

**AN ORDINANCE AMENDING CHAPTER 25, SECTIONS 4, 51.6, 51.7, 51.8, 51.9, 51.10,
AND 51.15, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF
WEST ORANGE
(REVISION OF VARIOUS ZONING ORDINANCES)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 25 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to overhaul and revise the Township of West Orange Code governing various aspects of zoning and planning consistent with recommendations provided from the West Orange Planning Board and adopted by the Township of West Orange Council.

II. CHAPTER 25-4 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING DEFINITIONS AS FOLLOWS:

25-4 Definitions.

b. *Specific Definitions*

Site plan shall mean a development plan of one or more lots or parcels meeting the requirements of this chapter and the Municipal Land Use Law.

Site plan, major shall mean any development plan for one or more lots that does not meet the definition of a minor site plan, as defined herein.

Site plan, minor shall mean any development plan of one or more lots that does not involve planned development, any new street, or the extension of any off-tract improvement, the cost of which is to be prorated pursuant to N.J.S.A. 40:55D-42; and proposes development that would require not more than five new parking spaces over and above the existing permitted spaces on the site, pursuant to the Township's zoning requirements; and proposes development of not more than 1,000 square feet of new building floor area.

Site Plan Review Advisory Board shall mean the Board established pursuant to N.J. S.A. 40:55D-39f and Section 25-51.15 as amended and supplemented.

Site plan approval shall not be required for a change in use or modification of an existing use that does not change the size of an existing building or propose any modifications to existing site improvements such as sidewalks, driveways, parking areas, fences and walls.

III. CHAPTER 25-51.6 SHALL BE AND HEREBY IS AMENDED AND SUPERCEDED TO READ AS FOLLOWS:

25-51.6 Minor Site Plan Requirements.

A complete application for a minor site plan shall include all applicable administrative requirements as delineated in subsection 25-51.2, any data that cannot be mapped, attached to the application form and the following information on one (1) or more maps:

- a. The zoning district in which the subject property is located as well as all zoning district boundaries within two hundred (200) feet.
- b. Key Map showing a sufficient number of natural and man-made features so that the subject property can be located in the field.
- c. Lot, block and property owner information.
- d. Zoning district dimension, setback and area requirements and the relationship of the subject proposal to those requirements.
- e. Bearing and distance data for all lot lines.
- f. North arrow, signature block, graphic scale, title block, name of individual preparing the map together with the individual's raised seal and signature.
- g. Date of map preparation and any revision dates.
- h. All existing structures and wooded areas within the subject property.
- i. The location and design of all new or expanded buildings, sidewalks, driveways and parking areas.
- j. The location of all easements within the subject property.
- k. Four (4) copies of a map, referred to as a "Run Card", depicting the location of all fire hydrants within the subject property, and depicting the surrounding streets, based on a scale of one (1) inch equaling four hundred (400) feet, and contained on an eight and one-half by eleven (8.5 x 11) inch paper within an area not to exceed seven and one-half (7.5) inches in width and eight (8) inches in height.

IV. CHAPTER 25-51.7. SHALL BE AND HEREBY IS REPEALED AND DELETED

V. CHAPTER 25-51.7.1. SHALL BE AND HEREBY IS AMENDED AND SUPERCEDED TO READ AS FOLLOWS:

25-51.7.1 Major Site Plan Requirements - Preliminary Stage.

A complete application for a preliminary major site plan shall include all applicable administrative requirements as delineated in subsection 25-51.2, data that cannot be mapped attached to the application form and the following information on one (1) or more maps.

a. *Basic Data.*

1. Name of the project.
2. A Key Map showing the general location of the project within the community, tax map sheet number, block number and lot numbers.
3. Zone district lines within five hundred (500) feet of the project.
4. Graphic scale not to exceed one (1) inch equals fifty (50) feet of the project.
5. The limits of the total site together with the acreage to the nearest 1/100th of an acre.
6. Date of the original plan and any subsequent revisions.
7. Appropriate places for the signature of the Planning Board Chairman, Secretary and Engineer.
8. A site data box comparing ordinance requirements to actual site plan proposals.
9. Name of individual preparing the site plan together with an embossed engineer's or architect's seal, applicable signature and license number.
10. The location of all structures, property owners and utility poles within two hundred (200) feet of property.
11. Reference to property survey or other information used in preparing map.
12. Bearing and distance information together with property dimensions.
13. Soil survey data indicating soil type, general constraints and depth to bedrock.

b. *Building Data.*

1. Size, heights, location of all existing and proposed buildings, including all proposed setback dimensions from property lines. Existing buildings to be removed should be so noted.
2. A preliminary floor plan of all buildings.
3. Architectural elevations of the front, side and rear of all buildings and perspective sketches or three (3) dimensional models where appropriate.
4. The location and design details of all sidewalks showing connections between buildings, parking areas, and public areas along all expected paths of pedestrian travel.
5. Parking spaces and access plans for the handicapped which shall be in addition to the parking required by ordinance.
6. Circulation plans and loading areas for all expected truck and tractor-trailer traffic.
7. A proposed lighting plan identifying the fixtures to be used as to height, location, luminosity and the lighting pattern in relationship to the other features of the site plan.

c. *Grading, Landscaping and Environmental Data.*

1. Existing and proposed grading at two (2) foot contour intervals or five (5) foot intervals if the grade is more than fifteen (15%) percent with spot elevations at all building corners and critical locations.
2. The finished floor elevation of all building floors with direct access to the outside.
3. All existing wooded areas and individual specimen trees greater than six (6) inches in diameter indicating what is to be removed and what is to remain.
4. A proposed planting plan and planting schedule indicating the location, the species' common and botanical names, size, quantity and planting instructions for all plant material to be installed including trees, shrubs and ground covers prepared by a professional landscape architect.
5. All areas to be seeded and/or sodded.
6. The location and construction details of all proposed retaining walls, fencing and earthen berms.
7. All buffer areas proposed to separate land uses and to screen unsightly areas.
8. The location and all proposed construction details for all proposed and existing signs.
9. The location and identification of all proposed open spaces, parks or recreation areas and facilities.
10. Environmental impact study.
11. A copy of a tree removal permit or application for same if applicable.

d. *Utilities and Drainage Data.*

1. The location, size and capacity of all existing storm drainage facilities, including catch basins which are directly impacted by the proposed development, whether on or off-site and the limits of any flood hazard area affecting the site.
2. All proposed storm drainage facilities, transmission lines, fire hydrants, etc., as well as calculations showing their adequacy.
3. The location and size of all proposed water supply facilities including wells, storage facilities, transmission lines, fire hydrants, etc., as well as calculations showing their adequacy.
4. The location and size of all proposed sanitary sewer mains as well as the location and construction details and calculations to indicate adequacy.
5. Plans for the storage and collection of all solid waste.
6. All off-site and on-site easements which may be required together with copies of legal documentation to support the grant of such easements.
7. The location and type of all other underground utilities.

VI. CHAPTER 25-51.7.2 SHALL BE AND HEREBY IS AMENDED AND SUPERCEDED TO READ AS FOLLOWS:

25-51.7.2 Major Site Plan Requirements - Final Stage.

A complete application for a final major site plan shall include all applicable administrative requirements as delineated in subsection 25-51.2 and the following information on one (1) or more maps or attached to the application form if it cannot be mapped.

- a. Verification that all of the conditions of the preliminary approval have been met.
- b. A map or maps which comply with this chapter depicting that portion of the project for which final approval is being requested.
- c. A developer's agreement if required by the preliminary approval.
- d. A statement indicating the reasons for any deviations from approved preliminary site plan.
- e. Any off-tract improvement contributions if required.
- f. Four (4) copies of a map, referred to as a "Run Card", depicting the location of all fire hydrants within the subject property, and depicting the surrounding streets, based on a scale of one (1) inch equaling four hundred (400) feet, and contained on an eight and one-half by eleven (8.5 x 11) inch paper within an area not to exceed seven and one-half (7.5) inches in width and eight (8) inches in height.

VII. CHAPTER 25-51.8 SHALL BE AND HEREBY IS AMENDED AND SUPERCEDED TO READ AS FOLLOWS:

25-51.8 Conditional Use Requirements.

No conditional use application shall be considered complete unless it fully conforms with Subsections 25-51.2, 25-51.6 and 25-51.7.1 as well as the following requirements:

- a. A notation indicating the section of this chapter that allows the conditional use as proposed.
- b. A listing of the conditional use standards that apply to the subject proposal.

VIII. CHAPTER 25-51.9 SHALL BE AND HEREBY IS AMENDED AND SUPERCEDED TO READ AS FOLLOWS:

25-51.9 "C" Variance Requirements.

No "c" or bulk variance application shall be considered complete unless it fully conforms with subsection 25-51.2 as well as the following requirements:

- a. A map, either in conformance with subsections 25-51.3, 25-51.4, 25-51.5, 25-51.6 and 25-51.7.1 or if the application is to be bifurcated, a separate map, signed and sealed by an architect, engineer, planner or surveyor which provides sufficient data (i.e., setbacks, lot area, existing and proposed structures, etc.) upon which a decision can be based.

- b. A statement or legal brief which clarifies why the "c" variance should be granted. Particular attention should be paid to the contents of N.J.S.A. 40:55D-70c, applicable case law and relevant Township Ordinances and N.J. Statutes.

IX. CHAPTER 25-51.10 SHALL BE AND HEREBY IS AMENDED AND SUPERCEDED TO READ AS FOLLOWS:

25-51.10 "D" Variance Requirements.

No "d" or use variance application shall be considered complete unless it fully conforms with subsection 25-51.2 as well as the following requirements:

- a. A map, either in conformance with subsection 25-51.3, 25-51.4, 25-51.5, 25-51.6 or 25-51.7.1 or if the application is to be bifurcated, a separate map, signed and sealed by an architect, engineer, planner or surveyor which provides sufficient data (i.e. setbacks, lot area, existing and proposed structures, etc.) upon which a decision can be based.
- b. A statement or legal brief which clarifies why the "d" variance should be granted and the "special reasons" that pertain to the subject proposal. Particular attention should be paid to the contents of N.J.S.A. 40:55D-70d, applicable case law and relevant Township Ordinances and N.J. Statutes.
- c. A planning report prepared by a licensed Professional Planner and a traffic report prepared by a licensed Professional Engineer. The Board may waive the provision of such reports at its discretion.

X. CHAPTER 25-51.15 SHALL BE AND HEREBY IS AMENDED AND SUPERCEDED TO READ AS FOLLOWS:

25-51.15 Site Plan Review Advisory Board.

- a. *Establishment.* There is hereby established a Site Plan Review Advisory Board to assist the Planning Board, the Zoning Board of Adjustment and site plan applicants. This Committee shall be comprised of:
 - 1. Director of Planning
 - 2. Township Engineer
 - 3. A Class IV member of the Planning Board who shall hold no other municipal office, appointed by the Planning Board
 - 4. A member of the Zoning Board of Adjustment appointed by the Zoning Board of Adjustment
 - 5. Zoning Official
 - 6. Construction Official
 - 7. Representatives of the Building Department, Fire Department, Health Department and Police Department.

- b. *Review.* The Site Plan Review Advisory Board shall review all applications that require major site plan approval. The applicant shall be notified, in writing not less than seven (7) days before, of the date on which the application shall be reviewed by the Site Plan Review Advisory Board. The applicant shall be invited to attend, either alone or accompanied by an attorney, architect, engineer and any other experts the applicant chooses. The Site Plan Review Advisory Board shall issue its recommendations on every application, in writing. These recommendations shall be filed with the secretary of the proper board and a copy shall be mailed to the applicant.
- c. *Post Approval Review* A request by an applicant to change one or more aspects of a site plan previously approved by the Planning Board or Zoning Board of Adjustment shall be reviewed by the Site Plan Review Advisory Board to determine whether such changes are considered substantial. Any changes determined to be substantial shall require amended site plan approval from the Board that granted the original approval.
- d. *Time for Decisions.* Referral of an application to the Site Plan Review Advisory Board shall not extend the time within which the Planning Board or Board of Adjustment must act upon such application pursuant to the MLUL

XI. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

XII. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

XIII. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.

Jerry Guarino, Council President

Robert D. Parisi, Mayor

Karen J. Carnevale, Municipal Clerk

Introduced: January 6, 2015

Adopted: February 10, 2015

Legislative History

This ordinance is drafted as part of an overhaul of the Municipal Code governing the process and procedures for application to the Township of West Orange Planning Department and the Township of West Orange Planning Board and Zoning Board of Adjustment. This ordinance follows a series of recommendations made by the Township of West Orange Planning Board to the Township of West Orange Council for consideration and implementation. This overhaul creates two (2) separate categories of site plan review for: (1) Minor Site Plan Requirements and (2) Major Site Plan Requirements. In addition, the ordinance transforms the previously established Technical Advisory Committee to a “Site Plan Review Advisory Board,” as enabled by the Municipal Land Use Law.

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