended as follows: add

R-4 -- Multiple Dwelling, Office District Zone

Section 25-30.2 Zoning Map. The boundaries of all zoning districts set forth in this section are shown on a map entitled “Zoning Map, Borough of Lakehurst, Ocean County, New Jersey” {Add: ...dated 10/18/2007 prepared by the firm of Remington, Vernick and Vena Engineers} which map is hereby made part of this section.

Severability

All ordinances or parts of ordinances that are in conflict herewith are hereby repealed to the extent of such conflict or inconsistency. If any part of this ordinance shall be held to be invalid, such part shall be deemed to be severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

Effective date

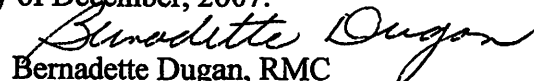
This ordinance shall take effect immediately upon final passage and publication as required by law.



Hon. Stephen F. Childers
Mayor

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that an Ordinance #07-08 entitled: “AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING CHAPTER XXV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED LAND DEVELOPMENT” was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the sixth day of December, 2007.


Bernadette Dugan, RMC
Municipal Clerk

**“AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING
CHAPTER XXV OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW
JERSEY, ENTITLED LAND DEVELOPMENT”**

07 – 09

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Lakehurst, County of Ocean, State of New Jersey, as follows:

25-14 REDEVELOPMENT AREAS AND PLANS

Section 25-14.1a Designation of Areas in Need of Redevelopment. Investigations and hearings conducted by the Borough Council and the Land Use Board have designated the following Blocks and Lots as “Need for Redevelopment” areas:

	Blocks	Lots
Brownsfields	23	1.01
	71	5

Severability

All ordinances or parts of ordinances that are in conflict herewith are hereby repealed to the extent of such conflict or inconsistency. If any part of this ordinance shall be held to be invalid, such part shall be deemed to be severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

Effective date

This ordinance shall take effect immediately upon final passage and publication as required by law.



Stephen F. Childers, Mayor

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that an Ordinance #07-09 entitled: “AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING CHAPTER XXV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED LAND DEVELOPMENT” was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the sixth day of December, 2007.


Bernadette Dugan, RMC
Municipal Clerk

ORDINANCE

“AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING CHAPTER XXV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED LAND DEVELOPMENT”

08-02

BE IT ORDAINED by Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey, as follows:

25-30.2 Zoning Map.

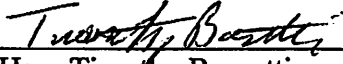
b. B-2 Boundary Change. The area in the Borough of Lakehurst previously set forth on the Zoning Map as R-2 Single Family Residential Zone encompassed within Block 65 and further defined as bordered by the eastern side of Elm Street; the southern side of New Jersey Highway 70; the western side of Center Street; and the northern side of Hybernia Avenue is hereby zoned B-2.

Severability.

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Effective date.

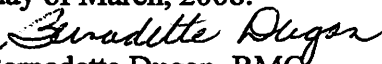
This ordinance shall take effect immediately upon final passage and publication as required by law.



Hon. Timothy Borsetti
Mayor

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that an Ordinance #08-02 entitled: “AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING CHAPTER XXV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED LAND DEVELOPMENT” was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the twentieth day of March, 2008.


Bernadette Dugan, RMC
Municipal Clerk

**“AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING
CHAPTER XXV OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW
JERSEY, ENTITLED LAND DEVELOPMENT”**

08-10

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Lakehurst, County of Ocean, State of New Jersey, as follows:

25-14 REDEVELOPMENT AREAS AND PLANS

Section 25-14.2a Redevelopment Plan, Block 23 Lot 1.01. The Redevelopment Plan prepared by Remington, Vernick and Vena Engineers at the direction of the Mayor and Council, and on file in the Office of the Borough Clerk available for public inspection, and reviewed and approved by the Land Use Board for an industrial/office park in compliance with the re-examination report of the Lakehurst Master Plan is hereby adopted.

- a. All redevelopment must comply with the Lakehurst Master Plan and be consistent with the redevelopment plan of the designated Block and Lot, and be consistent with anti-encroachment to Naval Air Engineering Station (NAES) Lakehurst.
- b. The Borough may negotiate directly with any redeveloper having interest in the aforementioned property, or contractual obligations furthering the mission of NAES Lakehurst, or its subsequent military installation successor, in its preparation and enhancement of the war-fighter role.

Severability

All ordinances or parts of ordinances that are in conflict herewith are hereby repealed to the extent of such conflict or inconsistency. If any part of this ordinance shall be held to be invalid, such part shall be deemed to be severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

Effective date

This ordinance shall take effect immediately upon final passage and publication as required by law.


Timothy J. Borsetti, Mayor

NOTICE

NOTICE IS HEREBY GIVEN that an ordinance #08-10 entitled "AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING CHAPTER XXV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY ENTITLED LAND DEVELOPMENT" was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the seventeenth day of July, 2008.


Bernadette Dugan, RMC
Municipal Clerk

ORDINANCE

“AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING CHAPTER XXV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED LAND DEVELOPMENT”

09-09

25-16 STORMWATER CONTROL

25-16.1 Scope and Purpose.

C. Applicability. ADD

This ordinance shall apply to:

- c) The retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and litter) to MS-4 of the Borough of Lakehurst so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

25-16.5 Design, Construction, and Safety Standards for Structural Stormwater Management Measures. ADD

D. Storm Drain Inlet Standards. Storm drain inlets shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this section “solid and floatable materials” means sediment, debris, trash, and other floating, suspended or settleable solids.

(1) Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate.

- a) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
- b) A different grate, if each individually clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer

manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

(2) Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

(3) This standard does not apply:

a. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards; or

b. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed at a minimum to prevent delivery of all solid and floatable materials that could not pass through one of the following:

i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or

ii. A bar screen having a bar space of 0.5 inches.

c. Where flows are conveyed through a trash rack that has parallel bars with a one-inch (1") spacing between bars; or

d. Where the New Jersey Department of Environmental Protection determines, pursuant to the new Jersey Register of Historic Places Rules at NJAC 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the new jersey Register listed historic property.

25-16.7 Definitions. ADD

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. When used in this ordinance, the following terms shall have the meanings herein ascribed to them.

"Municipal separate storm sewer system (MS-4)" means a conveyance or conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned

or operated by the Borough of Lakehurst or other public body, and is designed and used for collecting and conveying stormwater.

“Person” means any individual, corporation, company, partnership, firm, association, municipality or political subdivision of this State subject to municipal jurisdiction.

“Storm drain inlet” means an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

25-16.8 Penalties. ADD

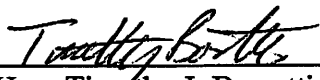
A. Any person in control of private property (except a residential lot with one single family house) who shall authorize the repaving, repairing (excluding the repair to individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property where the storm drain inlet does not meet the standard of this Chapter, or is not replaced or retrofitted to meet the standard shall be subject to a fine of not less than \$ 500.00 nor more than \$ 2,000.00 for each storm drain inlet that does not meet the standards set in 25-16-5D.

Severability.

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Effective date.

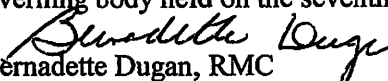
This Ordinance shall take effect immediately upon final passage and publication as required by law.



Hon. Timothy J. Borsetti
Mayor

NOTICE

NOTICE IS HEREBY GIVEN that an ordinance #09-09 entitled “AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING CHAPTER XXV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY ENTITLED LAND DEVELOPMENT” was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the seventh day of May, 2009.


Bernadette Dugan, RMC
Municipal Clerk

ORDINANCE

“AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING CHAPTER XXV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED LAND DEVELOPMENT”

11-02

25-3 DEFINITIONS

25-3-4 SPECIFIC.

ADD

Forestry shall mean the planting, cultivating and harvesting of trees for the production of wood products, including firewood or for forest health. It includes such practices as reforestation, site preparation and other silvicultural practices, including but not limited to artificial regeneration, bedding, broadcast scarification, clearcutting, coppicing, disking, drum chopping, group selection, individual selection, natural regeneration, root raking, seed tree cut, shelterwood cut and thinning. For purposes of this Chapter, the following activities shall not be defined as forestry:

- (a) Removal of trees located on a parcel of land one (1) acre or less on which a dwelling has been constructed;

- (b) Horticultural activities involving the planting, cultivating or harvesting of nursery stock or Christmas trees;

- (c) Removal of trees necessitated by the development of the parcel as otherwise authorized by this Chapter;

- (d) Removal of trees necessary for the maintenance of utility or public rights-of-way;

- (e) Removal or planting of trees for the personal use of the parcel owner; and

- (f) Removal of trees for public safety.

Impervious Surface shall mean any surface that has been compacted or covered with a layer of material so that it prevents, impedes or slows infiltration or absorption of fluid, including stormwater directly into the

ground, and results in either reduced groundwater recharge or increased stormwater runoff to be classified as impervious in Urban Areas by the United States Department of Agriculture, Natural Resources Conservation Service Title 210 – Engineering, 210-3-1 – Small Watershed Hydrology (WINTR-55) Version 1.0 as amended and supplemented, available with user guide and tutorials at http://www.wsi.nfcs.usda.gov/products/W2Q/H&H/Tools_Models/WinTr55.html or at Natural Resources Conservation Service, 220 Davidson Avenue, Somerset, NJ 08873. Such surfaces may have varying degrees of permeability.

Wetlands Management shall mean the establishment of a characteristic wetland or the removal of exotic species or Phragmites from a wetland in accordance with the standards of NJAC 7:50-6.10. For purposes of this definition, exotic species are those not indigenous to North America.

25-4.7c *Application Requirements for Other Development.*

2. [Delete: 7:50-6.43.] ADD 7:50-6.41 et seq.

25-27.29 Principal Use. ADD ... Within the Pinelands Area, no more than one principal use shall be located on one lot, except for forestry, agriculture, horticulture, fish and wildlife management, wetlands management, and recreational development on agricultural lands.

25-27.50 Wetlands.

Delete existing sections d. and e in their entirety; replacing with:


- d. Forestry shall be permitted in all wetlands subject to the requirements of NJAC 7:50-6.41 et seq.
- e. Fish and wildlife management and wetlands management activities in accordance with NJAC 7:50-6.10 shall be permitted in all wetlands.

Severability.

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Effective date.


This Ordinance shall take effect immediately upon final passage and publication as required by law.



Hon. Timothy J. Borsetti
Mayor

NOTICE

NOTICE IS HEREBY GIVEN that an ordinance #2011-02 entitled “AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING CHAPTER XXV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED LAND DEVELOPMENT” was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the twenty-first day of July, 2011.


Bernadette Dugan, RMC/CPM
Municipal Clerk

ORDINANCE

“AN ORDINANCE OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER XXV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED LAND DEVELOPMENT”

2014-01

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Lakehurst, County of Ocean, State of New Jersey, as follows:

SECTION 25-27.11 Fences and Walls is hereby amended to include:

Section 25-27.11 (a) Fences. Ornamental screening type fences and other fences shall not exceed six feet in height in any zone. The six-foot height shall be limited to fencing of side yards from the front building line of the most forward dwelling on the lands to be fenced to the rear property line and along the rear property line. In the event lands to be fenced are not those containing a dwelling at the time of fencing, the fence shall not exceed six feet in height from the front building setback line to the rear property line.

Height of fence in front yard.

- (1) No fence from the building setback line of an existing dwelling to the front property line or along the front property line shall be permitted in excess of four feet in height.
- (2) A Fence in excess of four feet but no higher than six feet is permitted in the front yard that abuts the side of the dwelling, provided that:
 - (a) The fence shall be set back at least five feet from the street right-of-way; and
 - (b) The fence shall not encroach on any part of the front yard that abuts the front of the dwelling, i.e., the fence shall not extend beyond the front building setback line; and
 - (c) The fence shall comply with all other provisions of the ordinance.

Height of living fences. Fencing or screening composed of living plants, hedges, or bushes or of evergreen or deciduous living plants or trees shall be permitted in excess of six feet in height to be used as fencing or screening along any property lines.

Exception for shade trees. The above reference to living plants, however, shall not apply to those trees designated as shade trees that may be planted or growing near the property lines.

Restriction on erection of solid fences. Solid fences shall not be erected between the front setback line and the front property line, if they shall obstruct the vision of the

adjoining property owners so as to become a hazard entering or exiting from potential driveways.

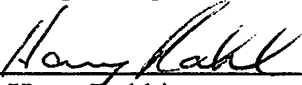
Zoning permit required. A zoning permit for the construction of all fences shall be obtained from the Zoning Officer, and no fence shall be erected or constructed without such a permit. The fee for such a permit is \$10.00. Fences must be installed on the property for which a permit was obtained, with the finished side of the fence facing the neighboring property.

Severability.

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Effective date.

This Ordinance shall take effect immediately upon final passage and publication as required by law.



Hon. Harry Robbins
Mayor

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that an Ordinance #14-01 entitled: "AN ORDINANCE OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER XXV IF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY ENTITLED LAND DEVELOPMENT "was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the sixth day of February, 2014.


Bernadette Dugan, RMC/CPM
Municipal Clerk