

ORDINANCE NO 07-11

AN ORDINANCE AMENDING AND SUPPLEMENTING  
THE LAND DEVELOPMENT ORDINANCE OF THE  
TOWNSHIP OF NEPTUNE, COUNTY OF MONMOUTH,  
STATE OF NEW JERSEY BY AMENDING VARIOUS  
SECTIONS TO PROVIDE CLARIFICATIONS AND  
UPDATES

BE IT ORDAINED, by the Township Committee, County of Monmouth, State of New Jersey that the Land Use Ordinance of the Township of Neptune be and is hereby amended as follows:

**Section 1**

Section 201 (Definitions) is hereby amended and supplemented to modify the definitions of the following terms as follows (Additions indicated in boldface **thus**; deletions indicated in brackets with strike-through [~~thus~~):

**Building height** – The vertical distance **measured from the average elevation of the proposed** finished grade **at all corners of the building** to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average height between the eaves and the ridge level for gable, hip, and gambrel roofs.

**Lot, through-** A lot other than a corner lot which adjoins two (2) street lines which are at opposite ends of the lot. A through lot shall be considered to have two front yards **if the adjoining streets are improved or accessible to vehicular traffic. If the adjoining street line, which is opposite the street address of the property, is not improved or accessible to vehicular traffic, the yard opposite the street address shall** may be considered a rear yard for purposes of fence permits.

**Story, half**

~~A space under a pitched roof at the top of a building, the floor of which is not more than two (2) feet below any plan, which will not qualify for living space under BOCA.) Building Officials and Code Administrators International Inc.).~~

**That portion at the top of a building under a sloping or pitched roof, the perimeter knee wall of at least two (2) opposite exterior walls, upon which the roof rafters rest, is not greater than three (3) feet above the floor deck of such half story. Nothing in this definition shall preclude the use of architectural embellishments, as permitted in this Chapter.**



Figure\_\_ : Story, half

## Section 2

Section 201 (Definitions) is hereby amended and supplemented to add the following definitions:

**“Balcony** - An open air structure attached to a building in some cases in a cantilevered manner, without a roof, and located above the first floor level (in a split level house, this would be above the second, or middle level). The edges of the balcony shall have a railing and the structure shall meet the setback requirements for the building to which it is attached. Balconies shall not project more than eight (8) feet from the building and shall not exceed more than one hundred fifty (150) square feet in area per 30 foot of lot frontage. For purposes of this Chapter, an open air structure supported from the ground is considered a "deck" when not situated directly above an open air covered porch.

**Hot Tub or Spa** - A structure placed on or below the surface of the ground and filled with water. Any hot tub located outdoors shall have a cover capable of being locked. The hot tub system includes devices to heat, circulate and filter the water and may or may not have an accompanying deck. Facilities with more than sixty (60) square feet of water surface area shall be considered swimming pools. “

## Section 3

Section 404.09 (C-6 – Route 33 Eastern Commercial) is hereby amended and supplemented to add the following use to the list of permitted uses in subsection B. Permitted Uses:

“Quasi-governmental Postal facilities.”

In addition, Zoning Schedule A-2 (Use Regulations) of the Land Development Ordinance is also amended accordingly.

#### Section 4

Section 411.07 (**Porches and Decks**) is hereby amended and supplemented as follows: (Additions indicated in boldface **thus**):

"A. Applicability. This Subsection includes regulations for attached, accessory porches and decks located on properties used for residential purposes outside the historic zone districts. **The terms of 'porch' and 'deck' are defined in Subsection 102.** Subsection §413.06 includes applicable regulations associated with porch locations in historic zone districts."

#### Section 5

Section 411.08 (Private Garages) is hereby amended and supplemented to add paragraph D. as follows:

" D. Height. The maximum building height of a private garage shall not exceed sixteen (16) feet."

#### Section 6

Section 411.12 (Swimming Pools and Tennis Courts) is hereby amended and supplemented to delete Section 411.12 in its entirety and the following inserted in its place and stead: (Additions indicated in boldface **thus**):

"411.12 Swimming Pools, **Hot Tubs** and Tennis Courts

Swimming pools, **hot tubs** and tennis courts shall be permitted on all lots used for single family dwellings in residential districts and on any tract developed for multi-family development. Swimming pools, **hot tubs** and tennis courts are considered accessory structures, and shall require an approved zoning permit prior to construction, and shall be subject to the following provisions:

- A. Location. Any swimming pool , **hot tub** or tennis court shall only be permitted in a rear or side yard area.
- B. Coverage. The surface area of a swimming pool, **hot tub** or tennis court shall be considered impervious. Tennis courts consisting primarily of grass shall not be considered impervious. Swimming pools, **hot tub** and tennis courts shall be subject to the applicable lot coverage requirements set forth in this Ordinance. Any area paved with concrete, asphalt, brick or other solid surface which functions as a walkway to or completely surrounds a swimming pool or tennis court shall also be considered impervious.
- C. Setbacks. No part of the surface area of a swimming pool , **hot tub** or tennis court, including structures attached thereto, or any pool filtering equipment whether or not such is attached, shall be closer than ten (10) feet to any side or rear lot line. Any impervious area which functions as a walkway to or completely surrounds a swimming pool or tennis court shall be setback a minimum of three (3) feet from any lot line.

- D. Swimming pool fencing. A continuous fence consisting of a minimum of four (4) feet in height shall enclose the perimeter of the entire swimming pool area. Such fence shall be designed to securable control access to the swimming pool area. Where such fence is located on a corner lot, and the fence on the side facing the street is non-solid, that portion of the fence shall be adequately screened with evergreen shrubs not less than four (4) feet in height.
- E. Tennis court fencing. A fence consisting of a minimum of eight (8) feet in height to a maximum of twelve (12) feet in height for tennis courts shall be required. Said fence may not be located within a required setback area.
- F. Swimming Pool Drainage. No swimming pool shall drain into a public sanitary sewer or be located in such a manner that water from the pool or filtering equipment drains onto another property.”

### Section 7

Section 412.05 (**Corner and Through Lots**) is hereby amended and supplemented to revise paragraph C as follows (Additions indicated in boldface **thus**; deletions indicated in brackets [~~thus~~):

“ C. Each lot shall have a rear yard **except for through lots**. In an instance of a through lot and in an instance of a corner lot where the frontage is equal, the yard opposite the street address of the property shall be deemed the rear yard.”

### Section 8

Section 413.06 (Yard Requirements) is hereby amended and supplemented to add the following new subsection:

“ G. Original open air balconies where being reconstituted by the renovation are not restricted. New open air balconies may not exceed 150 square feet and shall be setback a minimum of 1'-6” from the applicable front or side yard setback line. In the event the covered porch directly below it has projecting steps or stairs, such steps or stairs shall be excluded from the area footprint in the calculation.”

### Section 9

Section 418.B.3 (Height Exemptions and Permitted Projections) is hereby amended and supplemented as follows: (Additions indicated in boldface **thus**; deletions indicated in brackets with strikethrough [~~thus~~):

“3. [~~Ground story~~] **B**[b]ay windows, provided they project no more than two (2) feet into the required yard.”

### Section 10

Section 502 (Architectural Standards) B. is hereby amended and supplemented to add the following :

“ Additional guidance for applications for land development shall be provided by the following documents:

- *West Lake Avenue Improvement Area Architectural Design Guidelines (June 2002);*
- *Shark River Waterfront Improvement Area Architectural Design Guidelines (May 2003);*
- *Route 33/Corlies Avenue Improvement Corridor Architectural Design Guidelines (June 2003);*
- *Route 66 Avenue Improvement Corridor Architectural Design Guidelines (July 2003);*  
and,
- *Ocean Grove Historic District Commercial Building Façade Architectural Design Guidelines (September 2003).*

A copy of the listed documents shall be maintained on file in the Township Clerk’s office and available for purchase by interested individuals.”

**Section 11**

Section 505 (Driveway Design Standards) B.4 Table 5.2, entitled “Driveway Width Requirements,” shall be amended and revised as follows (Additions indicated in boldface **thus**; deletions indicated in brackets [~~thus~~]):

**TABLE 5.2: DRIVEWAY WIDTH REQUIREMENTS**

Land Use Type	One Way Traffic		Two Way Traffic	
	Minimum Width (FT)	Maximum Width (FT)	Minimum Width (FT)	Maximum Width (FT)
Single & two-family dwellings	<del>9</del> <b>10</b>	<del>18</del> <b>22</b>	<del>9</del> <b>10</b>	<del>18</del> <b>22</b>
Townhouses & apartments	15	18	18	22
All other residential	10	15	18	20
Nonresidential uses	15	18	20	24
Warehouse & light industrial uses	18	22	26	30

**Section 12**

Section 509 (Landscaping) is hereby amended and supplemented to revise paragraph D as follows (Additions indicated in boldface **thus**; deletions indicated in brackets [~~thus~~]):

“Planting sizes. Deciduous trees shall have a minimum caliper of three [~~3~~] **and one-half (3.5)** inches at time of planting. Evergreen trees shall be a minimum of six (6) feet in height at time of planting. Low-growing evergreen shrubs shall be a minimum of two and one-half (2½) feet in height at time of planting. Size of other plantings shall depend on setting and type of plant material.”

### Section 13

Section 524 (Subdivision Development Standards) B.4 is hereby amended and supplemented as follows (Additions indicated in boldface **thus**; deletions indicated in brackets [~~thus~~]):

“4. Frontage. To the greatest extent possible, lot frontage shall not be less than the required lot width. For detached single family residential development only, a ~~seventy five percent~~ **reduction of 25% of the** required ~~in~~ lot frontage may be permitted, provided the required lot width is met at the front setback line, and provided all other bulk requirements for the particular lot are met.”

### Section 14

Article V is hereby amended and supplemented to add new subsections 529 and 530, as follows:

#### **§529. Township acceptance of stormwater management system.**

An applicant for major subdivision approval shall be required to dedicate proposed stormwater management systems to the Township and shall enter into an agreement with the Township to that end. Such agreement shall be a condition of final approval and shall be fully executed prior to release of performance guarantees, and acceptance of the stormwater management agreement shall require payment of the fee set forth in Section 530. in consideration of the Township assuming all future maintenance of the stormwater management facilities. The form of agreement shall be approved by the Township Attorney. The agreement, upon execution, shall be recorded by the applicant in the office of the County Clerk. The applicant shall thereafter file a copy of the recorded agreement with the Township. Upon certification by the Township Engineer that the performance guarantee for the project may be released, acceptance of the stormwater management facilities by the Township shall be specifically stated in the resolution authorizing the guarantee release. The Township shall retain the cash portion of the guarantee a sum equal to the maintenance fee approved as to amount by the Township Engineer in accordance with the formula in this chapter. In the event that the cash portion of the guarantee is less than the required maintenance fee, the developer shall post the deficit in cash. Any interim performance guarantee reductions authorized by the Township shall not be construed to mean that all or any part of the stormwater management system has been accepted by the Township nor shall any such interim reduction reduce the cash portion of the guarantee to an amount less than the required maintenance fee. It shall be the applicant's responsibility to maintain the stormwater management system during construction.

#### **§530. Stormwater management maintenance fee.**

For purposes of this section, the calculation of the maintenance fee will be based on the type of stormwater management system which is to serve the development, that is, a surface system, such as a detention or retention basin and subsurface infiltration system or a combination of the above. The fee shall be determined as follows:

(1) Surface stormwater management systems (detention or retention basins). The amount of the maintenance fee shall be the annual maintenance cost per acre multiplied

by the twenty-five year maintenance period multiplied by the maintenance area in acres. The maintenance area of the stormwater management basin shall be defined to be the area included within a line drawn around the top of the bank of the basin, plus an additional 25 feet outward from the top of the bank. The annual maintenance cost per acre shall be \$1,025.00. The minimum contribution, regardless of the size of the basin, will be \$ 10,000.00.

(2) Surface infiltration system. The amount of the maintenance fee shall be determined as follows: \$1.00 per linear foot of the infiltration system per year for maintenance multiplied by a twenty-five year period, plus twice the cost of the subsurface infiltration system (not including structures). The replacement cost shall be the amount of the performance guaranties for the subsurface infiltration system, plus the amount of \$27.50 per linear foot for road repair for any portion of the roadway disturbed by such replacement determined by the Township Engineer. The minimum fee, regardless of the length of infiltration system, shall be \$10,000.00.

(3) Combination systems. The required fee shall be based on a combined total of the above.

### **Section 15**

Section 811.01 (Environmental Impact Statement) shall be amended and supplemented to delete paragraph A of section 811.01 in its entirety and insert the following in its place and stead (Additions indicated in boldface **thus**; deletions indicated in brackets [**thus**]):

“A. An Environmental Impact Statement (EIS) is required as part of any application for **major** development involving new buildings or any land disturbance which requires approval of the Planning Board or the Board of Adjustment. **A major development is any development that provides for ultimately disturbing one or more acres of land or increasing impervious surface by one-quarter acre or more. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Projects undertaken by any government agency which otherwise meet the definition of ‘major development’ but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. are also considered ‘major development’.**”

### **Section 16**

Section 415.08 (Drive-through Restaurants) is hereby amended and supplemented to revise D.2 of section 415.08 as follows (Additions indicated in boldface **thus**):

“2. Two (2) internally illuminated menu boards not to exceed twelve (12) square feet **each** in area may be provided within the building envelope.

### **Section 17**

Section 1102 (Zoning Permits). is hereby amended and supplemented to add new paragraph F entitled, “Waiver of Grading Plan.”

"F. Waiver of Grading Plan. The Township Director of Engineering and Planning may waive the submission requirement of a proposed lot grading and elevation plan, required in Paragraph D above, for properties within the Historic Zone Districts and in other specific cases where the proposed average grade changes, before development and at the completion of development, is less than eighteen (18) inches. A waiver may be granted if the applicant submits a written request to the Director of Engineering and Planning for the waiver accompanied by sufficient elevation information for the Director of Engineering and Planning to make a determination concerning the request and the Director of Engineering and Planning approves of the waiver request in writing."

## **Section 18**

Article VI is hereby amended and supplemented to create new section 606 Technical Review Committee as follows:

### **"§606 TECHNICAL REVIEW COMMITTEE**

A committee to be known as the Technical Review Committee is hereby established. The Technical Review Committee shall review all applications for development prior to consideration by the Planning Board and or the Zoning Board of Adjustment.

- A. **Members.** The Technical Review Committee shall consist of the Board Engineer, the Board Attorney, the Board Planner and the Township Director of Engineering and Planning.
- B. **Purpose.** The Technical Review Committee shall be responsible for meeting with the applicant and his/her professionals to discuss the technical review letters of the Board's professionals prior to the public hearing. The Committee will also discuss any technical comments of municipal agencies including but not limited to Fire Prevention, Environmental Commission, Police, and Shade Tree Commission. The purpose of the meeting shall be to resolve many of technical issues related to the subject development application to increase the efficiency of the Planning and Zoning Board meetings.
- C. **Meeting Schedule.** The Administrative Officer of the appropriate Board, upon receipt of technical review letters from its professionals, shall schedule all Technical Review Committee meetings. Said meetings shall be scheduled sufficiently in advance of the Board meeting so that the applicant's professionals may submit revised plans for Board review.
- D. The Technical Review Committee shall function in an advisory capacity and have no final authority on any application review.
- E. All professional fees for the Technical Review Committee members shall be paid from the applicant's escrow account that shall be established prior to an application being deemed complete."



**Section 19**

Section 1000 is hereby amended and supplemented to delete Section 1000 in its entirety and insert the following in its place and stead:

**§ 1000 APPLICATION AND ESCROW FEES**

- A. Fee schedule. Every application for development shall be accompanied by a check payable to the municipality in accordance with the following schedule:

Click here for updated fees found in Ordinance No. 07-49.

**~~TABLE 10.1: APPLICATION FEES~~**

<del>Type of Application</del>			<del>Administrative Fee</del>
<del>Appeals and Interpretations</del>			<del>\$100.00</del>
<del>Appeal to Governing Body</del>			<del>\$250.00</del>
<del>Conceptual/Informal Reviews</del>			<del>\$50.00</del>
<del>Bulk Variances</del>	<del>Residential</del>		<del>\$100.00</del>
	<del>Nonresidential</del>		<del>\$250.00 per variance</del>
<del>Use Variances</del>			<del>\$750.00</del>
<del>Conditional Use</del>			<del>\$500.00</del>
<del>Subdivision</del>	<del>Minor</del>		<del>\$750.00</del>
	<del>Major</del>	<del>Preliminary</del>	<del>\$750.00 plus \$75.00 per lot.</del>
		<del>Final</del>	<del>\$500.00 plus \$40.00 per lot.</del>
<del>Site Plan</del>	<del>Minor Site Plan</del>		<del>\$500.00</del>
	<del>Major Site Plan</del>	<del>Residential</del>	<del>\$750.00 plus \$60.00 per dwelling unit</del>
		<del>Non-residential</del>	<del>50% of Preliminary</del>
		<del>Prelim</del>	<del>\$1,500.00 plus \$50.00 per acre, plus \$0.08 per square foot of proposed building area.</del>
	<del>Final</del>	<del>50% of preliminary</del>	
<del>General Development Plan</del>			<del>\$2,000.00</del>
<del>Certified List per MLUL 40:55D-12c.</del>			<del>\$10.00 or \$0.25/name, whichever is greater</del>
<del>Special Meeting</del>			<del>\$1,500.00</del>
<del>Resubmission or Revision Fee</del>			<del>\$100.00 or 40% of original fee, whichever is greater</del>
<del>Tax Map Revisions</del>			<del>\$300.00 plus \$25.00 per lot or unit.</del>
<del>Zone Change Request</del>			<del>\$250.00</del>
<del>Appeal to the Township Committee</del>			<del>\$250.00</del>
<del>Tree Removal Permit</del>			<del>For new residential building lots, \$25.00 dollars per tree, up to a maximum of \$300.00 per lot; For all other properties, \$25.00 per tree up to a maximum of \$600.00 for each acre.</del>
<del>Zoning Permit</del>			<del>\$35.00</del>
<del>Historic Preservation Commission Certificate of Appropriateness</del>			<del>\$10.00</del>

<del>Certification of Pre-existing Nonconforming Use (from Administrative Officer or Zoning Board of Adjustment)</del>	<del>\$100.00 per use.</del>
<del>Research Letter (from Administrative Officer)</del>	<del>\$75.00</del>
<del>Extension of Approvals</del>	<del>\$250.00</del>
<del>Soil Removal</del>	<del>\$100.00 per lot.</del>
<del>As-Built Survey Review</del>	<del>\$100.00 per lot.</del>
<del>Plot Plan/Grading Plan Review</del>	<del>\$100.00 per lot.</del>
<del>Certificate of Occupancy Engineering Inspection</del>	<del>\$250.00 per lot.</del>
<del>Historic Preservation Commission Demolition (partial or total)</del>	<del>\$25.00</del>

~~TABLE 10.2: ESCROW FEES~~

<del>Type of Application</del>			<del>Escrow</del>
<del>Appeals and Interpretations</del>			<del>\$750.00</del>
<del>Conceptual/Informal Board Review</del>			<del>\$750.00</del>
<del>Conceptual/Informal Technical Review</del>			<del>\$1,500.00</del>
<del>Bulk Variances</del>	<del>Residential</del>		<del>\$200.00</del>
	<del>Residential Requiring Engineering Review</del>		<del>\$750.00</del>
	<del>Nonresidential</del>		<del>\$1,250.00</del>
<del>Use Variances</del>			<del>\$1,500.00</del>
<del>Conditional Use</del>			<del>\$2,000.00</del>
<del>Subdivision</del>	<del>Minor</del>		<del>\$2,500.00</del>
	<del>Major</del>	<del>Preliminary</del>	<del>0-5 lots \$2,500 6-24 lots \$4,500 25-100 lots \$7,500 101+ \$10,000</del>
		<del>Final</del>	<del>50% of Preliminary</del>
	<del>Minor Site Plan</del>		<del>\$1,500.00</del>
<del>Site Plan</del>	<del>Major Site Plan</del>	<del>Residential</del>	<del>\$2,000.00 plus \$25.00 per dwelling unit</del>
			<del>50% of preliminary</del>
	<del>Non-residential</del>	<del>Prelim</del>	<del>\$1,000.00 plus 0-5,000 sf \$1,500.00 5,001-10,000 sf \$3,500.00 10,001-25,000 sf \$6,500.00 25,001-75,000 sf \$8,500.00 75,000 sf + \$10,000.00</del>
		<del>Final</del>	<del>50% of preliminary</del>
<del>General Development Plan</del>			<del>Same as Preliminary Site Plan</del>
<del>Certified List</del>			<del>None</del>
<del>Special Meeting</del>			<del>\$500.00</del>
<del>Resubmission or Revision Fee</del>			<del>40% of original fee.</del>
<del>Administrative Approval of Changes</del>			<del>\$500.00 per change.</del>
<del>Appeal to the Township Committee</del>			<del>None</del>

<del>Issuance of a Permit in Certain Areas</del>	<del>\$200.00</del>
<del>Tree Removal Permit</del>	<del>\$500.00</del>
<del>Zoning Permit/Certificate of Appropriateness</del>	<del>None</del>
<del>Historic Preservation Commission Demolition</del>	<del>\$1,800.00</del>
<del>Review of Architectural elevations by Township Architect (if required by Planning or Zoning Board Officials)</del>	<del>\$1,500.00</del>
<del>Certification of Pre-existing Nonconforming Use (from Administrative Officer or Zoning Board of Adjustment)</del>	<del>None</del>
<del>Extension of Approvals</del>	<del>\$1,000.00</del>
<del>Treatment Works Approval</del>	<del>\$500.00</del>
<del>Soil Removal</del>	<del>\$100.00 for review of an application by the Township Engineer and inspection of the site, plus \$0.05 per sq. foot of area disturbed due to the removal of soil</del>

## Section 20

Section 1010 (As-built plan requirements) is hereby amended and supplemented to delete Section 1010 in its entirety and insert the following in its place and stead:

### § 1010. Plot plans and as-built survey.

- A. Two signed and sealed copies of individual plot plans shall be submitted to the Municipal Engineer to accompany any permit application for new residential or commercial construction and for any residential or commercial building addition. The individual plot plan shall be utilized to review the project for adequate drainage and grading and compliance to all applicable Township standards.
- B. The Municipal Engineer will review the submitted documents and either disapprove or approve the submitted plot plan. The applicant will be notified if any revisions are required.
- C. The Construction Official shall not issue a building permit until the Municipal Engineer approves the proposed individual plot plan.
- D. Each individual plot plan shall be drawn to scale of not less than one inch equaling 50 feet, signed and sealed in accordance with N.J.A.C. 13:40-7.3 by a professional licensed to practice in the State of New Jersey, and shall be no smaller than 8 1/2 inches by 14 inches.
- E. Individual plot plans shall include the following information:
  - (1) Bearing and distances.
  - (2) North arrow, written and graphic scale.
  - (3) Existing/proposed easement and dedications.
  - (4) Existing/proposed building, pool, decks, patios, porches, sheds and accessory structures dimensions.
  - (5) Existing/proposed sidewalks, driveways and retaining walls.
  - (6) Building envelope graphically depicting and dimensioning zoning setback requirements and/or setbacks approved by the Board if (applicable).
  - (7) Street name, right-of-way width, pavement width and composition of the

- street(s) fronting the lot.
- (8) The title block on the plot plan must include the property address, the block and lot number of the property in question and the name of the applicant.
  - (9) Limits of clearing and soil disturbance. Show number of trees over four (4) inches diameter to be removed.
  - (10) Existing trees to be protected and remain. Include tree replacement plan.
  - (11) Location of wetlands, floodplains, stream encroachment lines and/or any other environmental constraints to the property. If there are no wetlands, then a note should be added to the plan stating that no wetlands exists on the subject property.
  - (12) Sufficient street elevations including center line, gutter and top of curb (if applicable); existing and proposed lot elevations to include, at a minimum, property corners, midpoints of property lines, building corners and center of lot; the finished floor, basement and garage floor elevations of the proposed structure; and sidewalk elevations. Adjacent dwellings, corner elevations and topography within 25 feet of property lines. All elevations shall be according to the NGVD (National Geodetic Vertical Datum) and the source of datum so noted. Any specific circumstances for which elevation requirements cannot be met will be subject to review by the Municipal Engineer and Construction Official on a case-by-case basis. Under no circumstances shall individual lots be graded in such a manner as to redirect stormwater runoff onto an adjacent and/or downstream property or disturb or change the existing drainage patterns of an adjacent lot. Drainage flow arrows shall be provided to clearly depict the directions of stormwater runoff. No grading or the creation of sump conditions shall be permitted on adjacent lot(s) unless permission has been specifically granted, in writing, by the owner of said adjacent lot(s).
  - (13) Location of any storm drainage pipes within 25 feet of the property including pipe size, grade and invert.
  - (14) Lot grading shall be designed to provide positive runoff with grades at a minimum slope of 1.5%.
  - (15) Swales designed to convey surface runoff shall be designed with suitable subgrade material containing well draining sand or gravel, stone, sand mix topsoil or other material acceptable to the Township Engineer. A construction detail shall be included on the plan.
  - (16) Utility connections, including, but not limited to, water, sanitary sewer, gas, electric, telephone and cable.
  - (17) Elevations, cross sections, and dimensions of driveways and retaining walls.
  - (18) Prior Board approval or waiver granted for construction in easements.
  - (19) Other items that may be required by the Municipal Engineer for proper construction of the site.
- F. Plot plans of Planning Board approved projects shall match approved subdivision/site plans.
- G. If a basement is proposed, a subsurface soil investigation certified by a licensed engineer shall be submitted with the plot plan.
- H. The applicant shall submit a foundation survey prior to an inspection of the foundation for approval and backfilling. This survey shall include the location of the foundation and the actual floor elevations. If the as-built survey establishes locations or elevations different from those submitted in the plot plan, changes in the proposed grading shall be noted. A revised grading plan shall be submitted to the Engineering and Planning Department.
- I. The applicant shall submit three copies of a final as-built survey for new residential or

commercial construction and residential or commercial building additions signed and sealed by a professional engineer or land surveyor licensed in the state of New Jersey prior to requesting a final certificate of occupancy (CO) inspection from the Municipal Engineer. For major subdivisions and site plans a minimum of two (2) inter-visible bench marks shall be set in New Jersey State Plane Coordinate System (NAD '83) and shown on the as-built survey.

- J. The as-built plan shall address constructed conditions and/or location of:
- (1) Final grading;
  - (2) Roads including curbing and sidewalks;
  - (3) Utilities;
  - (4) Building location;
  - (5) Driveways and parking lots;
  - (6) Stormwater management facilities, including as-built topographic contours and volume calculations;
  - (7) Walls and fences, and
  - (8) Other structures deemed pertinent by the Municipal Engineer.
- K. Exemption from the requirements of this section for a residential building addition requires the approval of the Municipal Engineer, said exemption to be contingent upon:
- (1) Proof that the subject addition is not in a flood hazard zone
  - (2) A survey locating the existing dwelling and showing the proposed improvements
  - (3) A site inspection by a Township engineering inspector to verify that the proposed addition will not create drainage problems.

## **Section 21**

Section 1009 (Issuance of Certificate of Occupancy) is hereby amended and supplemented to delete Section 1009 in its entirety and insert the following in its place and stead:

### **§ 1009. Issuance of Certificate of Occupancy.**

- A. Occupancy permits for any buildings will be issued only when the installation of any curbs, sidewalk, aprons, all utilities, all functioning water supply and sewage treatment facilities, all necessary storm drainage to ensure proper drainage of the lot and surrounding land, rough grading of lots, final course for the driveway and base course for the streets, topsoil and seed for the lot, shade/street trees, unless formally waived by the Municipal Engineer, are installed to serve the lot and structure for which the permit is requested. Applicant shall submit copies of approved tree removal and soil removal permits (if applicable).
- B. Streets, if installed prior to final approval, shall not be paved until all heavy construction is complete.

**Section 22**

Section 1102 (Zoning Permits) is hereby amended and supplemented to delete paragraph D “Lot grading and elevation plan” in its entirety and insert the following in its place and stead:

- C. Lot grading and elevation plan. As a condition precedent to the issuance of a new zoning permit, a proposed plot plan for each individual lot shall be submitted to the Municipal Engineer for review and approval. Details of the individual plot plan shall conform to the submission requirements outlined in Section 1010 “Plot Plan and As-built Survey”.

**Section 23**

Section 1102 (Zoning Permits) is hereby amended and supplemented to delete paragraph E “Location plans”.

**Section 24**

All Ordinance, or parts thereof, inconsistent with the provisions of this Ordinance, be and the same are hereby repealed to the extent of such inconsistency.

**Section 25**

Should any section, paragraph, clause or any other portion of this Ordinance be adjusted by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

**Section 26**

This Ordinance shall take effect upon its passage and publication according to law and upon the filing of a certified copy thereof with the Monmouth County Planning Board.

Attachments:  
Schedule A-2:Use Regulations  
Zoning Map

APPROVED ON FIRST READING: February 12, 2007

APPROVED, PASSED AND ADOPTED: March 12, 2007

ATTEST:

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Richard J. Cuttrell  
Municipal Clerk

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James W. Manning, Jr.  
Mayor