

RESOLUTION

PLANNING BOARD

TOWNSHIP OF LIVINGSTON, NEW JERSEY

Decided: December 20, 2011

Re: Application No. 2011-26-PFSPV
Applicant: Hillside-Northfield Partners, L.L.C.
Premises: 251 West Northfield Avenue, Livingston, New Jersey
Block: 5500; Lots: 7, 8, 9 & a portion of Lot 5
R-5H Zone

SUMMARY OF THE CASE

1. The Applicant is Hillside-Northfield Partners, L.L.C. (hereinafter "Applicant"). The premises consist of 4.5 acres (hereinafter "Site") on which are presently located 2 single-family residences and a garden center and nursery business. The Applicant proposes to construct an 80-unit residential complex with 4 separate buildings, each to contain 20 apartment units. A clubhouse, pool and landscaped areas are also proposed.

2. The Applicant comes before the Planning Board of the Township of Livingston (hereinafter "Board") pursuant to an order of November 30, 2010 and a final order entered by the Superior Court of New Jersey on June 21, 2011, in the matter entitled Hillside-Northfield Partners, LLC. vs. Township of Livingston, et al., under Docket Number ESX-L-7509-08, which provides in part that 20% of the residential units built on the Site shall be housing units affordable to low and moderate income households in accordance with the provisions of regulations issued by the former Council on Affordable Housing of the State of New Jersey (hereinafter "COAH Regulations"). The Township of Livingston and the Board have appealed the final order. The Site has been, pursuant to said order but under protest, rezoned as the R-5H Residence District.

3. The completed complex would be known as "Hillside Club at Livingston". No variances were requested in the Application, however the published and served notice provided that the Applicant would request such variances and waivers as the Board may deem appropriate. Upon recommendation of the Township Engineer, the Board granted requested partial waivers in regard to Preliminary Site Plan check list detail No. 15 and Final Site Plan check list detail No. 1.

4. Stephen A. Geffner, Esq., of Schenck Price Smith & King, LLP, appeared for the Applicant.

5. A hearing on the Application was held before the Board on October 4, 2011 and November 29, 2011. Testifying on behalf of the Applicant were:

A: David J. Minno, admitted as an expert in architecture;

B: Jonathan Schwartz, a principal of the Applicant entity;

C: Charles Thomas, Jr., admitted as an expert in engineering and surveying;

D: Eric Keller, admitted as an expert in traffic and transportation engineering;

E: Kenneth Paul, admitted as an environmental expert.

6. The Applicant proposes to demolish all buildings on the Site, effect environmental remediation, and construct 4 separate buildings that would each contain 20 residential units and 6 garages. There will be a total of 16 affordable housing units, consisting of 3 1-bedroom units, 9 2-bedroom units, and 4 3-bedroom units. Those units shall be rented to low and moderate income households in accordance with the COAH Regulations. There would be 4 such units in each residential building. The first floor of each residential building would contain 6 units and 6 garages. The second floor would contain 8 units, and the third floor would contain 6 units. Many units would have dens. Units on the third floors would have lofts ranging in size from

approximately 120 sq. ft. to approximately 160 sq. ft. One garage and unit in each building would be handicapped accessible. All other units would be handicapped adaptable. All residential buildings would have elevator service. All 4 buildings would be fully fire sprinklered, except for the attics. Mailboxes for residents would be ganged in the lobbies of the buildings. A clubhouse of approximately 3,300 square feet, with an adjoining pool, would be constructed for the use of residents and their guests. That building would be sprinklered and also contain a rental office. Mail boxes for the Clubhouse would be within that building.

7. A total of 167 parking spaces would be provided. That would exceed the Residential Site Improvement Standards requirement of 156 spaces. That count includes one garage space plus one space in the driveway of the garage both reserved for the tenant whose unit includes that garage. Fifty-six (56) of the surface spaces on proposed Murray Court would be reserved for residents who do not have garages. Fifteen (15) spaces at the Club House location would be reserved for visitors. All un-reserved spaces would be available to any other vehicles. Six handicapped spaces, including 1 van accessible space, are included in the street parking. With the 4 handicapped accessible garages, there would be a total of 10 parking spaces for the handicapped.

8. The Site requires remedial action to remove pesticide contamination in two areas. Remediation would be conducted by a licensed remediation contractor and would be in accordance with all requirements of the New Jersey Department of Environmental Protection (hereinafter "NJDEP".) The remediation plan would include a comprehensive health and safety plan. All known contamination is within the top 18-inches of soil, and no effect on groundwater has been found. Post-excavation soil samples would be taken. If they were to show any remaining contaminated soil, all necessary further excavation would be accomplished.

Demolition of existing structures would be necessary to accomplish the remediation. Applicant agreed that, if the Application is approved, no construction permits shall be issued until Applicant has demonstrated to the satisfaction of the Township Engineer that a Response Action Outcome demonstrating successful completion of remediation has been received.

9. Off-site wetlands have a transition area on the Site. Said transition area is already developed by the current occupant. The Applicant would apply to NJDEP for a transition area special activities waiver.

10. A total of 176 trees are proposed to be removed. Of those, every reasonable effort would be made to preserve (a) the 30-inch caliper Maple that is the first tree in from West Northfield Road adjacent to the Lot 6 property line, and (b) a 16-inch caliper Ash. The Applicant proposes to plant 177 replacement trees on the Site. Pursuant to the provisions of Township Code § 170-104.3.H.(10), the Applicant is not subject to payment under the Township' Trees Ordinance for replacement trees that cannot reasonably be planted on the Site.

11. There would be 3 separate refuse areas; each measuring 10-feet by 20-feet. One would contain a 6-yard dumpster. The other 2 would each contain an 8-yard dumpster. Each area would also have receptacles for recyclables. The refuse areas would be fully-enclosed and screened by board-on-board hardiplank fence and gates that match the façade of the residential buildings.

12. During the course of the hearings, the Applicant, at the suggestion of the Board, incorporated various changes to the Site Plan prepared by Omland Engineering Associates, Inc. dated May 16, 2011, under revision date of November 16, 2011. The amended Plans included

additional landscaping and seating areas in the central area between the 4 residential buildings, and additional evergreen shrubbery along the southerly property line to buffer headlight spillage and to be no less in height at planting than the height of a car hood.

13. Applicant proposes that signs for each individual residential building be free standing. That would require a variance from the Township Code requirement that they be posted on the buildings. The signs would identify the building by number and show the numbers of only the first and last units in the building. Each sign would be not more than 3 feet wide and 2 feet high, and the top of the sign and its supports would not more than 72 inches above the ground. All such signs would have illumination from the ground.

14. Applicant also proposes a wall-mounted sign at the door of the Clubhouse that would identify the building as Clubhouse and Rental Office. A variance would be required since there is no provision for a sign for that building in the Township Code.

15. Applicant would merge all of the properties that comprise the Site into a single new lot to be designated as Lot 7.1.

16. The entrance and exit driveway at West Northfield Road would be opposite Edgemere Road, forming a four-way intersection consistent with RSIS guidelines. Applicant's traffic expert found that the intersection as designed would work adequately and provide adequate capacity and that there is adequate visibility that can provide safe and efficient movement of traffic in and out of the Site.

17. The Applicant agreed to several additional conditions that included:

A. Use of the dens and lofts for sleeping accommodations would be prohibited, and the operation of any residence-based business as might otherwise be permitted by the Township Code would be prohibited. These prohibitions would be included in the master

deed for the Site, as lease restrictions as to rentals, and as deed restrictions in the event any units are sold.

B. Striped crosswalks would be added for pedestrian access to the dumpster areas and to the walkway to the Township's Senior-Community Center.

C. Radon resistant construction methods would be used.

D. The sidewalk along West Northfield Road would be increased to a width of 5-feet.

E. Although the Township would provide refuse and recyclables pickup, Applicant would be responsible for snow plowing and for maintenance and repair of the streets of the Site.

F. The Applicant will provide satisfactory test documentation to the Township Engineer demonstrating that ground permeability will allow sufficient flow for proper functioning of the stormwater recharge system.

G. A maintenance manual for the Stormwater Management System shall be submitted to the Township Engineer for approval, and if approved it shall be filed and recorded with the deed with the County Register.

H. A sign will be placed at the entrance driveway cautioning drivers of pedestrian traffic.

I. The sidewalk on Murray Court will be extended to provide pedestrian access around the handicapped spaces that are between proposed Buildings 3 and 4.

J. Signs will be added indicating that the speed limit on Murray Court is 15 mph.

K. All open requirements of the Township Engineer's report, under last revised date of November 23, 2011, will be satisfied.

L. A revised recycling plan acceptable to the Township Engineer, providing for 2 dumpsters of 8 cubic yard size and 1 dumpster of 6 cubic yard size and appropriate containers for recyclables, will be submitted to the Township Engineer.

M. Any disturbance to adjacent Lot 14 to accomplish utility connections will be

repaired and restored to the satisfaction of the Township Engineer.

FINDINGS OF FACT

The Board finds that:

1. During the course of the hearing the Board determined that the free-standing signs proposed to be placed in front of each residential building, and the wall sign for the clubhouse, are not permitted pursuant to the Township Code and that variances would be required.
2. Free-standing signs of the dimensions and content agreed to in the course of the hearing for the 4 residential buildings, and a sign mounted on the Clubhouse as so agreed, would improve identification of buildings and occupancies and would present a better zoning alternative. Those deviations would advance the purposes of the Township's land use ordinances. There would be no detriments to the public good and no substantial impairment of the intent and purposes of the zone plan or zoning ordinance.
3. Applicant's proposal provides the number of replacement trees that can reasonably be provided onsite. Under Code § 170-104.3.H.(10). Applicant is therefore exempt from the requirement to make payments in lieu to the Township's Open Space Trust Fund for replacement trees that cannot be accommodated on the Site.
4. Applicant shall merge all of the properties that comprise the Site into a single new lot to be designated as Lot 7.1.

CONCLUSIONS

The Board hereby approves the Application for Preliminary and Final Site Plan Approval with the variances and conditions set forth below.

A. Variances

1. A variance is granted from the Township Code § 170-104.3.F.(13)(c) requirement that signs identifying the units within each residential building be posted on such building; and approves the provision of identification of the building and the numbers of the first and last units in the building on a free-standing sign not more than 3 feet wide and 2 feet high, with the tip of the sign and its supports not more than 72 inches above the ground, installed so as to be parallel to the building façade.

2. A variance is granted to permit a well-proportioned wall sign with the words “Clubhouse” and “Rental Office” to be posted over or adjacent to the door to the Clubhouse; there being no provision in the Township Code for a sign identifying that building.

B. Conditions

1. Use of the dens and lofts for sleeping accommodations is prohibited, and the operation of any residence-based business as might otherwise be permitted by the Township Code is also prohibited. These prohibitions shall be included in the Master Deed for the Site, as restrictions in leases, and as deed restrictions in future deeds in the event any units are sold.

2. Striped crosswalks shall be provided for pedestrian access to the dumpster areas and to the walkway to the Township's Senior-Community Center.
3. Radon resistant construction methods shall be used.
4. The sidewalk along West Northfield Road shall have a width of 5-feet.
5. Although the Township will provide refuse and recyclables pickup, Applicant shall be responsible for snow plowing and for maintenance and repair of the streets of the Site.
6. The Applicant shall provide satisfactory test documentation to the Township Engineer demonstrating that ground permeability will allow sufficient flow for proper functioning of the stormwater recharge system.
7. A maintenance manual for the Stormwater Management System shall be submitted to the Township Engineer for approval, and if approved it shall be filed and recorded by the Applicant with the deed at the County Register.
8. A sign shall be placed at the entrance driveway to caution entering drivers of pedestrian traffic.
9. The sidewalk on Murray Court shall be extended to provide pedestrian access around the handicapped spaces that are between proposed Buildings 3 and 4.
10. Applicant shall establish an on-site speed limit of 15 M.P.H. and post speed limit signs on Murray Court.
11. All open requirements of the Township Engineer's report, under last revised date of November 23, 2011, shall be satisfied.
12. A revised recycling plan, acceptable to the Township Engineer, providing for 2 dumpsters of 8 cubic yards size and 1 dumpster of 6 cubic yards size and appropriate containers for recyclables, shall be submitted to the Township Engineer.
13. Any disturbance to adjacent Lot 14 to accomplish utility connections shall be

repaired and restored to the satisfaction of the Township Engineer.

14. Remediation of pesticide contamination shall be conducted by a licensed remediation contractor in accordance with all requirements of the NJDEP under a remediation plan that includes a comprehensive health and safety plan. Applicant shall provide a Response Action Outcome establishing, to the satisfaction of the Township Engineer, that remediation has been successfully completed.

15. Applicant shall obtain a Letter of Interpretation and a transition area special activities waiver from NJDEP in regard to the wetlands.

16. Every reasonable effort shall be made to preserve the 30-inch caliper Maple and the 16-inch caliper Ash that adjacent to the Lot 6 property line.

17. Prior to issuance of any permit for demolition or site preparation, the Applicant shall have entered into a Developer's Agreement negotiated with the Township Attorney in conjunction with the Township Engineer.

18. The provision of the 16 units affordable to low and moderate income households shall be in full compliance with the COAH Regulations or successor State regulations and with the provisions of Township Code Chapter 170, Article XIV Affordable Housing regulations or successor ordinance; and such requirement shall be set forth in the Master Deed and, should units be sold in the future in the deeds for such units.

19. The following of the Board's Model Conditions of Approval attached hereto are incorporated herein: Numbers 1, 4, 6, 8 through 16, and 18.

Condition Precedent to Issuance of any Demolition Permit: Condition No. 17 above and Model Condition No. 16.b.

Conditions Precedent to Issuance of any Construction Permit: Conditions 6, 11, 14, and 15 above, Model Condition No. 6 with the “demolition of any structure,” deleted, and Model Conditions Nos. 8, 11 and 14.

Conditions Precedent to Issuance of any Certificate of Occupancy: Conditions 1 through 4, 7 through 10, 12, 16 and 18 above, and Model Conditions Nos. 1, 9, 12, and 18.

NOW, THEREFORE, for the reasons set forth herein and as stated on the record by the Members of the Planning Board of the Township of Livingston, it is resolved that the Application for Preliminary and Final Site Plan Approval, with the variances set forth herein be and hereby are granted and approved subject to the terms and conditions set forth herein.



Peter M. Klein, Chairman

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Planning Board of the Township of Livingston on December 20, 2011 by the affirmative votes of Members Dinar, Kalishman, Klein, Alternate No. 1 Ratner (in place and stead of Member Leopold) and Alternate No 2 Anthony (in place and stead of Member O’Neill); they being all of the Members present.



Jackie Coombs-Hollis, Secretary

PLANNING BOARD, TOWNSHIP OF LIVINGSTON

Model Conditions of Approval
(As Amended through March 15, 2011)

Every application turns on its own facts and is judged on its own merits. Listed below are models of conditions which may be considered “standard”. A standard can be tailored to specific circumstances, and may not always apply. Other or additional conditions may be tailored for any application.

1. Architecture

- a. Rooftop ancillary structures and equipment shall be screened by material compatible with the exterior finish of the building and matching the exterior color of the building as closely as possible.
- b. Enclosures of trash bins, recycling bins or dumpsters shall be of the same type of materials and the same color as the exterior finish of the building.

2. Blasting

In the event that blasting be necessary on the Site, the following conditions shall apply in addition to all requirements of federal law or regulations:

- a. All blasting operations shall be performed in strict compliance with N.J.S.A. 21:1A-128 *et seq.* and N.J.A.C. 12:190-1.1 *et seq.*, or superseding requirements.
- b. A pre-blast inspection of all structures on all properties adjacent to the Site or within 200 feet of the blasting (whichever is the greater distance) shall be conducted at Applicant's expense.
- c. Blasting shall occur only between 10:00 a.m. and 3:00 p.m. on Monday through Friday. Blasting during other hours may be permitted, temporarily, by the Township Engineer upon his finding that a condition constituting an emergency exists and necessitates such permission.
- d. Applicant shall coordinate all blasting with the Livingston Police and Fire Departments. If traffic control is required, it shall be provided at Applicant's expense.
- e. Applicant shall give the Township Engineer, the Chief of Police, the Fire Chief, and all owners of structures required to be inspected under "b" above, written notice of scheduled blasting operations to be received not less than 20 days, nor more than 40 days, prior to their commencement. If scheduled blasting operations are delayed or suspended they shall not be resumed until new notice has been given and received. All notices shall include the name and telephone number of Applicant's representative for purposes of receiving and responding to questions and comments.
- f. These conditions do not supersede any requirements of law or regulation that are more strict or restrictive.

3. Cleanliness

- a. At the close of each work day the Site shall be thoroughly cleaned and all trash and construction debris, including that within buildings under construction, shall be placed in covered dumpsters which shall be removed from the Site, and replaced, before they overflow.
- b. Not less often than weekly, and whenever else required by the Construction

Official or the Township Engineer, the public streets adjacent to the Site, and within 500 feet of the Site, shall be manually or mechanically broom swept to remove dirt, mud or debris originating from the Site.

- c. Dust suppression methods acceptable to the Construction Official and the Township Engineer shall be utilized on the Site.

4. Deeds & Easements

All deeds, easements, dedications or restrictions required by this approval shall be subject to review and approval by the Board Attorney prior to signing and filing for recordation.

5. Detention Basins

- a. Stormwater management basins shall be established on lots created for that purpose only. No structures that are not an approved part of the stormwater management system shall be erected on any such lot.
- b. If the approval of the Application calls for title to such a lot to be transferred to the Township; at such time as the Township accepts any new streets or roads on the Site, title to the lot shall be conveyed to the Township provided that the Township Engineer is then satisfied that the basin has been constructed in full compliance with all applicable requirements. The deed conveying such title shall be subject to prior approval by both the Board Attorney and the Township Attorney.
- c. A maintenance plan (as well as any future revisions) meeting the requirements of the Residential Site Improvement Standards or the Township's Stormwater Control Ordinance, or both, as applicable, shall be prepared by Applicant in terms receiving the approval of the Township Engineer. Unless maintenance is assumed by the Township or a public agency as its direct responsibility, the maintenance plan and any future revisions shall be recorded upon the deed of record for the property in terms approved in advance by both the Board Attorney and the Township Attorney.

6. Final Plans

Prior to the issuance of any Township permit for demolition of any structure, preparation of the Site, or construction of any improvement:

- a. The full text of all of the conditions of this approval, and all plan changes agreed to in the course of the hearing, shall be set out on final plans submitted to the Construction Official, the Township Engineer and the Board Secretary; and
- b. Such final plans shall have been reviewed by the Board Secretary or the Board's Planning Consultant for determination of whether the plans conform to the Board's approvals and shall then have been signed by the Board Chairman, the Board Secretary and the Township Engineer.

7. Flood Hazards

- a. Insert on the final site plan and/or subdivision map a metes and bounds description of all flood hazard areas located on the Site.
- b. Insert in all deeds for individual lots that contain or are adjacent to flood hazard areas, and on the preliminary and final subdivision maps or plats, the following covenant: "The lands designated herein contain flood hazard areas. There shall be no disturbance of any kind as to any flood hazard area unless permitted by N.J.D.E.P. pursuant to the Flood Hazard Control Act, N.J.S.A. 58:16A-50 *et. seq.* or superseding requirements."

8. Guarantees

- a. The approval of this Application is subject to the posting of any and all required performance guarantees, soil erosion and sediment control approvals, and any other requirements of Township ordinances prior to the commencement of site preparation or construction.
- b. This approval is also conditioned upon the Applicant providing, prior to issuance of the first certificate of occupancy, a performance guarantee for any aspects of the approved landscaping or fencing that has not been completed by the time of issuance of such certificate.

9. Landscaping & Environmental Protection

- a. All deciduous trees planted shall have a caliper of not less than 2.5 inches measured at a height of 4.0 feet above the root ball. All evergreen trees planted shall have a height of 6.0 to 8.0 feet.
- b. Street shade trees shall be planted in front yards and outside the right-of-way and shall not be included in the calculation of replacement trees required by the Trees Ordinance.
- c. Any tree or other planting installed in accordance with the plans which dies shall be replaced, within the current or next planting season, in kind and at the same size as it had reached at the time of death; except that if it died more than three years after planting its replacement need not be larger than the size it had reached three years after planting. The same replacement requirements shall apply to a tree or other planting removed because of damage or disease.
- d. No tree existing on the Site at the time of filing of the application shall be removed except as identified for removal on an approved plan. Every existing tree to be preserved shall be tagged and shall be shown on the Site Plan or Subdivision Plan. During site preparation and during construction, each such tree shall be protected by snow fencing or a more substantial means approved by the Construction Official. No soils, excavated materials, or any construction equipment or building materials, shall be stored or operated within a root protection zone that shall be the greater distance of (i) the crown drip line, or (ii) a

distance equal to caliper multiplied by one (1) foot, (but never less than eight (8) feet from the trunk of a tree to be preserved), or anywhere else where such soil or materials can adversely affect the health of trees to be preserved. All work done within the root protection zone shall be accomplished with hand tools.

- e. The grade of land located within the root protection zone shall not be raised or lowered more than three (3) inches unless compensated for by welling or retaining wall methods; but in no event shall welling or retaining walls be installed less than eight (8) feet from the trunk of a tree.
- f. During site preparation or construction, no fuel storage, and no refueling, maintenance, repair or washdown of construction equipment, shall occur within fifty (50) feet of any tree to be preserved.
- g. Any provision of the Trees Ordinance, § 170-53 et seq. of the Code of the Township of Livingston, that establishes a higher or more restrictive standard or requirement shall control.
- h. No mulch shall be placed, or allowed to accumulate, within six inches of the trunk of any tree or shrub planted on the Site in compliance with this resolution. Mulch shall not be applied, or allowed to accumulate, elsewhere within the drip line of the tree or shrub to a depth in excess of four inches.

10. Noise

- a. No site preparation, demolition or construction activity shall be performed on the Site on Sundays, or before 7:30 a.m. or after 5:00 p.m. on weekdays, or before 9:00 a.m. or after 5:00 p.m. on Saturdays or federal holidays.
- b. All vehicles and motorized machinery operated on the Site shall be equipped with properly operating mufflers.
- c. No site preparation, demolition or construction activity (other than authorized blasting) shall produce, at the property line, (i) continuous airborne sound at a sound level in excess of 65 dBA, or which has an octave band sound pressure level in decibels which exceeds the standards provided in 32 N.J.R. 2230 et. seq., or (ii) impulsive sound in air which has a peak sound pressure level in excess of 80 decibels, or (iii) impulsive sound in air which repeats more than four times in any hour and has a peak sound pressure level in excess of 50 decibels.
- d. Relief from these noise conditions may be permitted, temporarily, by the Township Engineer upon his finding that a circumstance constituting an emergency exists and necessitates such permission.

11. Other Governmental Approvals

- a. Applicant shall comply with all applicable Federal, State and local laws and regulations and obtain any other governmental approvals required for implementation of this application as approved. If any other governmental agency or authority grants a waiver of or variance from any law, rule or regulation, or

imposes any condition or requirement, which affects this approval or any of the conditions contained herein, then this Board shall have the right to review such action as it relates to this Board's approval or conditions and to modify, amend or revoke its approval and/or conditions.

- b. No Township permit for demolition of any structure, preparation of the Site or construction of any improvement shall be issued until proof of request for such approvals, and any action thereupon, shall have been presented to the Construction Official and the Board Secretary by the Applicant.

12. Paving and Sidewalks

- a. Applicant shall install the top course of street paving:
 - (1) For residential development not later than the earlier of three (3) years after the issuance of the first certificate of occupancy or three (3) months after fifty percent (50%) of residential units have received certificates of occupancy.
 - (2) For non-residential or mixed-use development, prior to issuance of the first certificate of occupancy.
- b. All manholes, catch basins, and driveway curbs shall be ramped until the top course of street paving has been installed.
- c. All sidewalks shall be constructed of concrete or of non-asphalt pavers and shall be not less than four feet wide in a residence district or five feet wide in the Business Improvement District. Existing sidewalks that do not meet prior Township Code requirements shall be replaced to the standard for the new sidewalks.

13. Signs

The Board shall retain jurisdiction over any and all signs until the final certificate of occupancy has been issued.

14. Traffic and Parking Enforcement

- a. The Applicant shall comply with State law and applicable Township Ordinances regarding handicapped parking and shall maintain such spaces and all the traffic and parking signage and markings on the Site in good order and repair.
- b. At the time of applying for a building permit the Applicant shall submit proof of having filed a written request pursuant to, and in accordance with, N.J.S.A. 39:5A-1, requesting that N.J.S.A. 39:1-1 *et seq.* be made applicable to the roads, streets, driveways, parking areas, etc. within the Site. The Applicant shall provide proof of the governmental action on such request to the Construction Official prior to issuance of the final certificate of occupancy.

15. Utilities for Site Plans and Major Subdivisions

Applicant will construct all utilities underground as required by law, and shall submit to the Engineering Department a written instrument from each serving utility evidencing full compliance with this condition and with Code Section 170-73.A.(17) of the Land Use Ordinance before issuance of any certificate of occupancy.

16. Wetlands

- a. Applicant will insert on the final subdivision map a metes and bounds description of all wetlands, wetlands transition areas, and buffers on the Site.
- b. Where applicable, each deed for a lot, and the subdivision plat, shall contain the following language: “The lands designated herein contain wetlands and wetlands transition areas. There shall be no disturbance of any kind as to any wetlands or wetlands transition areas unless permitted by N.J.D.E.P. pursuant to law, and Best Management Practices (as defined in N.J.A.C. 7:7A-1.4 or superseding requirements) for prevention or reduction of adverse impacts upon or pollution of wetlands, wetlands transition areas and buffers shall be followed at all times. This restrictive covenant shall run with the land and be binding upon the grantees, their heirs and successors and assigns.”

17. Developer’s Agreement

Prior to issuance of any permit for demolition, site preparation, or construction, the Applicant shall have entered into a Developer’s Agreement with the Township when informed by the Township Engineer that such an agreement is required. The terms of such an agreement shall be subject to review and approval by the Township Attorney prior to signing.

18. As-built Plans

A final certificate of occupancy shall not be issued until the Applicant shall have submitted to the Construction Official four (4) properly signed and sealed copies each of as-built site plans, surveys and building elevations prior to signing.