

Chapter 213, SITE PLAN REVIEW

[HISTORY: Adopted by the Mayor and Council of the Borough of Laurel Springs 3-24-1980 by Ord. No. 317 (Ch. 67 of the 1973 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Land use procedures -- See Ch. 157.

Sewers -- See Ch. 208.

Subdivision of land -- See Ch. 233.

Zoning -- See Ch. 270.

§ 213-1. Title.

This chapter shall be known and may be cited as the "Site Plan Ordinance of the Borough of Laurel Springs, New Jersey."

§ 213-2. Purpose.

There is hereby ordained by the Mayor and Council of the Borough of Laurel Springs, County of Camden, State of New Jersey, pursuant to the provisions of P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.), a Site Plan Review Ordinance for the purpose of determining whether the proposed use, building structure, development or addition to any building, use, structure or development conforms to the Revised Statutes of the State of New Jersey, the resolutions of the County of Camden, Chapter 270, Zoning, of the Code of the Borough of Laurel Springs and all other applicable regulations and to exercise the powers granted to the Borough of Laurel Springs pursuant to the provisions of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.). Site plan review shall encourage adequate provision for traffic and circulation, the provision for recreation and open space when required, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of good design, the general purpose of guiding the development of the Borough and to best promote the health, safety, order, convenience and general welfare, as well as efficiency and economy in the process of development and the maintenance of established property values.

§ 213-3. Definitions. EN

As used in this chapter, the following terms shall have the meanings indicated:

APPLICANT -- A developer submitting an application for development.

APPLICATION FOR DEVELOPMENT -- The application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or permit to build in a mapped area or for a structure not related to a street.

DAYS -- Calendar days.

DEVELOPER -- The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

MAINTENANCE GUARANTY -- Any security which may be accepted by a municipality for the maintenance of any improvements required by this chapter, including but not limited to surety bonds, letters of credit under the circumstances specified in Section 16 of P.L. 1991, c. 256 (N.J.S.A. 40:55D-53.5), and cash.

ON TRACT -- Located on the property which is the subject of a development application or on the closest half of an abutting street or right-of-way.

PERFORMANCE GUARANTY -- Any security, which may be accepted by a municipality, including but not limited to surety bonds, letters of credit under the circumstances specified in Section 16 of P.L. 1991, c. 256 (N.J.S.A. 40:55D-53.5), and cash.

PLANNED DEVELOPMENT -- Planned unit development, planned unit residential development, residential cluster, planned commercial development or planned industrial development.

PRELIMINARY FLOOR PLANS AND ELEVATIONS -- Architectural drawings prepared during early and introductory stages of the design of a project illustrating in a schematic form its scope, scale and relationship to its site and immediate environs.

SITE PLAN -- A development plan of one or more lots on which is shown the existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, floodplains, marshes and waterways; the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, and lighting and

screening devices; and any other information that may be reasonably required in order to make an informed determination pursuant to an ordinance requiring review and approval of site plans by the Planning Board.

§ 213-4. Site plan approval required; waiver.

A. Site plan review and approval shall be required before any change of use or before any excavation, removal of soil, clearing of a site or placing of any fill on lands contemplated for development, and, except as hereinafter provided, no building permit shall be issued for any building or use or reduction or enlargement in size or other alteration of any building or change in use of any building, including accessory structures, unless a site plan is first submitted and approved by the Planning Board, and no certificate of occupancy shall be given unless all construction and development conform to the plans as approved by the Planning Board.

B. Site plan approval shall not be required for any detached one- or two-dwelling-unit buildings or any uses accessory thereto, such as a private garage or storage shed incidental to residential uses; but this shall not limit the requirements for submission and approval of subdivision plats as otherwise required by municipal ordinances.

C. The Planning Board may waive site plan approval requirements if the construction or alteration or change of occupancy or use does not affect existing circulation, drainage, relationship of buildings to each other, landscaping, buffering, lighting and other considerations of site plan review.

§ 213-5. Performance standards.

In reviewing any site plan, the Board shall consider:

A. Pedestrian and vehicular traffic movement within and adjacent to the site, with particular emphasis on the provision and layout of parking areas, off-street loading and unloading, movement of people, goods and vehicles from access roads within the site, between buildings and between buildings and vehicles. The Planning Board shall ensure that all parking spaces are usable and are safely and conveniently arranged. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress to and egress from the site.

B. The design and layout of buildings and parking areas shall be reviewed so as to provide an aesthetically pleasing design and efficient arrangement. Particular attention shall be given to safety and fire protection and impact on surrounding development and contiguous and adjacent buildings and lands.

C. Adequate lighting shall be provided to ensure safe movement of persons and vehicles and for security purposes. Lighting standards shall be a type approved by the Planning Board. Directional lights shall be arranged so as to minimize glare and reflection on adjacent properties.

D. Buffering shall be located around the perimeter of the site to minimize headlights of vehicles, noise, light from structures, the movement of people and vehicles and to shield activities from adjacent properties when necessary. Buffering may consist of fencing, evergreens, shrubs, bushes, deciduous trees, or combinations thereof, to achieve the stated objectives.

E. Landscaping shall be provided as part of the overall site plan design and integrated into building arrangements, topography, parking and buffering requirements. Landscaping shall include trees, bushes, shrubs, ground cover, perennials, annuals, plants, sculpture, art and the use of building and paving materials in an imaginative manner.

F. Signs shall be designed so as to be aesthetically pleasing, harmonious with other signs on the site and located so as to achieve their purpose without constituting hazards to vehicles and pedestrians.

G. Storm drainage, sanitary waste disposal, water supply and garbage disposal shall be reviewed and considered. Particular emphasis shall be given to the adequacy of existing systems and the need for improvements, both on site and off site, to adequately carry runoff and sewerage and to maintain an adequate supply of water at sufficient pressure.

H. Garbage disposal shall be adequate to ensure freedom from vermin and rodent infestation. All disposal systems shall meet municipal specifications as to installation and construction.

I. Environmental elements relating to soil erosion, preservation of trees, protection of watercourses and resources, noise, topography, soil and animal life shall be reviewed, and the design of the plan shall minimize any adverse impact on these elements.

§ 213-6. Application for preliminary approval.

A. The applicant shall submit 10 copies of his complete application to the Secretary of the Planning Board. The time for the Board's review shall not begin to run until the submission of a complete application with the

required fee. Unless the applicant is informed in writing by the Secretary of the Planning Board within 45 days of the actual submission of the application that it is incomplete, said application shall be deemed complete as of the date it was submitted.

B. A complete application for preliminary approval shall also consist of the following:

(1) A properly completed site plan information form.

(2) The required fee as provided in the Annual Fee Ordinance shall be paid at the time of submission.

Additionally, an escrow deposit for consulting fee as provided in the Annual Fee Ordinance shall be paid. The consulting fee escrow shall be an escrow account established to pay the fees of any professional personnel employed by the Borough to process, review, inspect and make recommendations on the proposed building design and site plan and environmental impact statement should one be required. If, at any time, the escrow fund shall become insufficient to cover actual or anticipated expenses, said escrow fund shall be subject to an increase in such reasonable amounts as the Planning Board shall require to cover anticipated professional fees. Such additional fees shall be paid within seven days of receipt of written notification thereof by the Planning Board's Secretary. If the Planning Board should deny the site plan, any excess funds in the escrow account shall be returned to the applicant upon his request, in writing, following the receipt of final bills for professional fees.

(3) A site plan on which the following are set out:

(a) A scale, not to exceed one inch equals 100 feet.

(b) A locator map showing all road intersections within 500 feet.

(c) All structures, wooded areas and topography with two-foot intervals, except where the slope exceeds 5%, in which case contour intervals may be 10 feet.

(d) All lot lines and owners of lots within 200 feet of the site.

(e) Streets, easements, watercourses and rights-of-way.

(f) Utility and drainage plans and information.

(g) Preliminary plans for elevations and locations of structures.

(h) Preliminary plans for parking, lighting, loading, signs and landscaping.

(i) Any extension of off-tract improvements necessitated by the proposed development.

(j) A soil erosion and sedimentation control plan, pursuant to the requirements of N.J.S.A. 4:24-39 et seq.

C. All applications for site plan approval shall be submitted to the County Planning Board for its review and recommendations and, where applicable, approval. The applicant shall furnish proof of such submission at the time of the submission of his application to the municipal Planning Board by presenting a copy of his site plan, with an indication from the county that it has been filed with them. Any application for site plan approval shall not be deemed complete in the absence of proof that it has been filed with the County Planning Board. If the County Planning Board has failed to grant or deny approval of the site plan at the time of preliminary approval of the applicant's application, such preliminary approval shall be conditioned on approval of said site plan by the County Planning Board.

D. No application for site plan approval shall be deemed complete in the absence of proof that a plan for soil erosion and sedimentation control has been submitted to the relevant reviewing authority, pursuant to the requirements of N.J.S.A. 4:24-39 et seq., or proof that such plan is not required by said statute for the particular application. If the reviewing authority has failed to grant or deny certification of the erosion plan at the time of preliminary approval of the applicant's site plan, preliminary approval shall be conditioned on certification of the applicant's erosion plan.

§ 213-7. Distribution of application.

The Secretary of the Planning Board shall distribute the site plan application for review and report and approval where required, as follows:

A. One copy to the Municipal Planning Consultant.

B. One copy to the Municipal Engineer.

C. One copy for the permanent files of the Board's Secretary.

D. One copy for the Chairman of the Municipal Utilities Authority.

E. Four copies to the Planning Board.

F. Two copies to the Borough Building Inspector.

§ 213-8. Granting or denying of preliminary approval; time limitations.

A. Upon the submission to the Secretary of the Planning Board of a complete application for a site plan for 10 acres of land or less, the Planning Board shall grant or deny preliminary approval within 45 days of the date of such submission or within such further time as may be consented to by the developer, except that, if the application for site plan approval also involves an application for a relief pursuant to N.J.S.A. 40:55D-60, the Planning Board shall grant or deny preliminary approval within 95 days of the date of the submission of a complete application to the Secretary of the Planning Board, or within such further time as may be consented to by the applicant.

B. Upon the submission of a complete application for a site plan of more than 10 acres, the Planning Board shall grant or deny preliminary approval within 95 days of the date of such submission or within such further time as may be consented to by the applicant.

C. Upon the submission to the Secretary of the Board of Adjustment of a complete application for site plan approval pursuant to N.J.S.A. 40:55D-76b, the Board of Adjustment shall grant or deny preliminary approval of the application within 120 days of the date of such submission or within such further time as may be consented to by the applicant.

D. Failure of the Planning Board to reach a decision within the specified time periods or extension thereof shall result in the approval of the site plan as submitted.

E. If the Planning Board requires any substantial amendment in the layout of improvements proposed by the developer that have been the subject of a hearing, an amended application for development shall be submitted and proceeded upon, as in the case of the original application for development. The Planning Board shall, if the proposed development complies with this chapter, grant preliminary site plan approval.

F. Nothing herein shall be construed to limit the right of a developer to submit a sketch plan to the Planning Board for informal review, and neither the Planning Board nor the developer shall be bound by any discussions or statements made during such review, provided that the right of the developer at any time to submit a complete application for site plan approval shall not be limited by his submittal of a sketch plan, and the time for the Planning Board's decision shall not begin to run until the submission of a complete application.

§ 213-9. Public hearing for certain applications.

A public hearing shall be held on all applications for site plan approval involving uses which, on the submitted complete application, show five or more off-street parking spaces. A public hearing is not required for all other site plan applications.

§ 213-10. Power of Board to grant exceptions from requirements.

The Planning Board, when acting upon applications for preliminary site plan approval, shall have the power to grant such exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of this chapter if the literal enforcement of one or more provisions of this chapter is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

§ 213-11. Rights of applicant under preliminary approval.

A. Preliminary approval of a site plan, except as provided in Subsection B of this section, shall confer upon the applicant the following rights for a three-year period from the date of the preliminary approval:

(1) That the general terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to use requirements; layout and design standards for streets, curbs and sidewalks; lot size; yard dimensions and off-tract improvements; natural resources to be preserved on the site; vehicular and pedestrian circulation; parking and loading; screening, landscaping and location of structures; and exterior lighting both for safety reasons and streetlighting; except that nothing herein shall be construed to prevent the municipality from modifying by ordinance such general terms and conditions of preliminary approval as relate to the public health and safety.

(2) That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary site plan.

(3) That the applicant may apply for and the Planning Board may grant extensions on such preliminary approval for additional periods of at least one year, but not to exceed a total extension of two years, provided that if the design standards have been revised by ordinance, such revised standards may govern.

B. In the case of a site plan for an area of 50 acres or more, the Planning Board may grant the rights referred to in Subsection A(1), (2) and (3) above for such period of time longer than three years as shall be determined by the Planning Board to be reasonable, taking into consideration the number of dwelling units and

nonresidential floor area permissible under preliminary approval, economic conditions and the comprehensiveness of the development. The applicant may apply for thereafter and the Planning Board may thereafter grant an extension to preliminary approval for such additional period of time as shall be determined by the Planning Board to be reasonable, taking into consideration the number of dwelling units and nonresidential floor area permissible under preliminary approval, the potential number of dwelling units and nonresidential floor area of the section or sections awaiting final approval, economic conditions and the comprehensiveness of the development, provided that if the design standards have been revised by ordinance, such revised standards may govern.

§ 213-12. Final approval.

A. The Planning Board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by ordinance for final approval and the conditions of preliminary approval, provided that, in the case of a planned development, the reviewing body may permit minimal deviations from the conditions of preliminary approval necessitated by change of conditions beyond the control of the developer since the date of preliminary approval without the developer's being required to submit another application for development for preliminary approval.

B. Final approval shall be granted or denied within 45 days after submission of a complete application to the Secretary of the Planning Board or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute final approval of the application for final approval as submitted, and a certificate of the Secretary of the Planning Board as to failure of the Planning Board to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other required evidence of approval.

C. A complete application for final approval shall consist of the following:

- (1) A properly completed final site plan review form.
- (2) The required fee in an amount provided in the Annual Fee Ordinance.
- (3) A site plan in final form, including all the information shown on the preliminary plan and conditions of preliminary approval, plus the following:
 - (a) The zoning classification of the property, the tax plate and block and lot numbers, tract name and the owner of record as listed in the official Tax Book of the Borough of Laurel Springs.
 - (b) The location of any proposed buildings, structures, open spaces and park or recreation areas if the use is residential.
 - (c) Soil conservation service soil classification.
 - (d) Acreage of the tract to the nearest tenth of an acre.
 - (e) Contours at a maximum of two-foot intervals. Contours should be referenced to United States Geological Survey datum, extended 200 feet beyond the lot lines where passable and necessary.
 - (f) The location of watercourses and their extent, surface elevation, depth and their floodplains.
 - (g) All lot lines, setback lines, railroads and their rights-of-way, the location and purpose of any easements, underground or overhead utility lines and the right-of-way lines of any street which abuts the property.
 - (h) A parking schedule in accordance with Chapter 270, Zoning.
 - (i) A parking and circulation plan showing the location and arrangement of vehicular accessways and the location, size and capacity of all parking and loading areas.
 - (j) A complete landscape plan, including size and type of all plantings.
 - (k) Pavement construction details.
 - (l) A drainage plan containing the following:
 - [1] The size, location and slope of any existing or proposed pipes.
 - [2] The size, type, invert elevation and location of any existing or proposed drainage inlets.
 - [3] The disposition of all off-site drainage.
 - [4] Proposed contours with intervals of one foot where slopes are more than 3% but less than 15%, and five feet when 15% or more. The location of any ditches, swales, berms or streams shall also be shown.
 - [5] The drainage calculations to substantiate the capacity of the storm drainage system.
 - (m) Curbs, sidewalks and all other areas devoted to pedestrian use.
 - (n) The building's front, side and rear elevations and floor plan.
 - (o) A key map showing the location of the site within the Borough.

- (p) The site lighting plan.
- (q) A copy of any protective covenant or deed restrictions applying to the tract to be developed shall be submitted along with the site plan.
- (r) Any other information which is deemed to be necessary for the review of the site plan by the Planning Board.

§ 213-13. Effect of final approval.

A. The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer pursuant to § 213-8 of this chapter, whether conditionally or otherwise, shall not be changed for a period of two years after the date of final approval. If the developer has followed the standards prescribed for final approval, the Planning Board may extend such period of protection for extensions of one year, but not to exceed three extensions. Notwithstanding any other provisions of this chapter, the granting of final approval terminates the time period of preliminary approval pursuant to § 213-8 of this chapter for the section granted final approval.

B. In the case of a site plan for a planned development of 50 acres or more or conventional site plan for 150 acres or more, the Planning Board may grant the rights referred to in Subsection A of this section for such period of time longer than two years as shall be determined by the Planning Board to be reasonable, taking into consideration the number of dwelling units and nonresidential floor area permissible under final approval, economic conditions and the comprehensiveness of the development. The developer may apply for thereafter and the Planning Board may thereafter grant an extension of final approval for such additional period of time as shall be determined by the Planning Board to be reasonable, taking into consideration the number of dwelling units and nonresidential floor area permissible under final approval, the number of dwelling units and nonresidential floor area remaining to be developed, economic conditions and the comprehensiveness of the development.

§ 213-14. Guaranties required.

A. As a condition of final site plan approval, the Planning Board may require and shall accept in accordance with the standards adopted by this chapter for the purpose of assuring the installation and maintenance of on-tract improvements:

(1) The furnishing of a performance guaranty in favor of the municipality in an amount not to exceed 120% of the cost of installation for improvements it may deem necessary or appropriate, including streets, grading, pavement, gutters, curbs, sidewalks, streetlighting, shade trees, surveyor's monuments, as shown on the final map and required by the Map Filing Law, P.L. 1960, c. 141 (N.J.S.A. 46:23-9.9 et seq.), water mains, culverts, storm sewers, sanitary sewers, or other means of sewage disposal, drainage structures, erosion control and sedimentation control devices and public improvements of open space and other on-site improvements and landscaping, provided that no more than 10% of the total performance guaranty shall be in cash, and the balance shall be in the form of a bond from a bonding company approved by the Municipal Committee. The Municipal Engineer shall review the improvements required by the Planning Board which are to be bonded and itemize their cost. Said itemization shall be the basis for determining the amount of performance guaranty and maintenance guaranty required by the Planning Board. The Municipal Engineer shall forward his estimate of the cost of improvements to the applicant within 30 days of the date of receipt of a request sent by certified mail for said estimate.

(2) The furnishing of a maintenance guaranty to be posted with the governing body for a period not to exceed two years after final acceptance of the improvement, in an amount not to exceed 15% of the cost of the improvement. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guaranty to another governmental agency, no performance or maintenance guaranty, as the case may be, shall be required for such utilities or improvements.

B. The amount of any performance guaranty may be reduced by the Municipal Committee, by resolution, when portions of the improvements have been certified by the Municipal Engineer to have been completed. The time allowed for installation of the improvements for which the performance guaranty has been provided may be extended by the Municipal Committee by resolution.

C. If the required improvements are not completed or corrected in accordance with the performance guaranty, the obligor and surety, if any, shall be liable thereon to the municipality for the reasonable cost of the

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

D. When all of the required improvements have been completed, the obligor shall notify the Municipal Committee in writing, by certified mail addressed in care of the Municipal Clerk, of the completion of said improvements and shall send a copy thereof to the Municipal Engineer. Thereupon, the Municipal Engineer shall inspect all of the improvements and shall file a detailed report, in writing, with the Municipal Committee, indicating either approval, partial approval or rejection of the improvements with a statement of reasons for any rejection. If partial approval is indicated, the cost of the improvements rejected shall be set forth.

E. The governing body shall either approve, partially approve or reject the improvements on the basis of the report of the Municipal Engineer and shall notify the obligor in writing, by certified mail, of the contents of said report and the action of said Planning Board with relation thereto not later than 65 days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from all liability pursuant to its performance guaranty, except for that portion adequately sufficient to secure provision of the improvements not yet approved. Failure of the Municipal Committee to send or provide such notification to the obligor within 65 days shall be deemed to constitute approval of the improvements, and the obligor and surety, if any, shall be released from all liability pursuant to such performance guaranty.

F. If any portion of the required improvements is rejected, the Planning Board may require the obligor to complete such improvements and, upon completion, the same procedure of notification as set forth in this section shall be followed.

G. The obligor shall reimburse the municipality for all reasonable inspection fees paid to the Municipal Engineer for the foregoing inspection of improvements.

§ 213-15. Amendments to approved site plans.

An application for the amending of an approved site plan may be made by the applicant following the approval of his site plan application by the Planning Board. Amendments shall be limited to minor changes in the design of the proposed development and shall not include any proposal for a different use of the property as defined in this chapter. Applications for amendments to approved site plans shall adhere to the following procedures:

A. Applications shall be made in the form of a letter to the Secretary of the Planning Board identifying the changes requested. The letter shall be accompanied by three copies of a site plan detailing the proposed site design change.

B. The Secretary shall review the plans in order to ensure that they comply with the requirements of this chapter and all appropriate municipal regulations. He shall then submit the application for an amendment to the site plan to the Planning Board for its action.

C. The Planning Board shall either approve, approve with conditions or disapprove the proposed amendment. In the event of a disapproval, the reasons for the disapproval shall be stated during the public meeting at which the action is taken. Disapproval may be based on the Planning Board's decision that the scope of the proposed change justifies the submission of a new application for building design and site plan approval.

D. In the event of approval with conditions, the plan shall not become eligible to receive a building permit from the Building Inspector until such time as a site plan is submitted which is revised to comply with the conditions imposed by the Planning Board.

E. In the event of an approval or an approval with conditions in which the applicant has submitted a site plan that has been revised to conform to the requirements established by the Planning Board, the Secretary of the Planning Board shall sign one copy of the approved site plan and transmit it to the Building Inspector in order that the applicant may apply for a building permit.

§ 213-16. Copy on file.

Immediately upon passage pursuant to law, a copy of this chapter shall be filed with the Camden County Planning Board.