

**TOWNSHIP OF MOORESTOWN
ORDINANCE NO. 8-2023**

**AMENDING CHAPTER 158 OF THE CODE OF THE
TOWNSHIP OF MOORESTOWN ENTITLED
“LAND DEVELOPMENT AND SUBDIVISION OF LAND”**

WHEREAS, on December 6, 2018, the Planning Board adopted a Reexamination Report of the Master Plan entitled “Acknowledging the Past to Inform the Future,” (hereafter, “Re-Examination Report”) that reviewed and analyzed the land use and development policy of the Township of Moorestown; and

WHEREAS, one of the recommendations in the Reexamination Report is to amend the site plan and subdivision ordinance to address certain items; and

WHEREAS, upon review of Chapter 158, Land Development and Subdivision of Land it was determined that many of the sections of the chapter were antiquated and outdated and in need of updating as set forth below.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Moorestown, County of Burlington, and State of New Jersey, as follows:

Chapter 158

Section 1. Article II Purpose; General Provisions is hereby amended as follows:

Revise § 158-3 as follows:

§ 158-3 Review of subdivision plats and site plans.

Subdivision plats and site plans shall be reviewed and processed by the municipal agency, with the assistance of such staff as may be provided for by Township Council, in accordance with the regulations, requirements and standards contained in the Municipal Land Use Law (MLUL) and herein; administration and enforcement after approval by the municipal agency shall be the responsibility of the Township Manager. Minor rules of procedure, ~~not inconsistent~~ with law or this chapter, may be adopted by the municipal agency from time to time to facilitate the performance of its duties with respect to the subdivision and development of land and the approval of plats and site plans. Such rules may be amended or repealed at the discretion of said agency.

Delete Section § 158-5 Form of endorsement by municipal agency in its entirety.

~~§ 158-5 Form of endorsement by municipal agency.~~

~~The endorsement of approval by the municipal agency upon the plat of a subdivision that shall have been approved shall be in substantially the following form:~~

~~Pursuant to the Municipal Land Use Law (1975) of the State of New Jersey, ^H and the Land Subdivision~~

~~and Development Ordinance of the Township of Moorestown in the County of Burlington, this plat is approved by the Planning Board (Board of Adjustment) of the said Township for filing in the office of the County Clerk of the said County.~~

Revise § 158-6 as follows:

§ 158-6 Written application for consideration of a proposed land development.

~~Prior to the preparation of the preliminary plat of a subdivision or a preliminary site plan for land development and the submission of the same to the Zoning Officer Secretary of the Planning Board or Zoning Board of Adjustment, the applicant shall file with the Zoning Officer Land Use Administrator a written application for initial consideration of the proposed subdivision or land development and for consideration, in due course, of the plat or site plan, when submitted for approval. Such application shall be made on the form prescribed and furnished by the Township municipal agency, shall be signed by the owner or agent, shall give the information and data called for with respect to the proposed subdivision or land development as indicated in the application. and shall be accompanied by such sketch plat schematic or rough layout or other informal drawing as may be requested in the form. The Zoning Officer Land Use Administrator shall submit said sketch plat, schematic, etc., along with a report of his review findings to the municipal agency. After such review, the applicant may proceed with the preparation of the plat or site plan to be submitted for public hearing and preliminary approval by the municipal agency, in accordance with the provisions of § 158-16A of this chapter. information and data to the Board Professionals and the Board Members for review. The application will be scheduled for a public hearing as required by the Municipal Land Use Law. Municipal projects are exempt for site plan review by the Planning Board.~~

Delete Section § 158-6.1

~~§ 158-6.1 Written application for consideration of proposed land development for all conservation design subdivisions: five acres or more in R-1 and R-1-A Districts and three acres or more in R-2 District.~~

~~Prior to the preparation of any preliminary plat of a subdivision, or a preliminary site plan for land development of any site that is five acres or more in size in the R-1 or R-1-A Districts, and three acres or more in size in the R-2 District, the applicant shall file with the Zoning Officer a written application for initial consideration of the proposed conservation design subdivision or land development. At this time, the Zoning Officer will explain, in person, the conservation design process, including:~~

- ~~**A.** The preapplication meeting;~~
- ~~**B.** The existing resources and site analysis map;~~
- ~~**C.** The site inspection;~~
- ~~**D.** The sketch plan submittal; and~~
- ~~**E.** The four step conservation design process.~~

Revise § 158-7 as follows:

§ 158-7 Submission of plats or plans to comply with requirements.

A. No subdivision plat or site plan shall be submitted to the Planning Board for review unless such plat or site plan:

(2) Shall be jointly certified by the ~~Zoning Officer and Township Engineer~~ Land Use Administrator as being complete in accordance with N.J.S.A. 40:55D-1 et seq.

Revise § 158-7.1 A. as follows:

§ 158-7.1 Submission of plats or plans to comply with major site plan and major subdivision requirements.

A. All preliminary and final major subdivision or major site plan reviews ~~for tracts over five acres (R-1 and R-1-A Residence Districts) or tracts over three acres (R-2 Residence Districts)~~ shall be referred to, reviewed, and approved or disapproved by the Planning Board in accordance with the procedures specified in this article, the Municipal Land Use Law and in other sections of this chapter. ~~Any application not processed as required herein shall be null and void unless it was made prior to the adoption of these regulations.~~

Delete Section § 158-7.1 B. Overview of procedures.

~~Subsection B(1) through (4) and (6) through (10) below are required under this chapter for all major subdivisions and site plans. Subsection B(5), sketch plan submission and review, is optional but strongly encouraged as an important, valuable and highly recommended step that will speed the review process and may result in lower costs for the project. These steps shall be followed sequentially, and may be combined or waived only at the discretion of the municipality:~~

~~(1) Preapplication meeting. A preapplication meeting is encouraged between the applicant, the site designer, the Planning Board and the municipal agency planner to introduce the applicant to the municipality's zoning and subdivision regulations and procedures, to discuss the applicant's objectives, and to schedule site inspections, meetings and plan submissions as described below. Applicants may present the existing resources and site analysis map at this meeting.~~

~~(2) The existing resources and site analysis map, as described in § 158-1, Definitions, and § 158-7.2, Existing resources and site analysis map requirements, of this chapter. A yield plan, as described in §§ 180-10.2, 180-12.1, and 180-22.1, Conservation design subdivisions in R-1, R-1-A, and R-2 Residence Districts, shall use the existing resources and site analysis map as a base map to determine density of the proposed conservation design subdivision. Applicants shall submit an existing resources and site analysis map, in its context, prepared in accordance with the requirements contained in § 158-7.2. The purpose of this key submission is to familiarize officials with existing conditions on the applicant's tract and within its immediate vicinity, and to provide a complete and factual reference for them in making a site inspection. This map shall be provided prior to or at the site inspection, and shall form the basis for the development design as shown on the diagrammatic sketch plan.~~

~~(3) Site inspection by municipal agency and applicant.~~

~~(a) After preparing the existing resources and site analysis map, applicants shall arrange for a site inspection of the property by the municipal agency members and planner, environmental committee members, and other municipal officials, and shall distribute copies of said existing resources and site analysis map at that on-site meeting. Applicants, their site designers, and the landowner are encouraged to accompany the Planning Board.~~

~~(b) The purpose of the visit is to familiarize local officials with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of designated conservation area lands (if applicable), and potential locations for proposed buildings and street alignments. Comments made by municipal officials or their staff and consultants shall be interpreted as being only suggestive. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made, at the site inspection.~~

~~(4) Pre sketch plan conference. Following the site inspection and prior to the submission of a diagrammatic sketch plan, the applicant shall meet with the Planning Board and/or Planning Board designee to discuss the findings of the site inspection and to develop a mutual understanding on the general approach for subdividing and/or developing the tract in accordance with the four-step design process described in §§ 158 8.1 and 158 32 of this chapter, where applicable. At the discretion of the Board, this conference may be combined with the site inspection.~~

~~(5) Sketch plan submission and review (diagrammatic sketch, optional step). A sketch plan may be submitted by the applicant as a diagrammatic basis for informal discussion with the Planning Board regarding the design of a proposed major or minor subdivision or site plan. Sketch plan submission is strongly encouraged by the municipality as a way of helping applicants and officials develop a better understanding of the property and to help establish an overall design approach that respects its special or noteworthy features, while providing for the density permitted under the Zoning Ordinance.^H~~

~~(6) Preliminary plan submittal, determinations of completeness, review and approvals. In the R-1, R-1-A, and R-2 Districts where conservation design applies, the four-step design process described in § 158 8.1 of this chapter must be followed.~~

~~(7) Detailed final plan, preparation: incorporation of all conceptual preliminary plan approval conditions, documentation of all other agency approvals, as applicable.~~

~~(8) Detailed final plan, submission: determination of completeness, review, and approval.~~

~~(9) Municipal Board signatures.~~

~~(10) Recording of approved detailed final plan with County Recorder of Deeds.~~

Delete 158-7.2 in its entirety

~~§ 158 7.2 Existing resources and site analysis map requirements.~~

~~[Added 9-22-2008 by Ord. No. 22-2008]~~

~~For all subdivisions, an existing resources and site analysis map shall be prepared to provide the developer and the municipality with a comprehensive analysis of existing conditions, both on the proposed development site and within 500 feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies, and from aerial photographs. The municipality shall review the plan to assess its accuracy, conformance with municipal ordinances, and likely impact upon the natural and cultural resources on the property. Unless otherwise specified by the Planning Board, such plans shall generally be prepared at the scale of one inch equals 100 feet or one inch equals 200 feet, whichever would fit best on a single standard size sheet (24 inches by 36 inches). The following information shall be included in this plan:~~

~~**A.** A vertical aerial photograph enlarged to a scale not less detailed than one inch equals 400 feet, with the site boundaries clearly marked.~~

~~**B.** Topography, the contour lines of which shall generally be at two-foot intervals, determined by photogrammetry (although ten-foot intervals are permissible beyond the parcel boundaries, interpolated from U.S.G.S. published maps). The determination of appropriate contour intervals shall be made by the Planning Board, which may specify greater or lesser intervals on exceptionally steep or flat sites. Slopes between 10% and 20% and exceeding 20% shall be clearly indicated. Topography for major subdivisions shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks.~~

~~**C.** The location and delineation of vernal pools, streams, stream corridors, ponds, ditches, drains, and natural drainage swales, as well as the one-hundred-year floodplains, and wetlands and transition areas, as defined in the Zoning Ordinance.^{H1} Additional areas of wetlands on the proposed development parcel shall also be indicated, as evident from testing, visual inspection, or from the presence of wetland vegetation.~~

~~**D.** Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grassland, meadow, pasture, old field, hedgerow, woodland and wetland, trees with a caliper in excess of 12 inches, the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age and condition.~~

~~**E.** Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service, in the published soil survey for the county, and accompanying data published for each soil relating to its suitability for construction (and, in unsewered areas, for septic suitability).~~

~~**F.** Ridgelines and watershed boundaries shall be identified.~~

~~**G.** Identification of current views from scenic roads and historic roads (as designated in the Master Plan and defined in § 180-2), public parks, public forests, and historic corridors as designated by the State Historic Preservation Office.~~

~~**H.** Geologic formations on the proposed development parcel, including rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the applicant.~~

~~**I.** All existing man-made features including but not limited to streets, driveways, farm roads, woods roads, buildings, foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants, storm and sanitary sewers, and septic systems and wells, on tract as well as within 50 feet of the property line, as best as can be determined.~~

~~**J.** Locations of all historically significant sites or structures on the tract. This is to include those sites listed in the Master Plan, as well as unlisted structures found on tracts such as cellar holes, stone walls, earthworks, and graves.~~

~~**K.** Locations of trails and waterways that have been in public use (pedestrian, equestrian, bicycle, nonmotorized boat, etc.).~~

~~**L.** All easements and other encumbrances of property which are or have been filed of record with the Recorder of Deeds of Burlington County shall be shown on the plan.~~

~~**M.**~~

~~Total acreage of the tract and the constrained land area with detailed supporting calculations.~~

Replace with New Section § 158-7.2 as follows:

§ 158-7.3 7.2 ~~Sketch plan review by the Planning Board.~~ Concept Plan Review

A. Applicability. A ~~diagrammatic sketch~~ concept plan is ~~strongly encouraged~~ may be submitted but is not required for all proposed minor or major subdivisions and site plans. Such plans are for informal discussion only. Submission of a ~~sketch~~ concept plan does not constitute formal filing of a plan with the municipality, and shall not commence the statutory review period as required by the Municipal Land Use Law. The applicant may submit a conceptual design to the Land Use Administrator for review by the applicable Land Use Board Professionals for comment. The fee for a conceptual review with the Board Professionals is \$1,500.00.

B. The developer shall not be bound by any concept plan/sketch plan for which the review is requested, and the Planning Board shall not be bound by any such review.

Delete Sections 158-7.3 A, B, C, D and E in their entirety

~~**A.** Applicability. A diagrammatic sketch plan is strongly encouraged for all proposed minor or major subdivisions. Such plans are for informal discussion only. Submission of a sketch plan does not constitute formal filing of a plan with the municipality, and shall not commence the statutory review period as required by the Municipal Land Use Law.^{H1} The procedures for submission of a diagrammatic sketch plan are described below, and may be altered only at the discretion of the municipality.~~

~~**B.** To provide a full understanding of the site's potential and to facilitate the most effective exchange with the Planning Board, a sketch plan should be drafted and should include the information listed below. Many of these items can be taken from the existing resources and site analysis map, a document that must in any case be prepared and submitted no later than the date~~

~~of the site inspection, which precedes the preliminary plan (see § **158-7.1B**). In fact, the diagrammatic sketch plan may be prepared as a simple overlay sheet placed on top of the existing resources and site analysis map~~

~~(1) Name(s) and address(es) of the legal owner, the equitable owner, and/or the applicant;~~

~~(2) Name(s) and address(es) of the professional engineer, surveyor, planner, architect, landscape architect, or site designer responsible for preparing the plan;~~

~~(3) Graphic scale (not greater than one inch equals 200 feet; however, dimensions on the plan need not be exact at this stage) and north arrow;~~

~~(4) Approximate tract boundaries, sufficient to locate the tract on a map of the municipality;~~

~~(5) Location map;~~

~~(6) Zoning district;~~

~~(7) Streets on and adjacent to the tract (both existing and proposed);~~

~~(8) One hundred year floodplain limits, and approximate location of wetlands and transition areas, vernal pools, streams, and stream corridors, if any.~~

~~(9) Topographic, physical, and cultural features including fields, pastures, meadows, wooded areas, trees with a diameter of 12 inches or more, hedgerows and other significant vegetation, steep slopes (over 10%), soil types, ponds, ditches, drains, dumps, storage tanks, streams within 200 feet of the tract, and existing rights of way and easements, and cultural features such as all structures, foundations, walls, wells, trails, and abandoned roads;~~

~~(10) Schematic layout indicating a general concept for land conservation and development ["bubble" format is acceptable for this delineation of Step One of the four step design process described in § 158-8.1A(1) of this chapter];~~

~~(11) Proposed general street and lot layout; and~~

~~(12) In the case of land development plans, proposed location of buildings and major structures, parking areas and other improvements.~~

~~(13) General description of proposed method of water supply, sewage disposal, and stormwater management.~~

~~**C.** The fee schedule for a sketch plan review is \$1,000, and is also shown in § **158-14**, Fees.~~

~~**D.** The developer shall not be bound by any concept plan/sketch plan for which the review is requested, and the Planning Board shall not be bound by any such review.~~

~~**E.** Sketch plan submission and review.~~

~~(1) Copies of a diagrammatic sketch plan, meeting the requirements set forth above, shall be submitted to the Planning Board Secretary during business hours for distribution to the Planning Board, the Municipal Agency Planner, the Municipal Engineer and applicable municipal advisory boards at least seven days prior to the Planning Board meeting at which the sketch plan is to be discussed. The sketch plan diagrammatically illustrates initial thoughts about a conceptual layout for conservation area lands, house sites, and street alignments, and shall be based closely upon the information contained in the existing resources and site analysis map. The sketch plan shall also~~

be designed in accordance with the four-step design process described in § 158-8.1, and with the design review standards listed in § ~~158-7.3~~, Sketch plan review by the Planning Board.

~~(2) The Planning Board shall review the sketch plan in accordance with the criteria contained in this chapter and with other applicable ordinances of the municipality. Their review shall informally advise him/her of the extent to which the proposed subdivision or land development conforms to the relevant standards of this chapter, and may suggest possible plan modifications that would increase its degree of conformance. Their review shall include but is not limited to:~~

~~(a) The location of all areas proposed for land disturbance (streets, foundations, yards, septic disposal systems, stormwater management areas, etc.) with respect to notable features of natural or cultural significance as identified on the applicant's existing resources and site analysis map and on the Township's open space plan;~~

~~(b) The potential for street connections with existing streets, other proposed streets, existing bikeways, sidewalks, and multipurpose trails, other proposed bikeways, sidewalks, and multipurpose trails, or potential developments on adjoining parcels;~~

~~(c) The location of proposed access points along the existing road network;~~

~~(d) The proposed building density and impervious coverage;~~

~~(e) The compatibility of the proposal with respect to the objectives and policy recommendations of the Master Plan and the open space plan; and~~

~~(f) Consistency with the Zoning Ordinance.~~

REMOVE SECTION 158-8 AND REPLACE WITH THE FOLLOWING:

158-8 PUBLIC HEARINGS

§ 158-8 **Preliminary or final approvals; public hearings.**

~~**A.** No plat or site plan shall be given preliminary or final approval by the municipal agency unless a public hearing upon the question of such approval shall have been held by the Board upon not less than 10 days' notice, published and given by the applicant as required by N.J.S.A. 40:55D-11 and 40:55D-12, and containing such information as may be required by said law; and copies of the maps and other documents to be considered at the hearing shall be available for public inspection in the office of the Zoning Officer.~~

~~**B.** Notwithstanding anything to the contrary, the Planning Board may waive the above requirements for public hearing and notice for:~~

~~(1) Subdivisions which will not create any new lot or lots and which conform to all regulations.~~

~~(2) Minor site plans, as defined in this chapter.^{H1}~~

158-8 PUBLIC HEARINGS.

A. The Planning Board or Zoning Board of Adjustment, as the case may be, shall hold a hearing on each application for development, and amendments, and revisions. The Planning Board shall hold a hearing for the adoption of the Master Plan or Zoning Ordinance. Each Board shall make the rules governing such hearings.

B. Any maps and documents for which approval is sought at a hearing shall be on file with the Land Use Administrator and available for public inspection during normal business hours at not less than ten (10) calendar days before the date of the hearing. If maps or documents are to be revised as a result of any Planning or Zoning Board meeting, or professional comments, the appropriate number of copies shall be filed with revision date noted on same, prior to the meeting of the Planning or Zoning Board at which discussion and/or hearing is scheduled to take place.

C. Other documents, records or testimony may be presented at the hearing to substantiate or clarify or supplement the previously filed maps and documents, at the discretion of the Board.

D. 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.

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

Insert new Section 158-8.1 PUBLIC NOTICE OF A HEARING

The following public notice requirements shall apply to all hearings of the Planning Board and Zoning Board of Adjustment.

A. Notice Required. Public notice of a hearing shall be given for development applications requesting the following:

1. General Development Plan (GDP) approval;
2. Variance (N.J.S.A. 40:55D-70);
3. Preliminary Major Subdivision Plan approval;
4. Final Major Subdivision Plan.
5. Preliminary Major Site Plan approval;
6. Final Major Site Plan.
7. Minor Site Plan, with variances, approval;
8. Conditional Use approval;
9. Interpretation of the Zoning Ordinance or Zoning Map;
10. Request for a certificate of Non-Conforming Use (N.J.S.A. 40:55D-68).
11. Master Plan Amendment and Adoption of Elements of the Master Plan
12. Any subdivision plan approval involving a variance, conditional use permit or certificate of non-conformity; and
13. Minor Subdivision with variances.

B. No Notice Required. Public notice shall not be required for the following applications:

1. Appeals, pursuant to N.J.S.A. 40:55D-70a.
2. Minor Subdivision Plan without variances

3. Informal or Conceptual Review

4. Site Plan Waiver.

5. Any other type of application or action by the Board not specifically listed in 158-8.2 A.

Revise § 158-9 Conditions of final approval as follows:

B. Bond; performance guaranty.

(1) The delivery to the Township of a bond, with a surety corporation which complies with the standards or requirements of acceptable surety corporations established by resolution of the Township Council the State of New Jersey or with cash or cash equivalent in form approved by the Township Attorney, duly executed as principal by the owner of the land shown on the plat and by the corporate surety (if applicable) and conditioned for the proper and complete construction and installation by the principal, at the cost and expense of the principal, and within such reasonable period of time as the Planning Board or Zoning Board of Adjustment shall determine, of all the hereinafter mentioned improvements on and under the surface of the streets, roads, avenues and easements shown on the plat (except where any of such improvements, properly located and in good condition, are already in existence and are expressly excepted by the Planning Board from the principal's obligation): The Township requires that 10% of the bond amount be posted in cash. The Guarantees shall include all the improvements as shown on the approved plans or plat and as outlined in NJAC 55:D-53, et. seq. Moorestown Township requires that the performance guarantee include the perimeter buffer landscaping NJAC 40:55D-53 (b) and a "safety and stabilization guarantee" as a line item in the performance guarantee as stated in NJAC 40:55D-53 (d). The subdivider applicant shall first submit to the Township an itemized breakdown of the estimated costs of the construction and installation of required improvements, prepared by a licensed professional engineer, who shall seal and sign his or her name to the estimate. The amount of such bond shall be equal to the total estimated costs of the construction and installation of such improvements, as verified and approved by the Township Engineer-Planning Board or Zoning Board of Adjustment Engineer, plus 20% of said total as assurance to the Township for payment of required inspection fees, possible increase of costs and all expenses incurred by the Township in the event of bond default, including legal and court costs to protect the Township's rights under the bond. An inspection escrow shall be established with the Township in accordance with NJAC 55:D-53, et. seq. Bonds shall be accepted only after review and approval of the Township Attorney. Improvements shall include grading, including fill, where necessary, of the full width of such streets, roads, avenues and easements and paving of the roadway of such streets, roads and avenues; concrete curbs, concrete or other approved gutters and (except in R-1 Residence Districts) concrete sidewalks on both sides of such streets, roads and avenues; street signs at the intersections of the streets and roads and avenues; water mains, with individual service connections to the abutting lots, in said streets, roads and avenues, together with fire hydrants at the locations indicated by the Planning Board, which water mains shall be connected to the municipal water main or water mains of the Township; sanitary sewers, with individual service

connections to the abutting lots, in said streets, roads and avenues, which sewers shall be connected to the municipal sanitary sewerage system of the Township; storm sewers, where required by the Planning Board, adequate to collect and carry off all surface waters reaching and accumulating on the land shown on the plat and discharging such waters at a lawful, proper and approved place or places of disposal; shade trees on both sides of said streets, roads and avenues; topsoil protection, as required by the Planning Board, monuments and underground utility lines, as required by § ~~158-30~~ hereof; and such other improvements as may be required by this chapter. In cases where there is a successor developer which has replaced the original developer, the successor developer must provide a replacement guarantee for the project as well as the required inspection escrow.

(2) The surety bond shall make provision also for retention of 15% of the full amount of the bond to assure maintenance of the required improvements for a period of two years after the date of completion of all improvements by the developer. Upon the satisfactory completion of all required improvements, ~~except the final coat of street paving and shade tree planting,~~ the Township Council may authorize reduction in the amount of the performance guaranty upon receipt of a two-year maintenance bond as to those improvements then completed and accepted or a two-year maintenance bond as to all improvements running from the date of acceptance of all improvements, which bond shall have first been approved by the Township Attorney. Sewer and water utilities and streetlights may be accepted independently of streets, upon receipt of separate easements for those utilities and lights, but acceptance of said utilities and lights shall under no circumstances be construed to constitute acceptance of the streets.

~~(3) A performance guaranty or assurance other than a surety bond, such as an escrow agreement, cash deposit or similar collateral, may be accepted when, in the opinion of the Township Attorney, such alternative guaranty or assurance provides greater protection to the Township than a surety bond.~~

~~(4) Every such performance guaranty shall also require delivery to the Township, upon completion of construction and termination of the maintenance bond, the following:~~

~~(a) A proper release, duly executed and acknowledged or proved, of any and all mortgages, judgments and other liens covering all or any part of the land lying within the side lines of said streets, roads, avenues and easements and other rights of way.~~

~~(b) A proper deed, duly executed and acknowledged or proved by the owner of the land, dedicating to the public for street purposes all land lying within the side lines of said streets, roads and avenues and lands for other public purposes, together with such title insurance in favor of the Township as may be required by the Planning Board, in an amount not exceeding the assessed valuation of such land.~~

~~(c) A proper deed, duly executed and acknowledged or proved by the owner of the land, granting to the Township of Moorestown all easements and other interests in real estate shown on the plat for the public purposes indicated thereon.~~

~~(5) (3) In lieu of a deed granting easements for streets and other interests in real estate dedicated for public purposes, the Planning Board may accept a report of title in favor of the Township for the current year from a reputable title company indicating that there are no liens, mortgages or other encumbrances affecting title to the land or the right of the subdivider to make the dedications and grant the easements shown on the final recorded plat.~~

F. Off-tract improvements.

~~(2) Determination of cost. When off-tract improvements are required, the Township Engineer Planning Board or Zoning Board of Adjustment Engineer shall calculate the cost of such improvements in accordance with the procedures for determining performance guaranty amounts in N.J.S.A. 40:55D-53.4. Such costs may include but not be limited to any or all costs of planning, surveying, permit acquisition, design, specification, property and easement acquisition, bidding, construction, construction management, inspection, legal and other common and necessary costs for the construction of improvements. The Township Engineer Planning Board or Zoning Board of Adjustment Engineer shall also determine the percentage of off-tract improvements that are attributable to the applicant's development proposal and shall expeditiously report his the findings to the board of jurisdiction and the applicant.~~

Revise § 158-10 Minor subdivisions and exceptions as follows:

~~A. In the event that the municipal agency Land Use Administrator shall determines, with respect to any plat or application for subdivision submitted to it, that such plat or application does not show more than five new lots, that no new street is involved, that no off-tract improvements are required, that the proposed subdivision will not interfere with the proper subdivision and development of the adjacent lands and that the appropriate provisions of Article IV are complied with, the municipal agency, after a public hearing has been held, is authorized but not required to approve by resolution said application as a minor subdivision.~~

~~B. A notice of such hearing shall be published by the applicant at least once in a newspaper circulating within the Township at least 10 days prior to said hearing. The Planning Board may waive said requirement of public hearing and notice where the application, if approved, will not create any additional lot or lots.~~

Revise § 158-14 Fees as follows:

A. General.

~~(2) The escrow accounts are to pay the cost of Tax Map revisions and professional review by the Township Engineer, Planning Board Engineer, Zoning Board of Adjustment Engineer, Township Municipal Agency Attorneys, planning consultant, landscaping consultant, traffic engineers and other professionals employed to review and make recommendations on an application for development. The applicant shall be charged an amount equal to the expenditures made by the Township for professional services rendered to the Township in reviewing the application.~~

Revise § 158-15 Time limits as follows:

From the submission by the applicant of a complete application, as provided for in § ~~158-7A~~, to the ~~Zoning Officer~~ Land Use Administrator, the municipal agency must, unless the applicant agrees to an extension, grant or deny approval within the following numbers of days:

A. In the case of the Planning Board:

(1) For a preliminary site plan:

(a) For 10 acres of land or less: 45 days.

(b) For more than 10 acres: 95 days.

(c) with variance(s): 120 days

(2) For a preliminary major subdivision plat:

(a) For 10 or fewer lots: 45 days.

(b) For more than 10 lots: 95 days.

(c) with variance(s): 120 days

(3) For a final site plan or final major subdivision plat:

(a) Without variances 45 days.

(b) With Variances 120 days

(4) For a minor subdivision ~~plat~~ or a minor site plan:

(c) Without variances 45 days.

(d) With Variances 120 days

(5) For a combined application:

(a) For a conditional use ~~permit~~ approval and a site plan: 95 days.

Remove the existing § 158-15.1 Soil testing and

Replace with new section 158-15.1 Environmental Assessment

A. Purpose.

~~(1) The Township of Moorestown has an interest in limiting development that exists on lands which have the presence of materials which exceed in concentration the Cleanup Standards for Contaminated Sites, N.J.A.C. 7:26D, as promulgated by the New Jersey Department of Environmental Protection.~~

~~(2) The Township of Moorestown declares that development of properties shall be prohibited in the absence of a determination that the property does not exceed the standards set forth in the State of New Jersey Department of Environmental Protection Soil Cleanup Criteria.~~

~~(3) The Soil Cleanup Criteria, last revised on July 11, 1996, are incorporated herein by reference as set forth at length. All future amendments to these criteria by the New Jersey Department of Environmental Protection shall be immediately incorporated by reference without the need to formally amend this chapter.~~

B. Soil sampling and testing required.

~~(1) As part of and as a condition for approval for each application for development, other than applications that involve variances (if said variances do not include site plan or subdivision approval), signs, minor site plans and conditional use or use zoning permit applications which do not involve intensive use by children (e.g. schools, day care centers and playgrounds), or for any transfer or dedication of land to the Township, any governmental agency or a homeowners' association, for any reasons whatsoever, the applicant or transferor shall submit to the Township Engineer, a contaminant testing plan following protocol in accordance with the New Jersey Department of Environmental Protection Field Sampling Procedures Manual, dated May, 1992, and N.J.A.C. 7:26E, Technical Requirements for Site Remediation. The contaminant testing plan shall include an investigation that meets the requirements of N.J.A.C. 7:26E-3.1 et seq.~~

~~(3) The Township Engineer shall deem any naturally occurring contaminants to be man-made for the purposes of determining whether they are present in excess of New Jersey Department of Environmental Protection (NJDEP) Soil Cleanup Criteria, regardless of whether they are found to be naturally occurring.~~

~~(4) The soil sampling and test result report produced pursuant to N.J.A.C. 7:26E must be submitted to the Township Council, Planning Board, Zoning Board and/or Director of Community Development, as applicable, with the application for development or permit, transfer or dedication.~~

F. Further requirements and remediation.

~~(1) In the event that arsenic, lead or other contaminants, including those pesticides scanned using EPA method SW-846-8081a, are present on a property in excess of the NJDEP Soil Cleanup Criteria, the applicant shall submit to the Township Engineer, a contaminant remediation plan following protocol in accordance with N.J.A.C. 7:26E, Technical Requirements for Site Remediation.~~

~~(2) Upon approval by the Township Engineer, the contaminant remediation plan shall be submitted to the New Jersey Department of Environmental Protection and based on same, the applicant shall procure a site-wide letter of no further action or a remedial action workplan based on the contaminant remediation plan where the proposed action will result in a site-wide letter of no further action, or documentation from the New Jersey Department of Environmental Protection that the property may be developed based on less than complete remediation but based upon the contaminant remediation plan as approved by the New Jersey Department of Environmental Protection.~~

- A. Purpose. The purpose of a preliminary assessment is to identify the presence of any potentially contaminated areas of concern, through a diligent inquiry into the current and historic use of the site. A preliminary assessment is the first step in the process to determine whether or not a site is contaminated. If any potentially contaminated areas of concern are identified, then there is a need for a site investigation pursuant to current NJDEP requirements (N.J.A.C. 7:26E-3).

- B. Requirement. Environmental assessments should provide a history of the site, prior uses of the land, past and current owners, and the potential pollution-related effects of such uses on the property, in accordance with all NJDEP regulations (N.J.A.C. 7:26E-3) and guidance pertaining to preliminary assessments. Such assessments must be conducted or reviewed by a New Jersey Licensed Site Remediation Professional (LSRP). The level of detail required for various types of applications shall vary depending on the size of the project, the nature of the site, and the location of the project. The flexibility of requirements for such a document varies with the type of development, but required as outlined below:
1. All agricultural operations conducted in accordance with a plan approved by the Camden County Soil Conservation District and all silviculture operations conducted in accordance with a plan prepared by a professional forester are specifically exempt from the submission of an environmental assessment.
 2. Any variance application to the Zoning Board of Adjustment not involving a site plan or subdivision application shall not require an environmental assessment, unless specifically requested by the Board. The Board may request an environmental assessment, and the scope of information needed, where there is a likelihood environmental hazards on the site in question or if there are existing or future sensitive populations that could be affected by environmental hazards.
 3. Any minor subdivision and/or minor site plan applications to the Board shall not require an environmental impact statement, unless specifically requested by the Board. The Board may request an environmental impact statement where there exist significant critical areas or suspected environmental hazard on the site in question. The Board or its designee shall inform the applicant regarding any information that may be required.
 4. All preliminary major subdivision and preliminary major site plan applications shall be accompanied by an environmental assessment as a completeness item.
 5. All applications involving an existing or proposed child care center shall be accompanied by an environmental assessment, as a completeness item. All child care centers are required to obtain a No Further Action determination from NJDEP in order to obtain or maintain a license pursuant to N.J.S.A. 52:27D-130.4 and N.J.A.C. 10:122.
 6. Notwithstanding the categories of development that are excluded from the requirement to submit an environmental assessment, the Planning or Zoning Board may require the submission environmental assessment information that is reasonably necessary to make an informed decision concerning potential impacts from suspected or known environmental hazards.
- C. Contents of Assessments. A preliminary assessment report presents a history of ownership and use of a property, from the time the site was naturally vegetated or utilized as farmland in accordance with N.J.A.C. 7:26E-3.2. Site history information can be obtained from records sources including, but not limited to the following: Sanborn Fire Insurance Maps; City or Industrial Directories; Title and Deed; Site plans and as-built drawings; and federal, state, county and local government files. Information necessary to make informed conclusions as to the environmental conditions of a property

can be gained by interviewing persons knowledgeable of the site, such as owners and/or occupants, and by performing a site inspection.

Unless a preliminary assessment is required by NJDEP regulation, a Phase I Environmental Site Assessment prepared pursuant to ASTM International *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process* may be submitted in lieu of a Preliminary Assessment provided that it generally satisfies the requirements of *N.J.A.C. 7:26E-3*.

Although not specifically required by *N.J.A.C. 7:26E-3*, the preliminary assessment shall also include a vapor encroachment screen prepared pursuant to ASTM International *Standard Guide for Vapor Encroachment Screening on Property Involved in Real Estate Transactions* (ASTM E2600-10 or as amended) and/or current NJDEP regulation or guidance. This screening must include an evaluation of potential vapor encroachment from the site in question and from potential off-site sources.

- D. Submission Format. The applicant shall submit three (3) copies of the environmental assessment to the Land Use Administrator. Each submission shall be double-side copied with applicable maps and photos in color. An electronic version of the report should be submitted in .PDF format.

Although the preliminary assessment is to be prepared by an LSRP, the preliminary assessment does not need to be submitted to the NJDEP through the LSRP program unless required pursuant to NJDEP regulations or other as a condition of any Planning or Zoning Board approval. If required to be submitted to the NJDEP, the Land Use Administrator shall be copied on all correspondence and documents.

- E. Waiver. All requests for waiver of requirements of the preliminary assessment shall include justification for relieving the standards, which shall be forwarded to the Land Use Administrator.

Replace the introduction and 158-16A with the following:

§ 158-16 Plats submitted for public hearing and ~~tentative and final~~ approval.

Plats submitted for public hearing and ~~tentative approval and plats submitted for final~~ approval shall conform to the following:

- A. ~~Plats submitted for public hearing and preliminary approval. The applicant shall submit the~~ required number of plans and supporting information as indicated on the application form. ~~eight copies of the following plats and materials with his application for public hearing and tentative approval. The submission shall include the following:~~

Replace 158-16 A. (1) (k) with the following:

(k) ~~The sufficient number of borings, to a depth of not less than eight feet but not more than 15 feet below proposed finish grade, to indicate soil types and depths and elevation of the water table in the entire tract with reference to proposed finish grades.~~

Replace 158-16 A. (8) with the following:

(8) Such other information as the Planning Approving Board may require to determine compliance with the intent and specific provisions of this chapter.

Replace 158-17 B. (4) (a) with the following:

(4) Certification of streets.

(a) Classification of streets shall be determined by the Planning Board. Right-of-way widths, measured from lot line to lot line, and cartway widths, measured from curb face to curb face, shall ~~be not less than the following:~~ be in accordance with the Residential Site Improvement Standards, NJAC 5:21

Classification of Street	Right-of-Way (feet)	Cartway (feet)
Arterial and-inter community	86*	44*
Township feeder	70	36
Neighborhood-collector	66	36
Industrial or commercial collector	66	40
Residential service	60	36
Permanent-residential service-cul-de-sac, which is-not to be extended,-serving not more-than 10 dwelling-units, and which-is not more than-500 feet in length	60	28**
Other streets, roads-and alleys	As determined by the Planning Board	

~~* Or as determined by the unit of government having jurisdiction.~~

~~** If the cul-de-sac is later extended or made a through street or if the number of lots which it serves exceeds 10, the cartway shall be widened to the minimum requirement for a residential service street.~~

Remove 158-17 B. (7) to (14) and Replace with new section 158-17 B (7) and (8) below:

~~(7) Grades of arterial and collector streets shall not exceed 4%. Grades on other streets shall not exceed 10%. No street shall have a minimum grade of less than 1/2 of 1%.~~

~~(8) Street intersections shall be as nearly at right angles as is possible and in no case shall be less than 60°. The block corners at intersections shall be rounded at the curbline with a curve having a radius of not less than 20 feet.~~

~~(9) Street jogs with center line offsets of less than 125 feet shall be prohibited.~~

~~(10)~~

~~A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets and a tangent of at least 50 feet long on minor streets.~~

~~(11)~~

~~When connecting street lines deflect from each other at any one point by more than 10° and not more than 45°, they shall be connected by a curve with a radius of not less than 100 feet for minor streets and 300 feet for arterial and collector streets, radii to be measured from the centers of streets.~~

~~(12)~~

~~All changes in grade shall be connected by vertical curves of sufficient radii to provide a smooth transition and proper sight distance.~~

~~(13)~~

~~Except for the modifications indicated below, dead end streets (culs de sac) shall not be longer than 500 feet to the center of the turnaround, and said turnaround shall have a right of way radius of not less than 57 feet and a cartway radius of not less than 45 feet, measured from the center to the inside curb and tangent, wherever possible, to the right side of the street, except that:~~

~~(a)~~

~~Where an island, median or other obstruction designed within the turnaround occupies an area which has a radius of more than five feet, the cartway radius and the right of way radius shall be increased by the same number of feet as the radius of said island, median or obstruction exceeds five feet.~~

~~(b)~~

~~The cartway radius of a cul de sac in a subdivision designed for residential development may be reduced to 40 feet and the right of way radius to 52 feet where no island, median or other obstruction is designed within the turnaround and where the turnaround is tangent to the right side of the street.~~

~~(c)~~

~~Where a dead end street does not exceed 200 feet in length or is of a temporary nature, the Planning Board may approve the design of a turnaround which is not tangent to the right side of the street.~~

~~Where the dead-end street is of a temporary nature, said design shall facilitate future extension of the street and reversion of the excess right-of-way to the adjoining properties.~~

~~(14)~~ (8) No street shall have a name which will duplicate or so nearly duplicate another as to be confused with the names of existing streets. The continuation of an existing street shall have the same name.

Replace 158-17 B. (7) through (14) with the following:

(7) All street shall be designed in accordance with the Residential Site Improvement Standards, NJAC 5:21

(8) No street shall have a name which will duplicate or so nearly duplicate another as to be confused with the names of existing streets. The continuation of an existing street shall have the same name.

Replace 158-17 D. (5) with the following:

D. Lots.

(5) Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formation, flood conditions or similar circumstances, the Planning Board may, after adequate investigation, withhold approval of such lots. Land subject to flooding and land deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard. Such land within the plan may be set aside for such uses as will not be endangered by periodic or occasional inundation and will not produce unsatisfactory living conditions. All subdivisions shall be subject to ~~an~~ Chapter 83, Flood Damage Prevention, ordinance of the Township of Moorestown in the County of Burlington entitled: "~~An Ordinance of the Township of Moorestown in the County of Burlington Delineating and Regulating Encroachments in Floodways and Flood Hazard Areas in the Said Township~~" known as "~~Township Ordinance No. 688.~~"^[3]

Delete Section 158-17 F., G., H. and I. in their entirety

Replace 158-18 B with the following:

§ 158-18 Streets.

B. Residential streets. Road pavement minimum standards for residential purposes shall ~~be a six-inch dense graded aggregate base (current New Jersey Department of Transportation specification), a four-inch bituminous base and a two-inch FABC bituminous concrete surface course (current New Jersey Department of Transportation specification).~~ be in accordance with the Residential Site Improvement Standards, NJAC 5:21. In addition, subgrade compaction shall be subject to the approval of the Township Engineer. Staged development shall require the initial installation of the ~~six-inch~~ crushed stone base and the ~~four-inch~~ bituminous base, in accordance with the Residential Site Improvement Standards, NJAC 5:21, with all manholes and water valves set at final elevation and temporarily ramped with asphalt, subject to the approval of the

Department of Public Works. Once the development is completed, ramps shall be removed prior to installation of the surface course. All unsuitable subbase areas, as determined by the Department of Public Works, shall be stabilized and the two-inch FABC surface course completed. The surface course shall not be applied for at least 12 months after installation of the base course or until approval by the Department of Public Works is received but shall be applied prior to release of the required construction bond. All streets shall be paved from curb to curb.

Replace 158-20 B. with the following:

§ 158-20 Curbs.

B. ~~Curbs shall be 16 inches high (except for curbs on industrial and commercial collector streets, which curbs shall be 18 inches high), six inches wide at the top and nine inches wide at the base, with slope on the cartway face, and shall conform to the current New Jersey Department of Transportation specifications.~~ Curbs shall be designed in accordance with the Residential Site Improvement Standards, NJAC 5:21

Replace 158-32 H as follows:

H. ~~Detention Stormwater Management facilities in compliance with the latest applicable stormwater regulations shall be required as a condition of approval where the peak rate or volume of runoff on the property or adjacent thereto in its post development condition will exceed the peak rate or volume of runoff in the precondition for storms with a minimum return period of 100 years.~~

Delete Section 158-32 I in its entirety

Revise Section § 158-36 A. Referral to Planning Board; land development as follows:

A. In furtherance of the purposes specified in § 158-2 hereof, all applications for building or zoning permits for any land development involving commercial uses, industrial uses or other nonresidential uses, where six or more parking spaces are required under the provisions of the Moorestown Township Zoning Ordinance; ~~or the construction of a railroad siding or extension thereof;~~ any multiple-family dwelling containing three or more dwelling units; or any mining, excavation or landfill operations shall be referred to the Planning Board for review and action in accordance with the procedures and standards prescribed in this chapter.

Insert new section C. Exceptions from § 158-36B above:

(1) For an application that does not meet the requirements of 158-36B above, the zoning permit application will be reviewed by the Director of Community Development or his/her designee prior to the issuance of a zoning permit by the Zoning Officer. The review will consider whether the current site conditions are consistent with the approved site plan for the property, as well as matters of public health, welfare, and safety.

(2) If §158-36C(1) is satisfied and the only site plan changes proposed relate to the updating of ADA parking and access requirements, repaving, lighting, landscaping, signage, trash enclosures,

and/or facade alterations, and if the updating of the parking and access requirements will not create changes to the circulation patterns and will not reduce the total number of parking spaces on the site below the number required by the Zoning Ordinance, then the changes may be reviewed and approved administratively by the Department of Community Development, subject to such conditions as may be reasonably appropriate given the circumstances, prior to the issuance of a zoning permit by the Zoning Officer.

(3) §158-36C applies only if there is an approved site plan on file at the Township for the project site.

(4) The review of the zoning permit application in the instances above shall relate to conformance with the existing approved site plan and improvements necessary to advance public health, welfare, and safety.

(5) In the event that the permittee fails to meet the conditions set forth in the zoning permit, and in the further event that the Township is required to intervene to install improvements, any costs incurred by the Township in the implementation of the conditions or the construction of improvements may be imposed as a lien on the subject property. Should a Certificate of Occupancy be required for the new use, the Certificate of Occupancy can be withheld until the required improvements are completed.

Revise section § 158-37 D. and J. Site plan review requirements as follows:

D. For conditional uses and where interior changes or alterations are to be made which will require review and approval by the Planning Board under the provisions of Section ~~1202~~ § 180-101 of the Zoning Ordinance,¹²¹ floor plans shall be submitted, identifying such changes or alterations, including location and construction details of walls, partitions, doors, exits, plumbing, common areas and other common facilities.

J. ~~Detention~~ Stormwater Management facilities in compliance with the latest applicable stormwater regulations shall be required as a condition of approval. where the peak rate or volume of runoff on the property or adjacent thereto in its post development condition will exceed the peak rate or volume of runoff in the precondition for storms with a minimum return period of 100 years.

Section 8. Repealer. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 9. Interpretation. If the terms of this Ordinance shall be in conflict with those of another Ordinance, the provision which imposes the greater restriction or limitation shall control.

Section 10. Severability. If any section, part of any section, or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance. The Township Council of the Township of Moorestown declares that it would have passed the Ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 11. Effective Date. This Ordinance shall take effect immediately upon passage, transmittal to the Burlington County Planning Board, and publication according to law.

CERTIFICATION

I, Patricia L. Hunt, Township Clerk, hereby certify that the attached is a true and correct copy of Ordinance No. 8-2023 which was introduced and adopted on first reading on March 13, 2023 and heard on second reading and was duly adopted by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey at a meeting of the Township Council held on March 27, 2023.

<u>VOTE:</u>	
GILLESPIE	YES
LAW	YES
MAMMARELLA	YES
VAN DYKEN	YES
ZIPIN	YES

Patricia L. Hunt, RMC
Township Clerk