

# Stillwater Township Planning Board

964 STILLWATER ROAD

NEWTON, NJ 07860

Tel: (973) 383-9484

Fax: (973) 383-8059

APPLICATION FOR DEVELOPMENT: One (1) application for development with original signatures and sixteen (16) copies, seventeen (17) copies of site plan or subdivision plats, and (16) copies of all supporting documentation, as well as required fees and escrow must be filed with the Planning Board Secretary 14 days prior to the meeting at which the application will be considered.

## FOR PLANNING BOARD USE

Date Filed: \_\_\_\_\_ Application No. \_\_\_\_\_

Application Fees Paid: \_\_\_\_\_ Escrow Deposited: \_\_\_\_\_

## TO BE COMPLETED BY APPLICANT

### 1. CLASS OF APPLICATION (Check all applicable)

- A.  Minor Subdivision      Number of resulting lots: \_\_\_\_\_  
B.  Major Subdivision (Preliminary)      Number of lots: \_\_\_\_\_  
C.  Agricultural Subdivision  
D.  Major Subdivision (Final)  
E.  Site Plan (Preliminary)      Affected lot area: \_\_\_\_\_ sq. ft.  
F.  Site Plan (Final)  
G.  Variance under N.J.S.A. 40:55D-70c  
H.  Conditional Use  
I.  Revision to prior approval  
J.  Informal Concept Review

### 2. PROPERTY LOCATION: \_\_\_\_\_ (Address)

Block: \_\_\_\_\_ Lot: \_\_\_\_\_ Zone District: \_\_\_\_\_  
Dimensions: Frontage: \_\_\_\_\_ Depth: \_\_\_\_\_ Total Lot Area: \_\_\_\_\_ (Acres)

### 3. APPLICANT: \_\_\_\_\_ (Name)

Mailing Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_  
Applicant is a Corporation:  Partnership:  Individual:

4. DISCLOSURE STATEMENT: Pursuant to N.J.S.A.40:55D-48.1, the names and addresses of all persons owning 10% of the stock in a corporate applicant or 10% interest in any partnership applicant must be disclosed. In accordance with N.J.S.A.40:55D-48.2, that disclosure requirement applies to any corporation partnership which owns more than 10% interest in the applicant followed up the chain of ownership until the names and addresses of the non-corporate stockholders and partners exceeding the 10% ownership criterion have been disclosed.

### 5. OWNER: If the owner is other than the applicant, provide the following information on the owner. \_\_\_\_\_ (Name)

Mailing Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

### 6. PROPERTY INFORMATION:

Present use of the property \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Explain in detail the exact nature of the application and the changes to be made at the premises, including the proposed use. \_\_\_\_\_  
\_\_\_\_\_

Are there restrictions, covenants,, easements, association by-laws, existing or proposed on the property?  
Yes (attach copies) \_\_\_\_\_ No \_\_\_\_\_ Proposed \_\_\_\_\_

7. APPLICANTS REPRESENTATIVES: Provide complete information for the following. If at present there it is not anticipated a particular expert will be retained please write "None" for that position.

Attorney: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Engineer/Land Surveyor: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Planning Consultant: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Other Consultant: \_\_\_\_\_  
 Field of expertise: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

8. WAIVERS AND VARIANCES:

List all sections of the Ordinance from which a variance is requested. \_\_\_\_\_

List all sections of the Development Standards and/or Submission Requirements for which a waiver from completeness is requested. \_\_\_\_\_

9. DOMESTIC WATER SUPPLY AND SANITARY SEWAGE DISPOSAL:

Is domestic public water supply available? Yes \_\_\_\_\_ No \_\_\_\_\_  
 Does the applicant propose a well? Yes \_\_\_\_\_ No \_\_\_\_\_  
 Does the applicant propose an on-site sewage disposal system? Yes \_\_\_\_\_ No \_\_\_\_\_

10. OFF-TRACT IMPROVEMENTS:

Are any off-tract improvements required or proposed? Yes \_\_\_\_\_ No \_\_\_\_\_  
 If off-tract improvements are required, what form of security does the applicant propose to provide as performance and maintenance guarantees? \_\_\_\_\_

11. CERTIFICATE OF PAID TAXES:

Have taxes been paid and has a certificate from the Tax Collector been provided? Yes \_\_\_\_\_ No \_\_\_\_\_

12. APPROVALS OF OTHER AGENCIES: Indicate below if approvals of other agencies are required, if applications have been filed for approval, and date of submittal.

Sussex County Health Department	Yes _____ No _____	Date of Submittal _____
Sussex County Planning Board	Yes _____ No _____	Date of Submittal _____
Sussex County Soil Conservation District	Yes _____ No _____	Date of Submittal _____
NJDEP Stream Encroachment Permit	Yes _____ No _____	Date of Submittal _____
NJDEP Freshwater Wetlands Permit	Yes _____ No _____	Date of Submittal _____
Other	Yes _____ No _____	Date of Submittal _____

13. ACCOMPANYING MAPS AND REPORTS:

Description of Item including date of latest revision

Item _____	Date _____
Item _____	Date _____
Item _____	Date _____

14. CERTIFICATIONS:

I certify that the foregoing statements and materials submitted are true. I further certify that I am the individual applicant, or that I am an officer of the corporate applicant and that I am authorized to sign the application for the corporation, or that I am a general partner of the partnership applicant.

Sworn to and subscribed before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
SIGNATURE OF APPLICANT

I certify that I am the Owner of the property which is the subject of this application, that I am the applicant or have authorized the applicant to make this application, and that I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant.

I further understand that the sum of \$ \_\_\_\_\_ has been deposited in an escrow account. In accordance with the Ordinances of the Township of Stillwater, I understand that the escrow account is established to cover the cost of professional services, including engineering, planning, legal and other expenses associated with the review of submitted materials and the publication of the decision by the Board. Sums not utilized in the review process shall be returned. If additional sums are deemed necessary, I understand that I will be notified of the required additional amount and shall add that sum to the escrow account within fifteen (15) days.

(If the owner is a corporation, this must be signed by an authorized corporate officer. If the owner is a partnership, this must be signed by a general partner.)

Sworn to and subscribed before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
SIGNATURE OF OWNER

## Chapter 240. Land Development

### Article IX. Fees and Deposit

#### § 240-90. Fee schedule.

Every applicant filing an application for development or for other relief for which notice must be given pursuant to § 240-35 shall pay the following nonrefundable fees as herein specified.

A. Subdivisions.

- (1) Minor subdivision: \$200, plus \$200 for each lot, including remainder lot.
- (2) Major subdivisions.
  - (a) Preliminary: \$1,300, plus \$150 per lot.
  - (b) Final: \$300, or 25% of the fee for preliminary approval, whichever is greater.
- (3) Agricultural subdivision per N.J.S.A. 40:55D-7: \$200.
- (4) Certificate of subdivision as per § 240-71: \$10.

B. Site plans.

- (1) Minor site plan: \$300.
- (2) Preliminary site plan: \$500 or the sum of the fees specified in Subsection B(2)(a) through (d) hereunder:
  - (a) First 5,000 square feet of affected lot or part: \$50.
  - (b) Each additional 40,000 square feet or part of affected lot area: \$50.
  - (c) For each 100 square feet of floor area of industrial or commercial building: \$5.
  - (d) For each residential unit: \$50.
- (3) Final application: 1/2 of the fee for preliminary approval or a minimum of \$250 whichever is greater.

C. Appeals.

- (1) Appeals authorized by N.J.S.A. 40:55D-70a and b: \$250.
- (2) Appeal or application to establish validity of nonconforming use pursuant to N.J.S.A. 40:55D-68: \$250.

D. Variances pursuant to N.J.S.A. 40:55D-70c(1) or (2).

- (1) Residential: \$100.
  - (2) New structure: \$400.
  - (3) Commercial: \$750.
- E. Variances pursuant to N.J.S.A. 40:55D-70d.
- (1) Residential single-family: \$200.
  - (2) Multifamily: \$1,000 plus \$100 for each unit.
  - (3) Commercial: \$1,000.
- F. Variances pursuant to N.J.S.A. 40:55D-36 (lot not fronting on approved street or improved): \$500.
- G. Conditional use application fees.
- (1) In residential zones: \$200.
  - (2) In commercial zones: \$750.
  - (3) In commercial recreation zones: \$2,500.
- H. Transcription fees. One hundred percent estimated costs at \$4.50 per page. If the estimated fees is insufficient, the person ordering the transcript shall pay the full actual cost to the Township.
- I. Revision fees for applications previously approved.
- (1) Residential use minimum of \$100, or 25% of original fee, whichever is greater.
  - (2) Commercial use: minimum of \$100, or 25% of original fee, whichever is greater.
- J. Fees for items not covered: \$200.
- K. Special meeting fees: \$750, or the actual cost to the Township of Stillwater, whichever is greater. The applicant shall deposit the sum of \$750, with the Township at least five days in advance of the special meeting. Any balance owed shall be paid within seven days after the conclusion of the meeting.

- L. Zoning permit.  
[Amended 8-17-2004 by Ord. No. 2004-15]

**Zoning Permit**

<b>Value</b>	<b>Fee</b>	<b>Late Fee</b>
Residential additions, alterations and accessory structures		
Construction		
Up to \$20,000	\$30	\$20
Greater than \$20,000 but less than \$50,000	\$40	\$25
Greater than \$50,000	\$50	\$30
New home	\$75	\$30
Home occupation	\$40	\$20
Commercial minor alterations, signs and accessory structures		
Up to \$10,000	\$40	\$20
Greater than \$10,000 but less than \$100,000	\$75	\$25
Greater than \$100,000	\$100	\$50
Letters of certification or approvals;	\$30	

- M. Informal concept review N.J.S.A. 40:55D-10.1 (presentation limited to 45 minutes). Whenever the

Planning Board shall grant informal review of concept plan for a development, the fee for such information review shall be a credit toward fees for review of the application for development in accordance with the provisions of N.J.S.A 40:55D-10. An applicant desiring to have a concept plan or plat informally reviewed shall so notify the Planning Board Secretary, who shall place the matter on the agenda at the most convenient time for the Board.

- (1) Minor plat: \$100.
  - (2) Major plat: \$175.
- N. Annexation. For hearing on a petition for annexation: \$1,000.
- O. Farmland preservation. To review a petition for inclusion of a parcel in a municipally approved farmland preservation program: \$500.
- P. Waiver of fees. When an application is made by a nonprofit charitable corporation, by a fire company which is part of the Township Fire Department, a first aid and rescue squad receiving appropriations from the Township, or a governmental agency, Township, state or federal, the municipal agency having jurisdiction of the application may in its discretion, waive all or part of any filing fee hereinabove provided for.
- Q. GIS update fees on certain development applications.  
[Added 9-4-2007 by Ord. No. 2007-17; amended 3-4-2014 by Ord. No. 2014-4]
- (1) Subdivision: minor, amended minor: \$150
  - (2) Subdivision: preliminary major, amended preliminary or amended final major: \$150, plus \$50 per lot.
  - (3) Subdivision: final plat: \$200.
  - (4) Site plan: minor, amended minor: \$150.
  - (5) Site plan: residential preliminary major, amended preliminary or amended final major: \$150 plus \$50 per unit.
  - (6) Site plan: nonresidential preliminary major, amended preliminary or amended final major: \$150 plus \$50 up to 5,000 square feet; \$150 for up to 20,000 square feet; and \$300 for over 20,000 square feet.
  - (7) Site plan: final major: 25% of the preliminary site plan GIS update fee if filed separately; \$0 if filed with the preliminary.
  - (8) Planned development: preliminary plat, amended preliminary or amended final: \$150 plus \$50 per additional unit.
  - (9) Planned development: final plat: 35% of the preliminary plat GIS update fee if filed separately; \$0 if filed with the preliminary.
  - (10) Conditional use: \$150.
  - (11) Dimensional or "C" variance: \$50 for each variance in conjunction with site plan or subdivision; \$25 for each variance without site plan or subdivision.
  - (12) Use or "D" variance: residential: \$150.
  - (13) Use or "D" variance: nonresidential: \$150.

Planning Board shall grant informal review of concept plan for a development, the fee for such information review shall be a credit toward fees for review of the application for development in accordance with the provisions of N.J.S.A 40:55D-10. An applicant desiring to have a concept plan or plat informally reviewed shall so notify the Planning Board Secretary, who shall place the matter on the agenda at the most convenient time for the Board.

- (1) Minor plat: \$100.
  - (2) Major plat: \$175.
- N. Annexation. For hearing on a petition for annexation: \$1,000.
- O. Farmland preservation. To review a petition for inclusion of a parcel in a municipally approved farmland preservation program: \$500.
- P. Waiver of fees. When an application is made by a nonprofit charitable corporation, by a fire company which is part of the Township Fire Department, a first aid and rescue squad receiving appropriations from the Township, or a governmental agency, Township, state or federal, the municipal agency having jurisdiction of the application may in its discretion, waive all or part of any filing fee hereinabove provided for.
- Q. GIS update fees on certain development applications.  
[Added 9-4-2007 by Ord. No. 2007-17; amended 3-4-2014 by Ord. No. 2014-4]
- (1) Subdivision: minor, amended minor: \$150
  - (2) Subdivision: preliminary major, amended preliminary or amended final major: \$150, plus \$50 per lot.
  - (3) Subdivision: final plat: \$200.
  - (4) Site plan: minor, amended minor: \$150.
  - (5) Site plan: residential preliminary major, amended preliminary or amended final major: \$150 plus \$50 per unit.
  - (6) Site plan: nonresidential preliminary major, amended preliminary or amended final major: \$150 plus \$50 up to 5,000 square feet; \$150 for up to 20,000 square feet; and \$300 for over 20,000 square feet.
  - (7) Site plan: final major: 25% of the preliminary site plan GIS update fee if filed separately; \$0 if filed with the preliminary.
  - (8) Planned development: preliminary plat, amended preliminary or amended final: \$150 plus \$50 per additional unit.
  - (9) Planned development: final plat: 35% of the preliminary plat GIS update fee if filed separately; \$0 if filed with the preliminary.
  - (10) Conditional use: \$150.
  - (11) Dimensional or "C" variance: \$50 for each variance in conjunction with site plan or subdivision; \$25 for each variance without site plan or subdivision.
  - (12) Use or "D" variance: residential: \$150.
  - (13) Use or "D" variance: nonresidential: \$150.

# Chapter 240. Land Development

## Article IX. Fees and Deposit

### § 240-91. Payment of deposits in escrow.

- A. Payment of deposits; acceptable charges. The Chief Financial Officer of the municipality shall make all of the payments to professionals for services rendered to the municipality or approving authority for review of applications for development, review and preparation of documents, inspection of improvements or other purposes under the provisions of N.J.S.A. 40:55D-1 et seq. The initial escrow deposit shall be as hereinafter set forth. The application review and inspection charges shall be limited only to professional charges for review of applications, review and preparation of documents; inspections of developments under construction and for review by outside consultants when an application is of a nature beyond the scope of the expertise of the professionals normally utilized by the municipality. The only costs that shall be added to any such charges shall be actual out-of-pocket expenses of any such professionals or consultants, including normal and typical expenses incurred in processing applications and inspecting improvements. No applicant shall be charged for any municipal clerical or administrative functions, overhead expenses, meeting room charges or any of the municipal costs and expenses, except as provided for specifically herein, nor shall a municipal professional add any such charge to his bill.
- B. Professional services defined. The term "professional services" as utilized herein include the services of a duly licensed engineer, surveyor, planner, attorney, scientist, realtor, appraiser or other professional or expert who provides services for review, advice, preparation of reports and/or expert testimony, for inspection of property and surrounding area and for tests performed, in order to assist the Board in the review of the application before it.
- C. Amount of escrow. Subject to the provisions of Subsection **D** of this section each applicant shall, prior to the application being ruled complete pursuant to the provisions of the Municipal Land Use Law and this section, submit the following sums to be held in escrow in accordance with the provisions hereof:

#### **Residential Developments**

<b>Number of Units</b>	<b>Escrow to be Posted</b>
0 to 2	\$500.00
3 to 25	An additional \$2,000.00
26 to 100	An additional \$2,000.00
101 to 500	An additional \$5,000.00
501 to 1,000	An additional \$7,000.00
1,001 or more	An additional \$10,000.00

#### **Commercial Development Application Not Involving Structures**

<b>Lots</b>	<b>Escrow to be Posted</b>
0 to 3	\$3,500.00
3 or more	\$5,000.00

### Involving Structures

<b>Total Floor Plan</b>	<b>Escrow to be Posted</b>
1,250 to 2,500 square feet	\$1,000.00
2,500 to 20,000 square feet	\$2,000.00
20,000 or more square feet	\$5,000.00

### Soil Removal

<b>Activity</b>	<b>Escrow to be Posted</b>
Soil removal	\$3,500.00

- D. Escrow fees, review for adequacy.
- (1) The Planning Board and/or the Board of Adjustment or its authorized committee or designee, as the case may be, shall, in conjunction with its attorney, engineer or planner, review said application for development to determine whether the escrow amount set for the above is adequate. In conducting such review, said Board shall consider the following criteria:
    - (a) The presence or absence of public water and/or sewer servicing the site.
    - (b) Environmental considerations, including but not limited to geological, hydrological and ecological factors.
    - (c) Traffic impact of the proposed development.
    - (d) Impact of the proposed development on existing aquifer and/or water quality.
  - (2) Upon completion of said review, the Board or its authorized committee shall determine whether the escrow amount specified above is sufficient, excessive or insufficient. In the event that the Board or its authorized committee shall determine that the amount is excessive, it shall specify the amount that shall be deemed sufficient, including a specification, if appropriate, that no escrow be posted. In the event that the Board or its authorized committee shall determine the amount specified above is insufficient, it shall so specify and shall further set forth the amount to be posted in light of the criteria specified herein.
  - (3) No application for development be deemed complete until such time as the applicant shall have posted with the Township of Stillwater, in cash, certified check or money order, the amount of escrow deposit determined by the Planning Board and/or Board of Adjustment to be required in accordance with the provisions of this section.
- E. Additional escrow deposits. The Board may require additional escrow deposits by the applicant to be posted during the course of the review of an application, provided that:
- (1) The original amounts escrowed pursuant to this section have been or are about to be exhausted according to the records maintained by the Board Secretary; and
  - (2) Additional professional services or expert services must reasonably be incurred because of the presence of one or more factors enumerated in Subsection **D(1)**, in order to complete the review of the application and to properly decide the same. In the event that additional escrow moneys are required, they not be deemed items required for the application to be complete but may be required as additional information reasonably required to decide the application. In the Board's discretion, their payment may be required as a condition of any approval granted.
- F. Charges for professional services. The applicant shall, to the extent permitted by N.J.S.A. 40:55D-53.2, be responsible to reimburse the Township with regard to specific professional services in accordance with the following:
- (1) Charges for any professional for required attendance at a regular or special meeting during

which hearings are held on the application in question; provided, however, that where hearings are held on other applications at the same hearing, the cost of attendance of the Township's professionals shall be reimbursed on a pro rata basis.

- (2) The review of applications both as to completeness and as to content and for the review and preparation of documents, such as but not limited to drafting resolutions, developer's agreements and necessary correspondence with applicant or applicant's professionals.
  - (3) The cost of all necessary inspections and for such other services necessary to assure that all work is performed in compliance with the approved plans and governing laws or ordinances.
- G. Deposit of escrow funds; refunds. Deposits received from any applicant in excess of \$5,000 shall be held by the Chief Financial Officer in a special interest-bearing deposit account, and upon receipt of bills from professionals and approval of said bills as hereinafter provided for, the Chief Financial Officer may use such funds to pay the bills submitted by such professionals or experts. The Township shall not be required to refund an amount of interest paid on a deposit which does not exceed \$100 for the year. If the amount of interest exceeds \$100 the entire amount shall belong to the applicant and shall be refunded to him by the municipality annually or at the time the deposit is repaid or applied for the purposes for which it was deposited, as the case may be, except that the Township may retain for administrative expenses a sum equivalent to no more than 33 1/3% of that entire amount, which shall be in lieu of all other administrative and custodial expenses. All sums not actually so expended shall be refunded to the applicant within 90 days after the final decision by the appropriate municipal agency with respect to such application, upon certification by the Board Secretary that such application has been finally decided.
- H. Reimbursement for inspection of improvements. The developer shall reimburse the Township for all reasonable inspection fees paid to the Township Engineer for the inspection and/or testing of improvements. The Township may require the applicant to make a deposit for all or a portion of the reasonably anticipated fees to be paid to the Township Engineer for such inspections pursuant to N.J.S.A. 40:55D-53h.
- I. Inspection of improvements. All of the improvements in a subdivision or site plan shall be inspected and approved by the Township Engineer. The subdivider or his agent, employee or contractor shall notify the Township Engineer and the Secretary of the reviewing Township Board that the work is ready for any required inspection specified herein or required to be performed by the Township Engineer, the Construction Official or the appropriate subcode official. This notice shall be given at least 48 hours prior to the start of the construction and at least 48 hours prior to the time the inspection is desired. Inspection shall be performed within three business days of the time for which it was requested. The work shall not proceed in a manner which shall preclude the inspection until it has been made. No underground installation shall be covered until inspected and approved.
- J. Payments; vouchers; insufficient deposit.
- (1) Escrow deposits. Each payment charged to the deposit for review of applications, review and preparation of documents and inspection of improvements shall be pursuant to a voucher from the professional, which voucher shall identify the personnel performing the service and each date the services were performed, the hours spent to 1/4 of an hour increments, the hourly rate and the incurred charge. All professionals shall submit vouchers to the Chief Financial Officer of the Township on a monthly basis, in accordance with the schedules and procedures established by the Chief Financial Officer or the Township Boards. The professional shall send an informational copy of all vouchers or statements submitted to the Chief Financial Officer of the Township simultaneously to the applicant and the municipal agency for whom said services were performed.
  - (2) Withdrawals. Withdrawals for payment of services of professionals shall be authorized only if:
    - (a) An itemized voucher has been submitted to the Chief Financial Officer with a

certification stating that informational copies have been sent to the applicant and the municipal agency for which the services were performed.

- (b) The municipal agency involved has approved the payment thereof and has so notified the Chief Financial Officer, and the Secretary of the Township agency has verified to the Chief Financial Officer the amount of escrow funds which will remain in that account after payment of the vouchered claim, according to the records in the Secretary's office.
    - (c) The Chief Financial Officer shall make payment within 10 days after receiving notification of approval by the municipal agency and the governing body.
  - (3) Statements. The Chief Financial Officer shall prepare and send to the applicant a statement which shall include an accounting of funds listing all deposits, interest earnings, disbursements and the cumulative balance of the escrow account. This information shall be provided on a quarterly basis, if monthly charges are \$1,000 or less, or on a monthly basis if monthly charges exceed \$1,000.
  - (4) Additional escrow requirements. If an escrow account or deposit contains insufficient funds to enable the Township or approving authority to perform required application reviews or improvement inspections, or if the anticipated future costs of such reviews or inspection may reduce the escrow deposit to the point where it will become insufficient, the municipal agency shall determine the amount of additional escrow funds available and shall request the Chief Financial Officer to provide the applicant with a notice of such additional required escrow funds, and the applicant shall, within a reasonable time, not exceeding seven days, post a deposit to the account in the amount requested by the municipal agency or as agreed upon between the municipal agency and the applicant.
- K. Fees; liens on property.
- (1) Should any fees for applications for development, expert witness fees, consultants fees, review fees, inspection fees or fees of any nature connected with an application for development be due and unpaid by an applicant for development and/or owner of the subject property, for a period of 14 days after written notice of the amount due was mailed to the owner and applicant, the Township Clerk or Mayor or Assistant Clerk or other officer or employee of the Township of Stillwater may execute a written statement of lien showing, the amount due to the Township and may record the same in the Sussex County Clerk's office as a lien on the subject property. The lien shall include interest at the rate of 12% per annum, recording fees and a reasonable attorneys fees.
  - (2) Should the lien remain unpaid, the Township Tax Collector, Clerk or other officer authorized by the Township Committee shall have the power to sell the property to collect the amount of the lien, together with interest, attorneys fees and recording fees pursuant to N.J.S.A. 54:5-19 et seq. and other applicable laws of the State of New Jersey.
- L. Payments required prior to issuance of permits. No zoning permits, building permits, certificates of occupancy or any other types of permits may be issued with respect to any approved application for development until all bills for reimbursable services have been received by the Township from professional personnel rendering services in connection with such application and payment has been made.
- M. Closeout procedures.
- (1) The following closeout procedures shall apply to all deposits and escrow accounts established under the provisions of N.J.S.A. 40:55D-1 et seq., and shall commence after the approving authority has granted final approval and signed the subdivision plat or site plan, in the case of application review escrows and deposits, or after the improvements have been approved in N.J.S.A. 40:55D-53, in the case of improvement inspection escrows and deposits.

- (2) The applicant shall send written notice, by certified mail, to the Chief Financial Officer of the Township and the approving authority and to the relevant municipal professional that the application or the improvements, as the case may be, are completed. After receipt of such notice, the professional shall render a final bill to the Chief Financial Officer of the Township within 30 days and shall send a copy simultaneously to the applicant. The Chief Financial Officer of the Township shall render a written final accounting to the applicant on the uses to which the deposit was put within 45 days of receipt of the final bill. Any balances remaining in the deposit or escrow account, including interest in accordance with N.J.S.A. 40:55D-53.1, shall be refunded to the developer along with the final accounting.
- N. Scope of charges. All professional charges for review of an application for development, review and preparation of documents or inspection of improvements shall be reasonable and necessary, given the status and progress of the application or construction. Review fees shall be charged only in connection with an application for development presently pending before the approving authority or upon review of compliance with the conditions of approval or review of requests for modification or amendment made by the applicant. A professional shall not review items which are subject to approval by any state governmental agency and not under Township jurisdiction, except to the extent consultation with a state agency is necessary due to the effect of state approvals on the subdivision or site plan.
- O. Limitation of inspection fees. Inspection fees shall be charged only for actual work shown on a subdivision or site plan or required by an approving resolution. Professionals inspecting improvements under construction shall charge only for inspections that are reasonably necessary to check the progress and quality of the work, and such inspections shall be reasonably based on the approved development plans and documents.
- P. Substitution of professionals. If the Township retains a different professional or consultant in the place of a professional originally responsible for the development application review or inspection of improvements, the Township or approving authority shall be responsible for all time and expenses of the new professional to become familiar with the application or the project, and the Township or approving authority shall not bill the applicant or charge to the deposit or the escrow account for any such services.
- Q. Estimate of cost of improvements. The cost of the installation of improvements for the purposes of N.J.S.A. 40:55D-53 shall be estimated by the Township Engineer based on documented construction costs for the public improvements prevailing in the general area of the Township. The developer may appeal the Township Engineer's estimate to the County Construction Board of Appeals, established pursuant to N.J.S.A. 52:27D-127.
- R. Appeals.
  - (1) An applicant shall notify, in writing, the governing body, with copies to the Chief Financial Officer, the approving authority and the professional, whenever the applicant disputes the charges made by a professional for a service rendered to the Township in reviewing applications for development, review and preparation of documents, inspection of improvements or other charges made pursuant to N.J.S.A. 40:55D-53.2. The governing body or its designee shall within a reasonable time attempt to remediate any disputed charges. If the matter is not resolved to the satisfaction of the applicant, the applicant may appeal to the County Construction Board of Appeals, established pursuant to N.J.S.A. 52:27D-127, any charge to an escrow account or deposit by any Township professional or consultant or the cost of the installation of improvements estimated by the Township Engineer pursuant to N.J.S.A. 40:55D-53.4. An applicant or his authorized agent shall submit the appeal, in writing, to the County Construction Board of Appeals. The applicant or his authorized agent shall simultaneously send copies of the appeal to the Township, approving authority and any professional whose charges are the subject of the appeal. An applicant shall file an appeal within 45 days from receipt of the informational copy of the professional's voucher required

by N.J.S.A. 40:55D-53.2(c), except that, if the professional has not supplied the applicant with an informational copy of the voucher, then the applicant shall file his appeal within 60 days from receipt of the Township statement of activity against the deposit or escrow account required by N.J.S.A. 40:55D-53.2(c). An applicant may file an appeal for an ongoing series of charges by a professional during a period not exceeding six months to demonstrate that they represent a pattern of excessive or inaccurate charges. An applicant making use of this provision need not appeal each charge individually.

- (2) The County Construction Board of Appeals shall hear the appeal, render a decision thereon and file its decision with a statement of the reasons therefor with the Township or approving authority not later than 10 business days following the submission of the appeal, unless such period of time has been extended with the consent of the applicant. The decision may approve, disapprove or modify the professional charges appealed from. Copies of the decision shall be forwarded, by certified or registered mail, to the party making the appeal, the Township, the approving authority and the professional involved in the appeal. Failure by the Board to hear an appeal and render and file a decision thereon within the time limits prescribed in this subsection shall be deemed a denial of the appeal for purposes of a complaint, application or appeal to a court of competent jurisdiction.
- (3) Appeals shall be taken in accordance with the rules and procedures established by the County Construction Board of Appeals.
- (4) During the pendency of any appeal, the Township or approving authority shall continue to process, hear and decide the application for development and to inspect the development in the normal course and shall not withhold, delay or deny reviews, inspections, signing of subdivision plats or site plans, the reduction or the release of performance or maintenance guaranties, the issuance of construction permits or certificates of occupancy or any other approval or permit because an appeal has been filed or is pending under this subsection. The Chief Financial Officer of the Township may pay charges out of the appropriate escrow account or deposit for which an appeal has been filed. If a charge is disallowed after payment, the Chief Financial Officer of the Township shall reimburse the deposit or escrow account in the amount of any such disallowed charge or refund the amount to the applicant. If a charge is disallowed after payment to a professional or consultant who is not an employee of the Township, the professional or consultant shall reimburse the Township in the amount of any such disallowed charge.

## Chapter 240. Land Development

### Article VII. Design Standards and Plat Details; Environmental Impact Statements

#### § 240-80. Site plan detail.

- A. Site plan details are primarily for the use of the municipal agency to establish criteria required to make decisions and recommendations.
- B. The following documents shall be provided for a preliminary site plan review:
  - (1) Title, key map location of development and the name and address of the record owner and/or development applicant and the site planner preparing the site development plan.
  - (2) Indication of proposed use or uses of the land and buildings.
  - (3) Site plans should be presented at a scale no smaller than one inch equals 100 feet nor larger than one inch equals 20 feet; the size of sheets should not exceed 36 by 24 inches.
  - (4) Scale and graphic scale.
  - (5) North arrow, in the same direction on all sheets.
  - (6) Submit survey of the property prepared by a licensed surveyor or engineer of New Jersey, showing boundaries of properties, line of all existing streets and roads, easements, rights-of-way and areas dedicated to public use within 200 feet of the property.
  - (7) Existing and proposed buildings, with dimensions, shall be shown with first floor elevation and present and finished grade elevations at all corners and entrances. Present buildings and structures to be removed shall be indicated.
  - (8) Topographic map delineating existing contours at two-foot intervals, up to 50 feet beyond property lines, as well as proposed grading and contours, wooded areas/trees, where four inches or greater in diameter, floodplains, ponds, streams and drainage ditch.
  - (9) The location of all existing and proposed structures, such as walls, fences, culverts, bridges, roadways, with grade elevations for each structure shall be indicated.
  - (10) Existing zones of the development site and of any different zones within 200 feet of the property.
  - (11) The distance of the property line, measured along the center line of existing streets abutting the property, from the nearest intersection.
  - (12) The boundaries of the property, building and setback lines, lines of existing streets, lots, reservations, easements and areas dedicated to public use.

- (13) Location of all utility structures and lines, existing and proposed stormwater drainage, on site and on tract and from buildings and structures, as well as utility provisions, including telephone, power and light, water hydrant locations, sewer and gas, whether privately or publicly owned, with manholes, inlets, pipe sizes, grades, inverts and directions of flow.
- (14) Location, size and nature of the entire lot or lots in question and of contiguous lots owned by the applicant or owner of record or in which the applicant has a direct interest even though only a portion of the entire property is involved in site plan development. This shall be provided on a key map, if necessary.
- (15) All proposed easements and public and community areas.
- (16) All means of vehicular ingress and egress to and from the site onto public streets, showing the size and location of driveways, curb cuts and curbing, sight lines and radii.
- (17) Location and design of off-street parking areas, showing their size, and the locations of internal circulation, traffic patterns, parking space, aisles, driveways, curbing, barriers and wearing surface finished and construction, all of which shall conform to the requirements of §§ 240-116A and B.
- (18) Location, arrangement and dimensions of truck loading and unloading platforms and docks.
- (19) Provisions for refuse and garbage disposal. Ensure that areas are not exposed to view, are nonpolluting, covered from weather and are secure from vandalism. In the case of an application for the construction of 50 or more units of single-family residential housing or in the case of any commercial or industrial development, a site or sites must be specified for the storage and disposition of recyclables in accordance with the provisions of Chapter 344, Solid Waste, Article I, Recycling, of the Code of the Township of Stillwater, as the same may be amended from time to time, establishing a recycling program and requiring the separation of recyclable material.
- (20) Provisions for screening storage of equipment attached or separate from buildings.
- (21) All existing or proposed exterior lighting, freestanding and/or on building, for size, nature of construction, lumens, heights, area and direction of illumination, foot candles produced, as well as time controls proposed for outdoor lighting and display.
- (22) Note all existing or proposed signs and their sizes, nature of construction and location, height and orientation, including all identification signs, traffic directional signs and arrows, freestanding and facade signs and time control for sign lighting, of any.
- (23) Locations, dimensions and construction of off-site sidewalks, on-site exits, walks and sidewalks. Provision should be made for pedestrian safety, accessways and, where necessary, a bicycle system and racking.
- (24) Proposed screening, green areas, landscaping and fencing. Landscaping shall be shown, including size, type and number of plants. A tree removal and plant schedule with planting details shall be included. Tree removal shall be in accordance with Chapter 382, Trees, Article II, Protection of Trees, of the Code of the Township of Stillwater.
- (25) Improvements to adjoining streets and roads, and traffic control devices necessary in streets or highways. Acceleration and deceleration lanes, paving, land dedication or acquisition for roads should be shown.
- (26) Copies of any covenants and deed restrictions intended to cover any of the development site.
- (27) Elevations, sketches, renderings or pictures of any new buildings or structures.
- (28) Preliminary architectural floor plans and elevations should be submitted, with the name,

address, professional number and seal of the architect.

- (29) Appropriate places for signatures and date of approval of the Chairman and Secretary of the municipal agency and the Planning Board Engineer.
- (30) In fire prevention, consideration shall be shown for service lines, hydrants, siamese connections, automatic sprinkler systems, fire zones, no parking fire zones and pavement and wall signs.
- (31) Dimensions of all of the above on the site plan so that scaling will not be necessary.
- (32) A proposed plan shall be submitted showing the plan for the continued operation and maintenance of utilities, open space, common areas, neighborhood facilities and the like, indicating the entity responsible for each and the proposed capitalization of each such entity, as well as copies of all proposed agreements, deed covenants, incorporations or other pertinent legal document relating to the future operation and/or maintenance of such utilities, open space, common areas or neighborhood facilities.
- (33) For all site plans of 10 acres or more, an environmental impact statement meeting the criteria established in § 240-85 shall be required.
- (34) For site plans of less than 10 acres, the Board may require such portions of an environmental impact statement deemed appropriate as additional information.

## § 240-81. Design standards for site plans.

- A. General. Standards pertaining to site plan improvements for off-street parking, roads, loading areas, signs, etc., shall be as required for the particular zone as specified in Article VIII.
- B. Specific requirements. Each site plan shall provide for the following:
  - (1) The layout of the land development shall be consistent with the zoning article except in those cases where application is being made to the Zoning Board of Adjustment for a variance from the terms and provisions of the zoning ordinance.
  - (2) Adequate and suitable provisions shall be made for the factors enumerated in § 240-53H.
  - (3) Streets within the land development shall be of sufficient width and suitable grade and suitably located to accommodate prospective traffic and to provide access for fire-fighting and emergency equipment to buildings and shall be coordinated so as to compose a convenient system consistent with the circulation element of the Master Plan. No street shall be required of a width greater than 50 feet within the right-of-way line unless such street constitutes an extension of an existing street of a greater width or already has been shown on the Master Plan at a greater width.
  - (4) Adequate water supply, drainage, shade trees, sewage facilities and other utilities necessary for essential service to residents and occupants.
  - (5) Any area reserved for public use shall be of suitable size, shape and location to serve its intended purposes.
  - (6) Any open space to be set aside as part of a cluster design shall comply with those provisions and as provided for by N.J.S.A. 40:55D-1 et seq.
  - (7) No development shall take place in a delineated floodway area, and shall be permitted in a delineated flood fringe area only where it is determined by the Township Engineer that the first floor elevation will be above the flood level, and that construction and landfilling will not

significantly increase flooding in other areas.

- (8) Adequate protection and conservation of soils through the submission of an erosion and sedimentation control plan approved by the appropriate authority for all site plans that will result in disturbance of 5,000 square feet of land or more.
- (9) Standards for the grading, improvement and construction of streets or driveways and for any required walkways, curbs, gutters, streetlights, fire hydrants and water, drainage, sewage facilities and other improvements found necessary shall be as provided to the developer by the Township Engineer. Where certain utilities to be installed are under other governmental authority or jurisdictions, the standards shall be provided by those jurisdictions and shall be adhered to by the developer. A letter approving the proposed installations and statement as to who will carry out the construction shall be required.
- (10) Any off-tract water, sewer, drainage or street improvements required as a result of land development shall be paid for by the developer on a pro rata basis, as determined by the municipal agency. Such costs shall be determined by proportioning the benefit to the site in relation to the benefit to the entire area being served, as specified in the standards set forth in the land subdivision provisions of this chapter.<sup>[1]</sup>

[1] *Editor's Note: See Art. VI, Subdivision and Site Plan Review and Approval.*

## § 240-82. Details of plat for minor subdivision.

- A. All plats and copies shall conform to one of the following four standard sizes, as measured from the outside cutting edges: eight inches by 13 inches, 15 inches by 21 inches, 24 inches by 36 inches, or 30 inches by 42 inches.
- B. The plat shall be based on Tax Map information or some other similarly accurate base at one of the following scales to enable the entire area of land and all required details under consideration to be legibly drawn on one standard size sheet: one inch equals 20 feet, one inch equals 30 feet, one inch equals 50 feet, one inch equals 100 feet, one inch equals 200 feet or one inch equals 400 feet.
- C. For purposes of preparing a plat, all lots, tracts or parcels of land within a single block as shown on the Township Tax Map and tax records as being under one ownership shall be shown, regardless of how many individually described tracts are contained in whole or in part in that particular Tax Map block.
- D. The plat shall, in addition, show and include the following information:
  - (1) The location of the lot or lots for which subdivision is being requested in relation to the tract or tracts remaining, if any, within the Township Tax Map block.
  - (2) All boundary lines on the plat shall contain dimensions in a similar manner to those shown on the Township Tax Map. For purposes of this subsection, dimensional reference to the street or road right-of-way lines shall be shown.
  - (3) The area of each lot for which subdivision is being requested shall be shown. For purposes of this subsection, the area required is that outside of the street or road right-of-way line.
  - (4) Insofar as is practical, side lot lines shall be at right angles to straight streets and radii to curved streets.
  - (5) The approximate location of all existing structures and wooded area within the lot or lots for which subdivision is being requested and within 200 feet of all its boundaries. If there are no structures or wooded areas, a statement to that effect shall appear on the plat. Structures and wooded areas other than above, but within the balance of the tract or tracts remaining, if any,

need not be shown.

- (6) The approximate location of all ponds, brooks, streams and streets within the lot for which subdivision is being requested and within 500 feet of all boundaries. Ponds, brooks, streams and streets other than above, but within the balance of the tract or tracts remaining, if any, need not be shown. All streets shown on the plat shall bear their official names as indicated on the Township Tax Map.
  - (7) The Township Tax Map block and lot numbers within the boundaries outlined on the plat.
  - (8) The Township Tax Map block and lot numbers of all properties adjoining those outlined on the plat.
  - (9) The date drawn and the name and address of the person preparing the plat.
  - (10) Additional information as is considered necessary by the Board.
- E. Soil logs and soil permeability tests as regulated by N.J.A.C. 7:9A-1 et seq.

## § 240-83. Details of preliminary plat for major subdivision.

The preliminary plat of a major subdivision shall be clearly and legibly drawn or reproduced at one of the following scales: one inch equals 20 feet, one inch equals 30 feet, one inch equals 40 feet, one inch equals 50 feet, one inch equals 60 feet, or one inch equals 100 feet. Preliminary plats shall be designed and drawn by a licensed New Jersey professional engineer and land surveyor. The plat shall be designed in compliance with the provisions of Article VIII and shall show or be accompanied by the following information:

- A. A key map showing the entire major subdivision and its relationship to surrounding areas.
  - (1) The name of the major subdivision, Tax Map sheet, block and lot number, date, North arrow, graphic scale and the following names and addresses:
    - (a) Name and address of record owner or owners of record.
    - (b) Name and address of the subdivider.
    - (c) Name and address of the licensed New Jersey professional engineer or land surveyor who prepared the map.
- B. Acreage of tract to be subdivided to nearest tenth of an acre.
- C. Total number of proposed lots.
- D. Sufficient contours to determine the general slope and natural drainage of the land and the location of proposed streets. Contours are to extend 100 feet beyond boundaries of the major subdivision.
- E. The location of and proposed property lines, streets, building, watercourses, swamps, railroads, bridges, drainage pipes or ditches, easements and rights-of-way and any natural features such as wooded areas and rock formations.
- F. Concurrently with the submission of the preliminary plat of the major subdivision, the divider shall submit 17 copies of a separate engineering drawing showing the plan and center-line profile of all proposed streets, typical cross section, tentative location of necessary storm sewers, waterlines, catch basins, manholes and other utilities. The horizontal scale of the drawing shall be one inch equals 50 feet and the vertical scale shall be one inch equals five feet.

- G. A copy of any protective covenants or deed restrictions applying to the major subdivision, including drainage rights to which property shall be subject, shall be submitted with the preliminary plat.
- H. A plan for operational responsibility of utility, road or other facility serving the development a copy of which shall be referred to the Township Committee for its comment or recommendations.
- I. A copy of the tree removal plan complying with the standards set forth in Chapter 382, Trees, Article II, Protection of Trees, of the Code of the Township of Stillwater.
- J. Soil logs and percolation tests as regulated below:
  - (1) No soil log shall be accepted showing a depth of four feet or less.
  - (2) No soil log shall be accepted within 30 feet of an existing or proposed property line if it is less than 10 feet deep or shows indication of a seasonal high-water table of 6 1/2 feet or less.
  - (3) No soil log shall, in any case, be accepted if located within 10 feet of an existing or proposed property line.
  - (4) No soil log shall be accepted where there is an indication of a seasonal high-water table within two feet of the surface.
  - (5) No percolation test with a rate in excess of 60 minutes per inch shall be accepted.
  - (6) Four soil logs and two percolation tests shall be provided for each existing or proposed lot.

## § 240-84. Details of final plat for major subdivision.

The final plat of a major subdivision shall be clearly and legibly drawn in ink on tracing cloth at one of the following scales: one inch equals 30 feet, one inch equals 40 feet, one inch equals 50 feet, one inch equals 60 feet, or one inch equals 100 feet, and in full compliance with all of the provisions of the Map Filing Law, N.J.S.A. 46:23-9.8 to 46:23-9.16, and amendments and supplements thereto. The final plat shall be designed and certified by a licensed New Jersey Land Surveyor and shall show or be accompanied by the following information:

- A. Date, name and location of the major subdivision, name of owner, graphic scale, North arrow and reference meridian;
- B. Tract boundary lines, right-of-way lines of existing and proposed streets, street names, easements and other rights-of-ways, land to be reserved or dedicated to public use, all lot lines and other site lines; with accurate areas and dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves.
- C. The purpose of any easement or land reserved or dedicated to public use shall be designated and the proposed use of sites other than residential shall be noted.
- D. Each block shall be numbered, and the lots within each block shall be numbered consecutively beginning with number one. The procedure for numbering blocks and lots shall be established by the Township Planning Board in consultation with the Township Tax Assessor.
- E. Minimum building setback line on all lots and other sites.
- F. Location and description of all monuments.
- G. Tax Map block and lot numbers of all adjoining properties and the names of owners of each such lot.
- H. Certification that the applicant is agent or owner of the land or that the owner has given consent

under an option agreement.

- I. When approval of a plat is required by any officer or body of such a municipality, county or state, approval shall be certified on the plat.
- J. Certification from the Township Engineer as to accuracy of details of plat.
- K. Certificate from Tax Collector that all taxes are paid to date.
- L. Tree removal plan as required by Chapter 382, Trees, Article II, Protection of Trees, of the Code of the Township of Stillwater.

## § 240-85. Details of environmental impact statement.

Details of environmental impact statement providing the information indicated below shall be submitted:

- A. General provisions.
  - (1) The environmental impact generated by land development projects necessitates a comprehensive analysis of a variety of problems. This constitutes an environmental impact statement. In evaluating environmental impact, the approving authority shall not approve any submission until they find and determine that the proposed development:
    - (a) Will not result in appreciable harmful effects to both the natural and aesthetic environments.
    - (b) Has been designed and conceived with a view toward the protection of regional resources and energy-saving techniques.
    - (c) Will not place a disproportionate or excessive demand upon the total resources available for such proposal.
  - (2) In order to accomplish these goals, the approving agency shall condition any approval upon the agreement to implement performance controls deemed necessary to assure the protection of the environment. Any approval shall also be conditioned upon the receipt of licenses, permits or other approvals required by law. Those factors outlined below, along with supplemental requirements adopted by the agency, shall be used to determine the environmental performance controls that are necessary.
- B. General requirements. It is further recognized that the level of detail required for various types of applications will vary depending on the size of the proposal, the nature of the site and the location of the project. Therefore, having determined that some flexibility is needed in preparing the environmental impact statement (a revised environmental impact statement may be required if significant changes to the site plan, as determined by the Planning Board prior to final approval, were made since original submission), the requirements for such a document are listed as follows:
  - (1) Plot plan applications for a single- or two-family dwelling on an existing lot of record are specifically exempt from the environmental impact statement requirements. In addition, minor subdivision shall, in general, be exempt unless required by the municipal agency due to specific sensitive environmental situations. Finally, all agricultural operations that are conducted in accordance with a plan approved by the Soil Conservation District are exempt, and all silviculture operations that are conducted in accordance with a plan prepared by a professional forester or the New Jersey Division of Parks and Forests are exempt.
  - (2) A preapplication conference may be held with the Township Planner and/or the municipal agency chairman, or his designee, the Environmental Commission Chairman, or his designee,

and the Planning Board Engineer to determine the content of the environmental impact statement as outlined in § 240-85D along with any supplemental guidelines adopted by the municipal agency. Waivers of specific environmental impact statement requirements may be granted by the Planning Board with input from the Township Planner and Engineer.

- (3) When the environmental impact statement is prepared by an individual other than the applicant, the credentials and expertise of that individual shall be submitted with the environmental impact statement. All applicable material on file in the Stillwater Township Municipal Building pertinent to local conditions shall be consulted. Any additional material pertinent to evaluation of potential regional impacts shall also be considered. Furthermore, as much original research as necessary shall be conducted to develop a comprehensive environmental impact statement.
  - (4) The environmental impact statement shall consist of written and graphic materials which will clearly present the information that is required. The scale of all maps shall be one inch equals 50 feet, unless the Planner and/or municipal agency agree to another scale. Contours, when required, shall be provided at two-foot intervals for slopes of less than 15% or five-foot intervals if equal to or greater than 15%.
  - (5) Upon receipt of the environmental impact statement, the appropriate agency shall determine whether it has been prepared in accordance with the provisions of this chapter. If it is not in compliance, it shall be returned to the applicant with recommendations regarding the additions, deletions and/or corrections which are needed.
  - (6) In preparing the environmental impact statement, the applicant shall make himself aware of the requirements specified in other sections of this Land Development Ordinance (Chapter 240) so that unnecessary duplication of effort is avoided.
- C. Application types. All major subdivision applications, preliminary and final site plan applications consisting of more than 10 acres and those minor subdivision sites lying within sensitive environmental areas shall be accompanied by an environmental impact assessment except as set forth herein. The information required shall be presented in a concise report unless environmentally sensitive areas are involved. When environmentally sensitive areas are involved, the report shall be supplemented with additional graphic and explanatory material. Environmentally sensitive areas in Stillwater Township include, but are not limited to:
- (1) Stream corridors and floodplains.
  - (2) Streams and water bodies.
  - (3) Wetlands.
  - (4) Slopes greater than 15%.
  - (5) Erodible soils.
  - (6) Mature forests of sugar maple or hemlock.
  - (7) Aquifer recharge areas.
  - (8) Aquifer discharge areas.
  - (9) Unique natural features and habitats.
  - (10) Habitats for threatened or endangered species as identified pursuant to the Endangered and Non-Game Species Conservation Act, N.J.S.A. 23:2A-1 et seq. and in the list of endangered and threatened wildlife and plants found at 50 CFR 17.11(h) or 17.12(h) and subsequent amendments thereto.

- D. Format. When an environmental impact statement is required, the following format shall be utilized and the information requested shall be provided:
- (1) Project description. Indicate the purpose and scope of the proposed project. Enumerate the benefits to the public, if any, which will result from the proposed project and describe the suitability of the site for the intended use. A description of the proposed project shall be presented to indicate the extent to which the site must be altered, the kinds of facilities to be constructed, how they are to be constructed and the uses intended. The resident population, working population and visitor populations shall be estimated. The compatibility or incompatibility of the proposed project shall be described in relation to the following:
    - (a) The Township Master Plan, especially the land use and open space elements.
    - (b) Master plans of adjacent municipalities.
    - (c) The Sussex County Master Plan.
    - (d) Regional and state planning guides.
    - (e) Other pertinent planning documents.
    - (f) Army Corps of Engineers.
  - (2) Site description inventory. Provide a description of environmental conditions on the site, which shall include but not be limited to the following items:
    - (a) Types of soil. A list and description of each soil type located on the site. Percolation data and soil analysis as required by the Sussex County Health Department shall be provided. Where the proposed area of land disturbance will involve soils with moderate or severe limitations as per the Sussex County Soil Conservation District, a complete mapping of all soil types on the site shall be required, indicating where those moderate and severe limitations exist.
    - (b) Topography. A description of the topographic conditions within the site and extending 100 feet beyond the property lines.
    - (c) Geology. A description of the geologic formations and features associated with the site as well as depth to bedrock conditions; delineations of those areas where bedrock is in close proximity to the surface, i.e., within four feet of the surface, as well as major bedrock outcroppings.
    - (d) Vegetation. A description of the existing vegetation on the site. When required, sketch the location of major vegetation groupings such as woodland, open field and wetland. Where woodlands are delineated, the forest type shall be indicated. It should include unique features and protected species, i.e., dogwood, black walnut trees, hemlock, etc.
    - (e) Surface water. A description of existing, watercourses and water bodies that are partially or totally on the site and their relationship to the area of land disturbance. Existing surface runoff from the site shall be calculated using the methods contained in Soil Conservation Survey Manual No. 55. When the natural drainage pattern will be significantly altered or sewage effluent added to a watercourse or water body, an analysis shall be conducted which will investigate flow, depth, capacity and water quality of receiving waters. When required, floodplain areas shall be mapped in consultation with the Department of Environmental Protection. Existing drainage structures shall be mapped, and the capacity of the drainage network shall be determined.
    - (f) Subsurface water. A description of subsurface water conditions on the site, both in terms of depth to groundwater and water supply capabilities of the site. Detailed information

regarding existing wells within 500 feet of the site relative to depth, capacity and water quality shall be provided. The water supply capabilities of the adjacent areas and the recharge capabilities of the site shall be discussed.

- (g) Unique, scenic and/or historic features. A description and map of those portions of the site that have unique, scenic and/or historic qualities.
  - (h) Existing development features. A description of any existing features on the site that are not considered to be part of the natural environment. This may include, but not necessarily be limited to, roads, housing units, accessory structures and utility lines.
  - (i) Miscellaneous. An analysis shall be conducted of existing air quality and noise levels.
  - (j) Energy conservation features. Siting for solar access and maximum energy efficiency with respect to land features.
  - (k) Habitats for threatened or endangered species as identified pursuant to the Endangered and Non-Game Species Conservation Act, N.J.S.A. 23:2A-1 et seq. and in the list of endangered and threatened wildlife and plants found at 50 CFR 17.11(h) or 17.12(h) and subsequent amendments thereto.
  - (l) Natural Heritage Sites as defined herein.
- (3) Area and regional (Sussex County and Warren County) description. A description of the surrounding area shall be provided, including existing land use patterns. The existing infrastructure, with respect to the drainage and transportation network, as well as any central sewerage and water supply facilities, shall be described in detail. An appropriate regional analysis relative to the proposed project shall be included.
- (4) Impact. Discuss the negative and the positive on-site and off-site impacts as affect the items listed above. Indicate those resources affected by the proposal which will be irretrievably lost and those resources which are renewable. The specific concerns that shall be considered include, but are not limited to, the following:
- (a) Soil erosion and sedimentation resulting from surface runoff.
  - (b) Flooding and floodplain disruption.
  - (c) Degradation of surface water quality.
  - (d) Groundwater pollution.
  - (e) Reduction of groundwater capabilities.
  - (f) Sewage disposal.
  - (g) Solid waste disposal.
  - (h) Vegetation destruction.
  - (i) Disruption of wildlife habitats.
  - (j) Destruction of scenic and historic features.
  - (k) Air quality degradation.
  - (l) Noise levels.
  - (m) Energy utilization.
  - (n) Neighborhood deterioration.

- (o) Effect on public services, such as schools, fire and police.
  - (p) Traffic congestion and impact on wildlife.
  - (q) Health, safety and welfare of existing residents.
  - (r) Regional development policies.
  - (s) Type of public lighting for access roads and parking area and its impact on wildlife.
  - (t) Loss of wildlife habitat.
- (5) Recommendations to mitigate adverse environmental impact. Describe in detail what measures will be employed during the planning, construction and operation phases which will minimize or eliminate negative impacts on site and off site that could result from the proposed project. Of specific interest are:
- (a) Drainage plans, which shall include, but not be limited to, soil erosion and sedimentation controls. Every effort shall be made to limit off-site peak runoff to predevelopment levels.
  - (b) Water supply and water conservation proposals.
  - (c) Sewage disposal techniques.
  - (d) Site design techniques sensitive to the natural environment, which should include innovative landscape, building, and circulation design/ solar access siting.
  - (e) Energy conservation measures.
  - (f) Noise reduction techniques.
  - (g) Construction schedule.
  - (h) Miscellaneous on-site and off-site public improvements.
- (6) Alternatives. Discuss what alternatives were considered, both in terms of building design, site design and project location. Indicate why an alternative was rejected if it would have resulted in a lesser negative impact than the subject proposal.
- (7) Licenses, permits and other approvals required by law. The applicant shall list all known licenses, permits and other forms of approval required by law for the construction and operation of the proposed project. This list shall include, but will not be limited to, approval required by the Township as well as agencies of the county, state and federal governments. Where approvals have been granted, copies of such approvals shall be attached. Where approvals are pending, a note shall be made to that effect.
- (8) Documentation. All publications, reports, manuscripts or other written sources of information related to the project, the project site and the Township which were consulted and employed in compilation of the environmental impact statement shall be listed. A list of agencies and individuals from whom pertinent information was obtained orally or by letter shall be listed separately. Dates and locations of all meetings shall be specified. A revised environmental impact statement may be required if significant changes to the site plan, as determined by the Planning Board prior to final approval, were done since original submission.
- E. For subdivisions of fewer than 10 lots, the Board may require portions of the environmental impact statement deemed appropriate as additional information.

## § 240-86. Residential improvement standards.

Applicants shall comply with all requirements of the Residential Site Improvement Standards as adopted in N.J.A.C. 5:21-1 et seq.

## LAND DEVELOPMENT

### 240 Attachment 1

#### SCHEDULE A General Requirements

1. An original and 16 copies of the appropriate application forms, to be filled in. If any item is not applicable to the applicant, it should be so indicated on the form.
2. a. Seventeen copies of plans, maps and construction details are required for the appropriate application. See Schedules B and C.  
  
b. Eight copies of reports, studies, etc.
3. All fees and escrow deposits must be made at the time of filing the application.
4. Site Inspection Authorization Form.
5. If a corporation or partnership, the applicant shall list the names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class as required by N.J.S.A. 40:55D-40.1 et seq.
6. Copies of approvals of other governmental agencies as may be required or an affidavit indicating that application has been made to such agencies.
7. If an application which involves creation of an undersized lot or request for a variance to permit use of an undersized lot, the application shall be accompanied by an approved septic permit issued by the Board of Health as to each such lot accompanied by a plot plan showing the location of the proposed septic system and any proposed well.
8. Whenever a waiver is sought as to any subdivision or site plan regulation pursuant to N.J.S.A. 40:55D-51, the applicant shall submit a narrative explaining why the applicant should be entitled to such waiver.
9. When an application has been deemed complete, the applicant shall be advised of the hearing date assigned to the application. The applicant shall then give legal notice to all persons and entities entitled thereto pursuant to the Municipal Land Use Law and shall file an affidavit of service and of publication with the Board Secretary.

## LAND DEVELOPMENT

### *240 Attachment 2*

#### **SCHEDULE B**

#### **Additional Checklist Requirements for Minor Site Plan, Minor Subdivision, Preliminary Site Plan, Preliminary Major Subdivision, Final Site Plan, and Final Major Subdivision Applications**

#### **1. MINOR SITE PLANS AND SUBDIVISIONS.**

##### **A. Plat specifications.**

- (1) Plat clearly and legibly drawn or reproduced on a scale of not less than one inch equals 100 feet.
- (2) Sheet size either 15 inches by 21 inches, 24 inches by 36 inches or 30 inches by 42 inches.
- (3) Plans shall be prepared by an architect or engineer if application involves only the location of proposed buildings and their relationship to the site and the immediate environs.
- (4) Plans shall be prepared by an architect, planner or engineer if application involves only the location of drives, parking layout, pedestrian circulation and means of ingress and egress.
- (5) Plans shall be prepared by an engineer if application involves only drainage facilities for site plans of 10 acres or more; or involving stormwater detention facilities; or is traversed by a watercourse.
- (6) Plat prepared to scale based on an accurate field survey signed and sealed by a licensed land surveyor.

##### **B. General information.**

- (1) Metes and bounds description of parcel in question based upon current land survey information.
- (2) Key map showing location of tract to be considered in relation to surrounding area.
- (3) Title block containing name of applicant, preparer, lot and block numbers, date prepared, date of last amendment and zoning district.
- (4) Each lot and block numbered in conformity with the Municipal Tax Map as determined by the Municipal Tax Assessor.
- (5) Scale of map, both written and graphic.
- (6) North arrow giving reference meridian.

## STILLWATER CODE

- (7) Space for signatures of Chairman and Secretary of the municipal agency.
- (8) Location of existing and proposed property lines with dimensions in feet to the nearest two decimal places.
- (9) Zoning district in which parcel is located indicating all setbacks, lot coverage, height, floor area ratio and density, both as required and proposed. Indicate the above both in writing and graphically.
- (10) Acreage of affected parcel to the nearest hundredth of an acre.
- (11) As to subdivisions only, the number of lots which will result from the subdivision including areas in acres if over one acre or in square feet if under one acre.
- (12) A photograph of the premises in question.

### C. Natural features.

- (1) Contours based on field survey or aerial topographic data. Intervals shall be up to 10% grade, two feet over 10% grade, five feet.
- (2) Cliffs and rock outcroppings
- (3) Floodplains.
- (4) Natural and artificial watercourses, streams, shorelines and water boundaries and encroachment lines.
- (5) Aquifer recharge areas, including safe sustained groundwater yield.
- (6) Wooded areas indicating predominant species and size.
- (7) One of the following:
  - (a) A letter of interpretation from the NJDEP indicating the absence of freshwater wetlands or indicating the presence and verifying delineation of the boundaries of freshwater wetlands; or
  - (b) A letter of exemption from the NJDEP certifying that the proposed activity is exempt from the Freshwater Wetlands Protection Act and regulations promulgated thereunder; or
  - (c) A copy of any application made to the NJDEP for any permit concerning a proposed regulated activity in or around freshwater wetlands.
- (8) Wetlands boundaries, if any, which have been flagged every 50 feet by metes and bounds survey.
- (9) Areas in which construction is precluded due to presence of stream corridors and/or steep slopes.

## LAND DEVELOPMENT

(10) All areas to be distributed by grading or construction.

### D. Man-made features on site and within 200 feet thereof.

- (1) Location of existing structures and their setbacks from existing and proposed property lines.
- (2) Location and type of existing easements or rights-of-way including power lines.
- (3) Location of existing railroads, bridges, culverts, drain pipes, water and sewer mains and other man-made installations affecting the tract.
- (4) Location of existing wells and septic systems.
- (5) Location of test holes, test results and approximate location of the intended disposal field.

### E. Miscellaneous.

- (1) Proposed sight easements, where required.
- (2) Proposed drainage easements, where required.
- (3) The purposes of any proposed easement of land reserved or dedication to public or common use shall be designated and the proposed use of sites other than residential shall be noted.

## 2. PRELIMINARY SITE PLAN AND PRELIMINARY MAJOR SUBDIVISION.

A. Applicant shall provide all information required for minor site plan and minor subdivision applications as set forth in Section 1 of Schedule B and in addition thereto the following:

- (1) Names and addresses of all property owners within 200 feet of the subject property and all other persons or entities entitled to notice of hearing.
- (2) For preliminary major and final major subdivision, applicant shall show the number of lots following subdivision including areas.
- (3) The plans and profiles of proposed utility layouts such as sewers, storm drains, water, gas and electric showing feasible connections to existing or proposed utility systems.
- (4) Location, names and widths of all existing and proposed streets on the property and within 200 feet of the tract.
- (5) Road orientation as it relates to energy conservation.
- (6) Sketch of prospective future street system of the entire tract where a preliminary plat covers only a portion thereof.

## STILLWATER CODE

- (7) Natural resource inventory information including:
  - (a) Soil types as shown by the current Soil Conservation Survey maps.
  - (b) Soil depth to restrictive layers of soil.
  - (c) Soil depth to bedrock.
  - (d) Permeability of the soil by layers.
  - (e) Height of Soil Water Table and type of water table.
  - (f) Flood plain soil (status).
  - (g) Limitations for foundations.
  - (h) Limitation for septic tank absorption field.
  - (i) Limitation for local roads and streets.
  - (j) Agricultural capacity classifications.
  - (k) Erosion hazards.
- (8) Landscaping plan including the type, quantity, size and location of all proposed vegetation. The scientific and common names of all vegetation shall be indicated.
- (9) Design calculation showing proposed drainage facilities to be in accordance with the appropriate drainage runoff requirements.
- (10) An environmental impact statement meeting the requirements of Sec. 12-7.6 of the Land Development Chapter if requested by the Board.

### **3. FINAL MAJOR SITE PLAN AND FINAL MAJOR SUBDIVISION APPLICATIONS.**

A. Final site plan and subdivision plats shall conform to all of the plats specifications set forth in Schedule B.

- (1) The conditions of preliminary approval and, in the case of a major subdivision, the standards prescribed by the "Map Filing Law", N.J.S.A. 46:23-9.9 et. seq. Shall be complied with.
- (2) Plan shall reflect "as-built" conditions.
- (3) A developer's agreement with the Township Committee addressing the timing and responsibility of the Applicant regarding required improvements not yet installed.

LAND DEVELOPMENT

240 Attachment 3

**SCHEDULE C**

**Checklist Requirements for Appeals Pursuant to N.J.S.A. 40:55d-70a;  
for Ordinance or Map Interpretations or  
Special Questions Pursuant to N.J.S.A. 40:55d-70b;  
for Variances Pursuant to N.J.S.A. 40:55d-70c and 70d;  
for Planning Variances Pursuant to N.J.S.A. 40:55d-34 and 36;  
and for Conditional Uses**

**1. APPEALS AND APPLICATIONS FOR ORDINANCE AND MAP INTERPRETATIONS.**

- A. Where an application constitutes an appeal pursuant to N.J.S.A. 40:55D-70a or for ordinance and map interpretations pursuant to N.J.S.A. 40:55D-70b, applicant shall submit the following:
- (1) Any documentation, forms, or correspondence which explains the nature of the appeal or interpretation.
  - (2) A graphic or written description of the area surrounding the subject property.
  - (3) A statement or legal brief which clarifies the position of the applicant.
  - (4) A map prepared by a professional architect, engineer, planner or surveyor which clarifies in sufficient detail the nature of the appeal or interpretation containing the following information at a scale not less than one inch equals 50 feet, that shall show all properties within 200 feet of the subject properties and shall include:
    - (a) North arrow giving reference meridian.
    - (b) A metes and bounds description.
    - (c) Acreage of affected parcel to the nearest hundredth of an acre.
    - (d) Title block containing name of applicant, preparer, lot and block numbers, date prepared, date of last amendment and zoning district.
    - (e) Location, names and widths of all existing and proposed streets on the property and within 200 feet of the tract.
    - (f) Location, type and dimensions of existing easements or rights-of-way including power lines.
    - (g) Critical areas as defined in § 240-4 of Chapter 240.

## STILLWATER CODE

- (h) Location of existing structures and their setbacks from existing and proposed property lines.
  - (i) Location of the proposed structure or change, showing the front, rear and side yard dimensions.
  - (j) Zoning district in which parcel is located, indicating all setbacks, lot coverage, height, floor area ratio, and density, both as to required and proposed. Indicate the above written and graphically.
  - (k) Location, arrangement and dimensions of parking area, driveway or service areas, if any.
  - (l) Names, block and lot numbers of owners within 200 feet of subject property.
  - (m) Location of all buildings on all adjoining properties (including setbacks).
- (5) The names and addresses of all property owners or such entities entitled to notice of hearing.

### **2. FOR VARIANCES UNDER N.J.S.A. 40:55D-70c and 40:55D-70d.**

- A. All information as specified in Section 1 of Schedule C.
- B. A description of the alternatives that were considered.
- C. A statement or legal brief which clarifies why the variance should be granted and specific hardship, special reasons or other factors justifying the grant of a variance.

STILLWATER TOWNSHIP  
964 STILLWATER ROAD  
NEWTON, NJ 07860

(973) 383-9484

File No. \_\_\_\_\_

TO BE COMPLETED BY THE STILLWATER TOWNSHIP TAX ASSESSOR

As a requirement of subdivision/site plan application completion, please be advised that the following lot numbers were assigned by the Stillwater Township Tax Assessor:

Homestead or Remainder Lot

New lot(s)

Block

Lot

Block

Lot

Date: \_\_\_\_\_

\_\_\_\_\_

# Stillwater Township

964 STILLWATER ROAD  
NEWTON, NJ 07860

(973) 383-9484

FAX: 383-8059

## STATUS OF TAXES

**NAME:**

**FILE NO:**

In keeping with the Ordinance adopted by the Stillwater Township Committee on July 22, 1976 fixing the procedures governing applications to the Planning and Zoning Boards, Article III, Section 10 requiring submission of proof that taxes or assessments for local improvements are paid or delinquent on the property before the Board.

**DATE:**

Please submit verification for

**BLOCK**            **LOT**            **LOCATION:**

\_\_\_\_\_ Taxes are paid to date

\_\_\_\_\_ Taxes are not paid to date

\_\_\_\_\_

Tax Collector

**STILLWATER TOWNSHIP**  
**SITE INSPECTION AUTHORIZATION FORM**

I hereby give permission for Stillwater Township Municipal Agencies and their agents to come upon and inspect these premises with respect to this application for

Lot \_\_\_\_\_, File No. \_\_\_\_\_, on Block \_\_\_\_\_.

Applicant's Signature: \_\_\_\_\_

Owner's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

# Stillwater Township

STILLWATER TOWNSHIP  
964 STILLWATER ROAD  
NEWTON, NJ 07860

## BOARD OF HEALTH SUBDIVISION PROCEDURES:

1. Four (4) test holes and 2 perc tests must be performed on any and all lots which cannot be further subdivided.
2. Survey Map showing the following:
  - a. Location of test holes dug
  - b. Proposed subdivision lot lines
  - c. Key map with location
  - d. Block & Lot - street location
  - e. Perc test results 0-60 minutes/inch
  - f. Total acres for tract and acreage or fraction of for subdivision
  - g. Owners name and address
  - h. Applicants name and address
  - i. Soil series for subdivision area - information from Sussex County Soil Survey.
  - j. Location of wet areas - streams, swamps, ponds, etc. Total area of wet area in relation to lot size.

This information which is required is for the Board of Health section of your subdivision application ONLY.

File # \_\_\_\_\_

STILLWATER TOWNSHIP PLANNING BOARD

PLEASE COMPLETE THIS FORM

Did you do the following:

1. Contact Sussex County Health Department, 948-4545, to have your perc test and soil logs witnessed, and the Preliminary Subdivision Evaluation Form completed for the Stillwater Township Board of Health?

No \_\_\_\_\_ Explain \_\_\_\_\_

Yes \_\_\_\_\_ Date \_\_\_\_\_

**APPROVAL BY THE STILLWATER TOWNSHIP BOARD OF HEALTH MUST BE RECEIVED PRIOR TO THE PLANNING BOARD HEARING YOUR APPLICATION.**

2. Did you forward the required information to the Sussex County Planning Board?

No \_\_\_\_\_ Explain \_\_\_\_\_

Yes \_\_\_\_\_ Date \_\_\_\_\_

3. Did you forward the required information to the Sussex County Soil Conservation District?

No \_\_\_\_\_ Explain \_\_\_\_\_

Yes \_\_\_\_\_ Date \_\_\_\_\_

**ALL OF THESE REPORTS AND VARIOUS APPROVALS MUST BE IN THE HANDS OF THE PLANNING BOARD SECRETARY BEFORE YOUR APPLICATION CAN BE PLACED ON THE AGENDA, WHICH CLOSES 48 HOURS PRIOR TO THE MEETING.**

Signature \_\_\_\_\_

Date \_\_\_\_\_

Notice  
Township of Stillwater  
Sussex, County, New Jersey

NOTICE TO PROPERTY OWNERS AND OTHERS ENTITLED TO SERVICE:

To: \_\_\_\_\_ Owner of Premises Located at : Block \_\_\_\_\_  
Lot \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PLEASE TAKE NOTICE that the undersigned has made application to the Planning Board, Township of Stillwater, for property known as Block \_\_\_\_\_, Lot \_\_\_\_\_, located at \_\_\_\_\_ in the \_\_\_\_\_ Zone, as follows:

- 1.
- 2.
- 3.

In addition, Applicant will request such variances, waivers, permits, approval or licenses that are deemed necessary or appropriate by the Applicant or the Board. This application is now on the calendar for the Planning Board, of the Township of Stillwater and a public hearing has been set for \_\_\_\_\_, at the Township of Stillwater Municipal Building, 964 Stillwater Road, Middleville, New Jersey, at 7:30 p.m.. When the case is called you may appear either in person or by attorney to present any evidence which you may have regarding the application. The matter will be heard on the above date or any adjourned date as designated by the Planning Board at this public meeting without additional notice. The maps, plans, plats and application for which approval is being sought are on file with the Planning Board Secretary and are available for inspection at the Municipal Building during normal business hours in the office of the Municipal Clerk.

This notice is sent to you pursuant to the rules of procedure of the Planning Board.

\_\_\_\_\_, Applicant

By: \_\_\_\_\_