

Introduced: April 25, 2022
Adopted: May 31, 2022

ORDINANCE NO. 2022-8

TOWNSHIP OF EASTAMPTON
BURLINGTON COUNTY

**AN ORDINANCE TO AMEND THE EASTAMPTON TOWNSHIP CODE AT
CHAPTER 460 ENTITLED "SUBDIVISION OF LAND AND
SITE PLAN REVIEW"**

Article 1 General Provisions

§ 460-4 Definitions; word usage.

- A. For the purpose of this chapter, unless the context clearly indicates a different meaning, the following definitions shall apply:

Administrative Officer

The clerk of the municipality, unless a different municipal official or officials are designated by ordinance or statute.

Application

The application form, checklist and all accompanying documents required by ordinance for approval of a subdivision plat or a site plan, planned development, cluster development, conditional use, or use or bulk variance, or for an informal, non-binding conference review requested by a developer with the Land Use Board.

Environmental Assessment

A report prepared to identify environmental concerns on a property that is the subject of an application submitted for Land Use Board review. The report shall consist of a Phase I environmental site assessment prepared in accordance with applicable American Society for Testing and Materials (ASTM) guidance in Standard E1527-13 to identify environmental concerns. When a Phase I environmental assessment has identified recognized environmental conditions, a Phase II environmental site assessment shall be prepared to determine the presence, or absence of, petroleum or hazardous waste in the subsurface of the property. A Phase II environmental assessment shall prepared in accordance with ASTM Standard E1903-11. A New Jersey licensed site remediation professional (LSRP) shall review and attest to the preparation, findings and recommendations of the Environmental Assessment.

Environmental Impact Report

A report that discusses the effect of proposed development on the environment. The contents of an environmental impact report shall comply with the provisions of § 460-55 of this chapter.

Flood Plain Limits

Flood plain limits on property proposed for development show the limits of the 100-year flood and, when appropriate, floodways as shown on Federal Emergency Management Agency maps, Flood Insurance Rate Maps, New Jersey Department of Environmental Protection (NJDEP) maps, or an individual flood plain analysis prepared according to NJDEP regulations.

Freshwater Wetlands and Buffers

Freshwater wetlands and buffers are environmentally sensitive resources as defined by the New Jersey Department of Environmental Protection (NJDEP) regulations and shall be shown on plans for site plans and subdivisions based on a letter of interpretation issued by NJDEP for the property proposed for development.

Right-of-way

Property subject to or acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a street, a crosswalk, a railroad, utilities, or similar uses.

Stormwater Management Report

A report that discusses the effect of proposed development regarding stormwater it will generate and the management of stormwater generated by proposed development. The contents of a stormwater management report shall comply with the provisions of Chapter 450 Stormwater Management.

Traffic Impact Study

A study that analyzes the traffic impact of a proposed development. The study shall be prepared in accordance with New Jersey Administrative Code, Title 16, Chapter 47 and Institute Traffic Engineers (ITE) guidelines. The study shall include, but not be limited to: a description of the proposed development; a description of existing roadway conditions and traffic volumes; an existing capacity analysis of the roadway; proposed development trip generation by modal split based on the most current ITE trip generation rates; a future capacity analysis of the roadway that includes a no-build scenario for needed improvements to the roadway and a build scenario for needed improvements to the roadway; an analysis of site access, circulation and onsite parking; conclusions of the impacts to

the roadway, improvements needed to mitigate those impacts and the ability of the site to provide safe onsite circulation, parking and access; and appendices containing existing traffic volumes by turning movement, no build traffic volumes by modal split by turning movement, build traffic volumes by modal split by turning movement, and other pertinent data and analyses.

Article II Minor Subdivision Procedures

§ 460-5. Application.

- A. An applicant desiring to proceed with a minor subdivision shall file with the Administrative Officer for completeness review and review by the Board's professionals the following documents:
 - (1) All other documents required for minor subdivision applications set forth in the checklist provided in this chapter.

§ 460-6. Application fee.

The applicant shall submit to the Planning Administrator at the time of submission of an application for a minor subdivision, payment of the fee provided in Article VI, § 460-58.

§ 460-9. Submission of application.

Upon receipt of an application for a minor subdivision, together with the required supporting documents, and payment of the prescribed fee, the Planning Administrator shall review the submission for completeness and shall render a decision regarding the application's completeness within 45 days of the date of the submission of the application, by issuing a written letter to the applicant indicating the application is either complete or incomplete. Letters indicating the application is complete may provide the day and time when the application will be scheduled for a public hearing before the Land Use Planning Board, or may indicate a follow-up letter will be sent providing the date and time when the application will be scheduled for a public hearing before the Land Use Planning Board.

Letters indicating the application is incomplete shall specify deficiencies from the checklist applicable to the type of application submitted. The Planning Administrator shall determine whether checklist items identified by the applicant as "not applicable" are inapplicable to the application, basing his/her decision on the merits of the written explanation submitted by the applicant and the nature and circumstances of the application. The reason(s) for the Planning Administrator denying an applicant's request for a checklist item to be "not applicable" shall be set forth in writing in the incomplete letter issued to the applicant. All appeals of the Planning Administrator's decision regarding the applicability of the checklist items

shall be made to the Land Use Planning Board. Once an application is deemed complete, the Secretary shall submit one copy of the application and supporting documentation each to the Land Use Planning Board Engineer, Planner and Attorney for their review and preparation of their reports commenting on the application and the application's conformity with the zoning and design standards of the Code of Eastampton Township. Once an application has been scheduled for a Land Use Planning Board hearing, the Secretary shall distribute one copy each of the application and its supporting documents and of the reports prepared by the Land Use Planning Board Engineer, Planner and Attorney. The Engineer shall also advise as to the likelihood of off-tract improvements being required and, if such shall be the case, shall advise the Township Council, which shall then act pursuant to Article VI, § 460-50.

Article III Major Subdivision Procedures

§ 460-13. Application.

A. An applicant desiring to proceed with a major subdivision shall file with, Administrative Officer for completeness review and review by the Board's professionals the following documents:

- (1) All other documents required for major subdivision applications set forth in the checklist provided in this chapter.

§ 460-14. Application fee.

The applicant shall submit to the Planning Administrator, at the time of submission of an application for a major subdivision, payment of the fee provided in Article VI, § 460-58.

§ 460-17. Submission of application.

Upon receipt of an application for a major subdivision, together with the required supporting documents, and payment of the prescribed fee, the Planning Administrator shall review the submission for completeness and shall render a decision regarding the application's completeness within 45 days of the date of the submission of the application, issuing a written letter to the applicant indicating either the application is complete or incomplete. Letters indicating the application is complete may provide the day and time when the application will be scheduled for a public hearing before the Land Use Planning Board, or may indicate a follow-up letter will be sent providing the date and time when the application will be scheduled for a public hearing before the Land Use Planning Board. Letters indicating the application is incomplete shall specify deficiencies from the checklist applicable to the type of application submitted. The Planning Administrator shall determine whether checklist items identified by the applicant as "not applicable" are

inapplicable to the application, basing his/her decision on the merits of the written explanation submitted by the applicant and the nature and circumstances of the application. The reason(s) for the Planning Administrator denying an applicant's request for a checklist item to be "not applicable" shall be set forth in writing in the incomplete letter issued to the applicant. All appeals of the Planning Administrator's decision regarding the applicability of the checklist items shall be made to the Land Use Planning Board. Once an application is deemed complete, the Secretary shall submit one copy of the application and supporting documentation each to the Land Use Planning Board Engineer, Planner and Attorney for their review and preparation of their reports commenting on the proposal of the application and the application's conformity with the zoning and design standards of all applicable ordinances of the Code of Eastampton Township. Once an application has been scheduled for a Land Use Planning Board hearing, the Secretary shall distribute one copy each of the application and its supporting documents and of the reports prepared by the Land Use Planning Board Engineer, Planner and Attorney. The Engineer shall also advise as to the likelihood of off-tract improvements being required and, if such shall be the case, shall advise the Township Council, which shall then act pursuant to Article VI, § 460-50.

Article IV Minor Site Plan Approval

§ 460-28. Application.

- A. An applicant desiring to proceed with a minor site plan approval shall file with the Administrative Officer for completeness review and review by the Board's professionals, the documents required in § 460-35 and submit to the Planning Administrator payment of the fee provided in § 460-58.

§ 460-29. Submission of application.

Upon receipt of an application for a minor site plan approval, together with the required supporting documents, and payment of the prescribed fee, the Planning Administrator shall review the submission for completeness and shall render a decision regarding the application's completeness within 45 days of the date of the submission of the application, issuing a written letter to the applicant indicating either the application is complete or incomplete. Letters indicating the application is complete may provide the day and time when the application will be scheduled for a public hearing before the Land Use Planning Board, or may indicate a follow-up letter will be sent providing the date and time when the application will be scheduled for a public hearing before the Land Use Planning Board. Letters indicating the application is incomplete shall specify deficiencies from the checklist applicable to the type of application submitted. The Planning Administrator shall determine whether checklist items identified by the applicant as "not applicable" are inapplicable to the application, basing his/her decision on the merits of the written

explanation submitted by the applicant and the nature and circumstances of the application. The reason(s) for the Planning Administrator denying an applicant's request for a checklist item to be "not applicable" shall be set forth in writing in the incomplete letter issued to the applicant. All appeals of the Planning Administrator's decision regarding the applicability of the checklist items shall be made to the Land Use Planning Board. Once an application is deemed complete, the Secretary shall submit one copy of the application and supporting documentation each to the Land Use Planning Board Engineer, Planner and Attorney for their review and preparation of their reports commenting on the proposal of the application and the application's conformity with the zoning and design standards of all applicable ordinances of the Code of Eastampton Township. Once an application has been scheduled for a Land Use Planning Board hearing, the Secretary shall distribute one copy each of the application and its supporting documents and of the reports prepared by the Land Use Planning Board Engineer, Planner and Attorney. The Engineer shall also advise as to the likelihood of off-tract improvements being required and, if such shall be the case, shall advise the Township Council, which shall then act pursuant to Article VI, § 460-50.

Article V Site Plan Approval

§ 460-35. Application.

- A. An applicant desiring to proceed with a site plan approval shall file with the Administrative Officer for completeness review and review by the Board's professionals the following documents:
 - (1) All other documents required for site plan applications set forth in the checklist provided in this chapter.

§ 460-36. Application fee.

The applicant shall submit to the Planning Administrator, at the time of submission of an application for site plan approval, payment of the fee provided in Article VI, § 460-58.

§ 460-39. Submission of application.

Upon receipt of an application for site plan approval, together with the required supporting documents, and payment of the prescribed fee, the Planning Administrator shall review the submission for completeness and shall render a decision regarding the application's completeness within 45 days of the date of the submission of the application, issuing a written letter to the applicant indicating either the application is complete or incomplete. Letters indicating the application is complete may provide the day and time when the application will be scheduled for a public hearing before the Land Use Planning Board, or may indicate a follow-up

letter will be sent providing the date and time when the application will be scheduled for a public hearing before the Land Use Planning Board. Letters indicating the application is incomplete shall specify deficiencies from the checklist applicable to the type of application submitted. The Planning Administrator shall determine whether checklist items identified by the applicant as “not applicable” are inapplicable to the application, basing his/her decision on the merits of the written explanation submitted by the applicant and the nature and circumstances of the application. The reason(s) for the Planning Administrator denying an applicant’s request for a checklist item to be “not applicable” shall be set forth in writing in the incomplete letter issued to the applicant. All appeals of the Planning Administrator’s decision regarding the applicability of the checklist items shall be made to the Land Use Planning Board. Once an application is deemed complete, the Secretary shall submit one copy of the application and supporting documentation each to the Land Use Planning Board Engineer, Planner and Attorney for their review and preparation of their reports commenting on the proposal of the application and the application’s conformity with the zoning and design standards of all applicable ordinances of the Code of Eastampton Township. Once an application has been scheduled for a Land Use Planning Board hearing, the Secretary shall distribute one copy each of the application and its supporting documents and of the reports prepared by the Land Use Planning Board Engineer, Planner and Attorney. The Engineer shall also advise as to the likelihood of off-tract improvements being required and, if such shall be the case, shall advise the Township Council, which shall then act pursuant to Article VI, § 460-50.

Article VI Provisions Applicable to Major and Minor Subdivisions and Site Plans; and Variances and Exceptions

§ 460-52. Exceptions from requirements; simultaneous review and approval; and separate use variance review and approval.

- C. The Land Use Planning Board shall have the power to review and approve or deny bulk variances, known as C-variances, and use variances, known as D-variances, simultaneously with review for subdivision, conditional use or site plan approval without the developer being required to make further application to the Land Use Planning Board or the Land Use Planning Board being required to hold further hearings. The longest time period for action by the Land Use Planning Board, whether it is for subdivision, conditional use or site plan approval with variances, shall apply.
- D. The Land Use Planning Board shall have the power to review and approve separate applications for use variances, known as D-variances, which have been bifurcated from an application for subdivision, conditional use or site plan. The longest period of time

for action by the Land Use Planning Board for a use variance shall apply.

- (1) Submission of use variance application.
 - (a.) An applicant desiring to proceed with a use variance approval shall file with the Administrative Officer for completeness review and review by the Board's professional all of the documents set forth in the checklist provided in this chapter.
 - (b.) Upon receipt of an application for use variance approval, together with the required supporting documents, and payment of the prescribed fee, the Planning Administrator shall review the submission for completeness and shall render a decision regarding the application's completeness within 45 days of the date of the submission of the application, issuing a written letter to the applicant indicating either the application is complete or incomplete. Letters indicating the application is complete may provide the day and time when the application will be scheduled for a public hearing before the Land Use Planning Board, or may indicate a follow-up letter will be sent providing the date and time when the application will be scheduled for a public hearing before the Land Use Planning Board. Letters indicating the application is incomplete shall specify deficiencies from the checklist applicable to the type of application submitted. The Planning Administrator shall determine whether checklist items identified by the applicant as "not applicable" are inapplicable to the application, basing his/her decision on the merits of the written explanation submitted by the applicant and the nature and circumstances of the application. The reason(s) for the Planning Administrator denying an applicant's request for a checklist item to be "not applicable" shall be set forth in writing in the incomplete letter issued to the applicant. All appeals of the Planning Administrator's decision regarding the applicability of the checklist items shall be made to the Land Use Planning Board. Once an application is deemed complete, the Secretary shall submit one copy of the application and supporting documentation each to the Land Use Planning Board Engineer, Planner and Attorney for their review and preparation of their reports commenting on the

proposal of the application and the application's conformity with the zoning and design standards of all applicable ordinances of the Code of Eastampton Township. Once an application has been scheduled for a Land Use Planning Board hearing, the Secretary shall distribute one copy each of the application and its supporting documents and of the reports prepared by the Land Use Planning Board Engineer, Planner and Attorney.

- (2) Application fee. The applicant shall submit to the Planning Administrator, at the time of submission of an application for site plan approval, payment of the fee provided in Article VI, § 460-58.

§ 460-55. Environmental impact report.

An environmental impact report shall accompany all plats of major subdivisions of 11 or more lots or greater than 10 acres, whichever may apply, and site plan applications for tracts of greater than 10 acres. Such report shall provide the information needed to evaluate the effects of a proposed development upon the environment and shall include data and be distributed, review and passed upon as follows:

§ 460-57. Informal conference prior to submission.

- A. Any person may request an informal conference with the Land Use Planning Board to advise the Board of the general nature and conceptual approach of a contemplated site plan, subdivision or redevelopment plan and to enable the Board to preliminarily express its non-binding view on any area(s) of concern. Such a person making a request for an informal conference with the Board shall submit a completed application, supporting documentation set forth in the checklist, and payment of the prescribed fee to the Planning Administrator at least 21 days prior to a regularly scheduled meeting of the Land Use Planning Board.

§ 460-58. Fees for subdivisions and site plans.

- A. Miscellaneous provisions.
 - (1) The payment of fees incurred by Township officials for the review of applications, the inspection or administration of projects, the deposit of escrow funds and the increase thereof and any appeals as to the sufficiency thereof or making the application, the applicant shall be deemed to be familiar with

all aspects of this chapter and Code and the provisions of the Municipal Land Use Act. For administrative purposes, the Township shall provide a written summary of the salient provisions of the Municipal Land Use Law and a copy thereof to an applicant. Said provisions shall cover the deposit of escrow funds. Each time the applicant submits revisions to its application, including, but not limited to, application form, plans, and supporting documents, studies and reports, the applicant shall remit one-third of the escrow fee required for the application for Township officials and professionals to review the revisions. No additional plan review or professional services or municipal services shall be rendered until the required escrow funds are deposited.

[§ 460-60. Checklist.

The checklist for site plan, subdivision and use variance applications is made part of this chapter. All applications shall comply with the items required for each application as set forth in the checklist. The Planning Administrator shall review the submission of an application for completeness and shall render a decision regarding the application's completeness within 45 days of the date of the submission of the application, issuing a written letter to the applicant indicating either the application is complete or incomplete. Letters indicating the application is complete may provide the day and time when the application will be scheduled for a public hearing before the Land Use Planning Board, or may indicate a follow-up letter will be sent providing the date and time when the application will be scheduled for a public hearing before the Land Use Planning Board. Letters indicating the application is incomplete shall specify deficiencies from the checklist applicable to the type of application submitted. The Planning Administrator shall determine whether checklist items identified by the applicant as "not applicable" are inapplicable to the application, basing his/her decision on the merits of the written explanation submitted by the applicant and the nature and circumstances of the application. The reason(s) for the Planning Administrator denying an applicant's request for a checklist item to be "not applicable" shall be set forth in writing in the incomplete letter issued to the applicant. All appeals of the Planning Administrator's decision regarding the applicability of the checklist items shall be made to the Land Use Planning Board.

Adoption: May 31, 2022

ATTEST:



Kim Marie White
 KIM-MARIE WHITE
 Municipal Clerk

Anthony Zeno
 ANTHONY ZENO
 Mayor

Introduction: April 25, 2022

Council	Motion	2 nd	Ayes	Nays	Abstain	Absent
Councilman Apgar	✓		✓			
Councilman Besko		✓	✓			
Councilman Santillo			✓			
Councilman Springer			✓			
Mayor Zeno			✓			
		VOTE	5	0		

Adoption: May 31, 2022

Council	Motion	2 nd	Ayes	Nays	Abstain	Absent
Councilman Apgar	✓		✓			
Councilman Besko			✓			
Councilman Santillo		✓	✓			
Councilman Springer						✓
Mayor Zeno			✓			
		VOTE	4	0		