Introduced: November 6, 2019

Adopted: January 13, 2020

THE TOWNSHIP OF SOUTH ORANGE VILLAGE

ORDINANCE #2019-22

AN ORDINANCE AMENDING AND RESTATING THE VILLAGE CODE, CHAPTER 185, PART 4 – SITE PLAN REVIEW TO CLARIFY AND/OR PROVIDE FOR INFORMAL PRE-APPLICATION SKETCH PLAN REVIEW, CONCEPT REVIEW AND POST-APPLICATION TECHNICAL REVIEW AND AMENDING CHAPTER 143 - 13 – TECHNICAL REVIEW FEE DEPOSIT – SITE PLANS TO INCLUDE DEPOSIT REQUIREMENTS FOR PRE-APPLICATION SKETCH PLAN REVIEW

WHEREAS, the Board of Trustees wish to amend portions of Chapters 143 and 185 of the Village Code to clarify and permit parties filing for site plan review to benefit from review and guidance before, during, and after application before land development boards, in the form of:

I. Informal Pre-Application Sketch Plan Reviews,
II. Planning Board Concept Reviews, and
III. Post-Application Technical Reviews.

BE IT ORDAINED, by the Board of Trustees of the Township of South Orange Village, a municipal corporation of New Jersey located in Essex County thereof, as follows:

Section 1.

Chapter 185, Part 4 – Site Plan Review is amended and restated in its entirety as follows:

Part 4 Site Plan Review
Article 185-VI General Provisions
Article 185-VII Site Plan Approval Procedures
Article 185-VIII Procedures For Obtaining Building And Occupancy Permits

[Adopted 9-21-1981 by Ord. No. 81-29 (Ch. 92, Part 4, of the 1982 Code)]

110. Editor's Note: See also Part 8, Additional Criteria for Site Plans, of this chapter.

Article 185-VI General Provisions
185-47 Short Title
185-48 Purpose
185-49 Approving Authority
185-50 Compliance Required; Exemptions

185-47 Short Title

This Part 4 of this chapter may be cited and referred to as the "Site Plan Ordinance."

185-48 Purpose

This Part 4 is adopted pursuant to the Municipal Land Use Law, P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.), and subsequent amendments and supplements thereto, in order to establish rules, regulations, standards and procedures for approval of all development other than development specifically exempted in § 185-50.

185-49 Approving Authority

All site plans shall be approved by a resolution of the Planning Board, provided that the resolution of the Board of Adjustment shall substitute for that of the Planning Board whenever the Board of Adjustment has jurisdiction over the site plan pursuant to the Municipal Land Use Law.

185-50 Compliance Required; Exemptions

No development shall take place within the Village, nor shall any land be cleared or altered, nor shall any watercourse be diverted or filled, nor shall any parking areas, accessory or otherwise, be constructed, installed or enlarged, nor shall any building permit, zoning permit, certificate of occupancy or other required permit be issued with respect to any such structure, land or parking area, except in accordance with an approval of such development granted pursuant to this Part 4, unless exempted in accordance with the following:

1. Exemptions.
    1. Site plan approval shall not be required for any of the following:
        1. Detached single and two-family dwellings, including accessory uses permitted as a right in applicable zoning districts, but this shall not limit the requirements for submission and approval of subdivision plats as otherwise required by Village ordinances. Any such development within the Floodplain Zone shall file a site plan, however.
        2. The one-time construction of a parking area for fewer than four vehicles.
        3. Any structure or use for which a site plan review application was made to the approving authority prior to the effective date of this Part 4 under municipal ordinances and regulations then in effect and superseded by this Part 4 and that is developed in accordance with an approval of such application heretofore given by the approving authority pursuant to said prior ordinances and regulations, provided that such approval is less than two years old.
        4. Minor repairs to the interior of a building which do not involve enlargement of the building or its use, as determined by the Zoning Officer and/or Village Planner.

5. Renovations, repainting or alterations to the exterior of a building or structure which do not involve any enlargement of the building or significant structural or non-structural change as determined by the Zoning Officer and/or Village Planner, in their sole discretion. [Amended 6-13-1988 by Ord. No. 88-17; 9-30-1992 by Ord. No. 92-41]

2. However, the Zoning Officer and/or Village Planner, at their discretion, may refer any application for a building permit to the approving authority for site plan approval, notwithstanding, where, in the Zoning Officer and/or Village Planner's judgment, the construction, reconstruction, alteration or change of use will affect circulation, water supply, sewage disposal, drainage, landscaping, signs, lighting, off-street parking or loading or the lack of any or all of these factors, environmental factors and other considerations as specified in this section.
3. Any change in a nonconforming building, structure, use or lot shall require site plan approval.

2. The rules, regulations and standards set forth in this Part 4 shall be considered the minimum requirements for the protection of the public health, safety and welfare of the citizens of the Village. However, if the applicant can clearly demonstrate that, because of peculiar conditions pertaining to his land, the literal enforcement of this chapter is impracticable or will exact undue hardship, the approving authority may permit such exemption(s) and waiver(s) as may be reasonable, within the general purpose and intent of the rules, regulations and standards established by this Part 4.

Article 185-VII Site Plan Approval Procedures

185-51 General Requirements
185-52A Pre-Application Sketch Plan Review
185-52B Informal Review of Developer's Concept Plan
185-52C Referral
185-53 Post-Application Technical Review
185-54 Preliminary Site Plan Review
185-55 Preliminary Site Plan Details
185-56 Preliminary Site Plan Approval
185-57 Final Site Plan Approval

185-51 General Requirements

1. Unless exempt from site plan approval as provided in Chapter 185-50 above, no zoning permit or certificate of occupancy shall be issued for any development until a subdivision or site plan has been approved by the Planning Board or Zoning Board of Adjustment, as the case may be.
2. The Planning Board may waive the requirements for site plan approval if the Board determines that the proposed development is a permitted use in the zone and does not involve substantial development considerations. Where a proposed development does not involve a change in use and is for a nonstructural change in the facade of a structure or an interior change which does not increase parking, drainage or other site development considerations, the Zoning Officer and/or Village Planner may waive the requirements for site plan approval. The Zoning Officer and/or Village Planner shall not waive site plan approval for a nonstructural change in the facade of the structure if the structure is in a district, zone, area or portion thereof covered by a duly adopted plan or

program covering aesthetics, architectural design or special treatment by another section of this chapter.

[Amended 3-28-1994 by Ord. No. 94-8]

185-52A Pre-Application Sketch Plan Review

1. Applicants for preliminary approval are encouraged, but not required, to submit for review by the approving authority, non-binding informal pre-application sketch plan review with the Zoning Officer and/or Land Use Administrator to engage in preliminary discussions regarding the development proposal, compliance with the Ordinance, review process, and board jurisdiction. A pre-application sketch plan review will provide prospective applicants with general zoning guidance and input during the formative stages of site plan design.
2. Application for pre-application sketch plan review shall be made on a form provided by the Zoning Officer / Land Use Administrator and shall provide all information required therein; including but not limited to, applicant and property information, certification of ownership and tax status, survey, technical fee deposit, and concept sketch.
3. The sketch plan of the site shall be reviewed to determine the proposal's compliance with applicable Village ordinances and the general site design concept, including use, location and bulk; buildings and improvements; density; open space; traffic and pedestrian patterns; and other general design components. The sketch plan shall be to scale, but detailed dimensions need not be shown.
4. Said sketch plan shall be used as a basis for changes and redesign so as to avoid undue expense and delay in preparing more detailed plans and specifications in subsequent review stages. The approving authority shall complete its review of a sketch site plan within 45 days unless it has been granted permission to extend said time period by the prospective applicant.
5. To the extent in-person pre-application sketch plan meetings shall be desirable, such meetings shall be scheduled at the sole discretion and availability of the Zoning Officer and/or Land Use Administrator.
6. In-person pre-application sketch plan meetings shall be attended by the prospective applicant and the prospective applicant may be accompanied by their professionals as appropriate. The Zoning Officer, Village Planner and/or other Village professionals as may be appropriate.
7. Submission for a Pre-Application Review of a Sketch Plan or the fact that such review is pending shall not preclude a developer from proceeding at any time with the usual application for a preliminary site plan approval.
8. There shall be no application fee for Pre-Application Sketch Plan Review. However, prospective applicants will be required to deposit and pay technical review fees pursuant to Chapter 185-159A(4) and in accordance with the schedule set forth in Chapter 143, Fees, of this Code.

185-52B Informal Review of Developer's Concept Plan

1. At the request of the developer, the Planning Board shall grant an informal review of a concept plan for a development for which the developer intends to prepare and submit an application for development. The amount of any fees for such an informal review shall be a credit toward fees for review of the application for development. The developer shall not be bound by any concept plan for which review is requested, and the planning board shall not be bound by any such review.
2. Application for informal review shall be made using the form applicable for a Planning Board Site Plan Review application and, to the extent not presently required by the Planning Board Site Plan Review application, shall contain the following:
    1. Twelve (12) copies of a complete application form.
    2. Twelve (12) copies of a survey of the lot showing all existing conditions (folded).
    3. Twelve (12) copies of a concept plan (folded).
    4. Required fee and W-9.
    5. An electronic copy (PDF) of application and plans to the Land Use Administrator / Zoning Officer.
3. The Informal Review of the Concept Plan will be scheduled at the next available Planning Board Hearing or Sub-committee Meeting within 120 days.

185-52C Referral

1. Once an application has been deemed complete by the approving authority, the Secretary of the Board which, having jurisdiction of the matter, will conduct the hearing shall distribute one copy of the site plan application and attached documents to the Board members, Board Attorney, Village Engineer, Fire Force, Police Chief, Village Planner and any other independent experts whose review may be required because of the nature of the application.
2. The Fire Force, Police Chief, Village Planner, Village Engineer and any other selected expert to whom the matter is referred shall submit any recommendations they may have which pertain to the application within 20 days of their receipt of the application and supporting documents. If the reports are not so submitted, the Board conducting the hearing may proceed to act on the application without receiving the recommendations. If the recommendations are submitted, they shall be considered by the Board in arriving at its final decision.

[Amended 6-24-1985 by Ord. No. 85-16; 6-13-1988 by Ord. No. 88-17; 9-30-1992 by Ord. No. 92-41; 3-28-1994 by Ord. No. 94-8[111]]

111. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

185-53 Post-Application Technical Review

1. The purpose of the post-application technical review is to identify and resolve any technical concerns of the Board's representatives prior to the presentation of the application to the approving authority, so that the public hearing can operate most efficiently and effectively within its jurisdiction.
2. Upon application submission and all administrative items are determined to be complete (i.e. Application fees and escrow deposits, proof of ownership and taxes paid, etc.), the Zoning Officer or Land Use Administrator shall determine, in their sole discretion, if a post-application technical review shall be required. Should the Zoning Officer or Land Use Administrator determine that a post-application technical review shall be scheduled, such meeting shall be scheduled for a date within 45 days of such completion determination.
3. The meeting shall include the Applicant, any representatives they wish to have attend, the Board Professionals, and Committee Representatives as appropriate.
4. Decisions and discussions at the post-application technical review meeting are non-binding. No statements, impressions or comments made at or during the post-application technical review shall substitute for required testimony at public hearing before the appropriate Board.
5. There shall be no application fee for post-application technical review as this meeting will be a part of the process for applications. However, Applicants will be required to provide technical review fees as set forth in Chapter 185-159.
6. No provisions of this process will interfere with a completeness determination being made within 45 days.

185-54 Preliminary Site Plan Review

1. Objectives of review. The preliminary site plan shall be reviewed to determine the acceptability of the detailed design concept and shall be in sufficient detail to enable the approving authority to ascertain compliance with the performance standards and other standards of this chapter as well as applicable Village ordinances.
2. For information regarding applications, see § 92-12.[112]

112. Editor's Note: Original § 92-12, Applications for development, of the 1982 Code was repealed 3-28-1994 by Ord. No. 94-8.

185-55 Preliminary Site Plan Details

The preliminary site plan application technical materials, notwithstanding any other requirements of this chapter or other Village ordinances, shall be drawn by a licensed (New Jersey) professional authorized in accordance with state statutes and shall contain the following:

1. A location map at a scale of one inch equals 100 feet, or larger scale, showing:
    1. All streets and property lines within 200 feet of the affected property.

2. All buildings or structures within 100 feet of the building or structure proposed by the applicant.
3. Any contiguous lot in which the applicant has any direct or indirect interest and the nature of the applicant's interest.

2. Photographs of the property where necessary to show any unusual topographic, environmental or physical aspect of the site. This would include but not be limited to rock outcroppings, vegetation, natural drainageways and wetlands. If the site plan application involves a property which is located in the B-1 or B-2 Zone as shown on the Zoning Map of the Village, then there shall also be supplied appropriate photographs and/or drawings of all existing structures as well as appropriate drawings showing all improvements and alterations to be made to the same so as to enable the Village Pride Committee to complete the review required pursuant to the provisions of this chapter of the Village Code. [Amended 6-13-1988 by Ord. No. 88-17]
3. A preliminary site plan at a scale not smaller than one inch equals 50 feet and not larger than one inch equals 10 feet and any supplemental plans that are necessary to properly depict the project. The preliminary plan shall show at least the following:

    1. Legal data:

        1. North arrow, scale, graphic scale, date and notes and dated revisions.
        2. The zoning district in which the property is located and the zone district or districts of the immediate adjoining properties.
        3. The following legends shall be on the site plan map:

            1. Site plan of _____.
               Lot _____ Block _____ Zone _____
               Date _____ Scale _____
               Applicant _____

            2. I CONSENT TO THE FILING OF THIS SITE PLAN WITH THE PLANNING BOARD OF _____.

               _____
               (Owner)

               _____
               (Address) _____
               (Phone No.) _____
               (Date)

            3. I HEREBY CERTIFY THAT HAVE PREPARED THIS SITE PLAN AND THAT ALL DIMENSIONS AND INFORMATION ARE CORRECT.

               _____
               (Name)

               _____
               (Address)

               _____

(Title and License No.)

4. I HAVE REVIEWED THIS SITE PLAN AND CERTIFY THAT IT MEETS ALL CODES AND ORDINANCES UNDER MY JURISDICTION.

_____
(Date)

_____
(Village Engineer)

5. To be signed before issuance of a building permit: I HEREBY CERTIFY THAT ALL THE REQUIRED IMPROVEMENTS HAVE BEEN INSTALLED OR A BOND POSTED IN COMPLIANCE WITH ALL APPLICABLE CODES AND ORDINANCES.

(If improvements installed)

_____
(Village Engineer)

_____
(Date)

(If bond posted)

_____
(Village Clerk)

_____
(Date)

Building permit issued

_____
(Date)

6. APPROVED BY THE (APPROVING AGENCY).
Preliminary _____ Final _____

_____
(Chairman)

_____
(Date)

4. The names of the owners of all land within 200 feet of the property, as shown by the most recent tax records of the Village.
5. Survey maps; metes and bounds; descriptions.

1. A survey map and metes and bounds description shall be signed, sealed and certified by a licensed land surveyor of New Jersey, showing property lines and all existing streets and roads, easements and rights-of-way. These shall be dimensioned and, where applicable, referenced as to direction and purpose.
2. All distances shall be in feet and hundredths of a foot. All angles shall be given to the nearest 10 seconds or closer. The error of closure shall not exceed one in 10,000.

6. References to any existing or proposed deed restrictions or exceptions shall be submitted with the application.
7. All areas dedicated or proposed for public use within 200 feet of the property based on the Village's Master Plan and Official Map.

2. Natural features:

1. Existing contours with a contour interval of two feet or less on and within 25 feet of the tract. The contour interval may be altered by agreement and permission of approving authority. The survey shall show a reference datum.
2. Location and width of any existing ponds, watercourses and marshes and drainageways.
3. Approximate boundaries of any areas subject to flooding or storm overflows, including the approximate highest water elevation in the last five years based on survey and records of the State of New Jersey.
4. Location of existing rock outcroppings, high points, depressions, vegetation, wooded areas and other significant existing features.
5. Trees of such size as are mentioned in Chapter 334, Trees and Shrubbery, of this Code are to be specifically located and identified so as to enable the approving authority in its review to comply with Chapter 334, Trees and Shrubbery, in all its aspects, including the noting of the removal of trees of certain size. [Amended 6-26-1989 by Ord. No. 89-19]

3. Existing structures and utilities:

1. The location of uses and outlines of structures, drawn to scale, on and within 100 feet of the lot line for both the subject property and adjacent property.
2. The location of all existing bridges, culverts, storm sewers, sanitary sewers, water, fire protection, electric and telephone lines, both above and below ground, and poles, gas and other underground systems, pipelines, artesian wells and other man-made features. Dimensions, grades and flow direction for culverts and sewers shall also be provided.
3. Location of all existing streets and highways on or adjacent to the property affected, including names, right-of-way width, pavement width, curb or curb width.
4. Location of all existing easements and the purposes for which they have been established.

5. Paved areas, sidewalks and vehicular access between the site and public streets.
6. Other existing development, including fences and landscaping.
7. Location of all historical or architecturally significant properties within 300 feet of the property.

4. Proposed development:

    1. The proposed use or uses of the land, buildings and structures.
    2. The quantitative aspects of the proposal, such as improvement coverage, number of units, square feet of construction, value of construction, density, coverage, number of employees, number of residents and area of land, etc. Specifically identified on the site plan, in tabular form, shall be a comparison of pertinent existing zoning data, indicating the bulk/area requirements of the zone in which the proposed development is located and how the proposed development responds to the zoning requirements. This comparison shall include:

        1. Minimum lot area.
        2. Minimum lot width.
        3. Maximum building height.
        4. Minimum yard sizes.
        5. Maximum building coverage.
        6. Off-street parking.
        7. Off-street loading spaces.
        8. Buffering and screening.

    3. The topography of the site after development.
    4. All proposed streets, with profiles indicating grading, and cross sections showing width or roadway, location and width of sidewalk and specifications of the Township of South Orange Village.
    5. The location of proposed buildings and structures and all accessory structures, if any, including setback sidelines and rear yard distances, with dimensions. If the proposed building and structures are to be located on any lot which has a difference in elevation of 20 feet or greater from front to rear or side to side, then present and future grade elevations at all corners and entrances of said structures and floor plans shall be shown. [Amended 6-26-1989 by Ord. No. 89-19]
    6. A design review of the proposed structure or structures, including sufficient front, side and rear view elevations as to enable the reviewing authority to understand how the proposed structure or structures will appear. Where the site has configurations similar to those described in Subsection C(4)(e) above, design view elevations are to be shown where the proposed additions or alterations affect such elevations. [Amended 6-26-1989 by Ord. No. 89-19]
    7. The location, type and size of proposed culverts, storm sewers, sanitary sewers, fire protection, electric and telephone lines and poles, gas and underground heating systems, pipelines and all other utilities, both above and below ground, including the connection of such proposed facilities

with the existing facilities according to the standard specifications of the Township of South Orange Village.

8. The location and designs of any off-street parking areas, bicycle parking, service, trash or loading areas showing size and location of bays, aisles, barriers, planters, maneuvering areas and traffic patterns.
9. The location and design of recycling facilities. The location and design of recycling facilities shall be required for development proposals of 25 or more single-family residences, 50 or more multifamily units and non-residential development involving 1,000 or more square feet of land. [Added 1-26-1993 by Ord. No. 92-58]
10. All means of vehicular access for ingress and egress to and from the site onto public streets, showing the size and location of driveways and curb cuts, including the possible organization of traffic width and any other advice necessary to prevent a difficult traffic situation; also all pedestrian walkways and bike paths.
11. The location, design and size of any on- or off-site pedestrian parks and bicycle pathways, open space, common open space, plazas and recreation areas or any other public use areas.
12. The location and design of the proposed buffer areas, screening, landscaping and planting, including a planting plan and a schedule of plant materials. The plan shall identify existing and proposed plantings.
13. The locations of all outdoor lighting (freestanding or on the building), the size, nature of construction, lumens, height, area and direction of illumination, footcandles produced, typical manufacturer cuts illustrating style and time controls proposed for outdoor lighting and display.
14. The location and design of all signs, the size, nature of construction, height and orientation, including all identification signs, traffic and directional signs and arrows, freestanding and facade signs and time controls for sign lighting.
15. The location and size of all proposed easements, rights-of-way, public areas to be dedicated to the public or to be restricted or defined by deed or any other arrangement. Also the location of any Master Plan proposals indicating roadway, public area or facility shall be shown.
16. An outline of any proposed deed restrictions or covenants.
17. Where applicable, the method by which any common or public open space or commonly held building or structure is to be owned and maintained.
18. Off-tract impact survey for any commercial development over 10,000 square feet in size and any residential development over 25 units. The survey shall include origination and destination studies, capacity and demand and plans to minimize traffic impacts on local roads. The survey should also address the traffic characteristics of surrounding uses within at least a radius of 1,500 feet and their effect on the proposed development and adjacent streets. The traffic impact survey must be prepared by a licensed professional engineer specializing in traffic and transportation. [Amended 3-28-1994 by Ord. No. 94-8]
19. The approving authority may require other information and data for specific site plans. These data may include but are not limited to geologic

information, water yields, flood data, environmental information, traffic counts, road capacities, market or economic information and similar material.

20. Information and documents required for other Village codes and ordinances, such as soil erosion and sedimentation plans or stormwater management plans, shall be submitted as part of an application for site plan approval.

5. If the site plan application involves a property which is located in the B-1 or B-2 Zone as shown on the Zoning Map of the Township of South Orange Village, then the site plan shall contain all such necessary details, including sketches and photographs when needed, so as to enable the Village Pride Committee to perform its functions of reviewing the site plan and reporting on the same to the appropriate body as required by the other provisions of this chapter. [Added 6-13-1988 by Ord. No. 88-17]

4. Waivers. [Added 4-28-1986 by Ord. No. 86-7]

1. In the event that the application does not deal with one or more of the problems or the requirements cited above, an applicant may apply to the Planning Board for a waiver of the information requirements relating thereto.
2. The Planning Board may authorize, by 2/3 of the full regular membership (six of nine), such waiver as will not be contrary to the public health, safety and welfare or the objectives of this chapter, upon a showing by the applicant that the literal enforcement of one or more of the information requirement review provisions is impractical or will result in an unnecessary hardship, which for the purpose of this section shall not mean mere inconvenience.
3. An application for a waiver shall be made, in writing, to the Planning Board. In granting waivers, the Planning Board may impose such conditions, safeguards and restrictions as will be necessary to carry out the purposes and intent of the provisions of this chapter.

185-56 Preliminary Site Plan Approval

1. Preliminary site plan hearing. All actions of the approving authority on preliminary site plans shall be at a public hearing. Public notice of an application shall be given as required under the provisions of the Municipal Land Use Act.
2. Preliminary site plan action. After the conclusion of the hearing, the Planning Board shall, by resolution, approve, disapprove or conditionally approve the preliminary site plan, stating reasons for any disapproval, but within the time periods allowed by the Municipal Land Use Act.
3. Effect of preliminary approval. Preliminary approval of a site plan shall, except as provided in § 185-54 herein, confer upon the applicant the following rights for a three-year period from the date of the preliminary approval:
    1. The general terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to use requirements; layout and design standards for streets, curbs and sidewalks; lot size; yard dimensions and on-site and off-tract improvements; and requirements peculiar to the specific site plan. The Village may modify by ordinance such general terms and conditions of preliminary approval as they relate to public health and safety.

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

4. Extension of preliminary approval.
    1. The applicant may apply for and the approving authority may grant extension on such preliminary approval for additional periods of at least one year, but not to exceed a total extension of two years, provided that if the design standards have been revised by ordinance, such revised standards may govern.
    2. In the case of a site plan for a planned development, the approving authority may grant the rights referred to above for such period of time longer than three years as shall be determined by the approving authority to be reasonable, taking into consideration the number of dwelling units and nonresidential floor area permissible under preliminary approval, economic conditions and the comprehensiveness of the development. The applicant may apply for thereafter and the approving authority may thereafter grant an extension of preliminary approval for such additional period of time as shall be determined by the approving authority to be reasonable, taking into consideration the number of dwelling units and nonresidential floor area permissible under preliminary approval, the potential number of sections awaiting final approval, economic conditions and the comprehensiveness of the development, provided that if the design standards have been revised, such revised standards shall govern.
    3. In the event that no extension is applied for, preliminary approval shall expire, and the site plan shall lapse three years from such approval.

[Amended 6-13-1988 by Ord. No. 88-17; 3-28-1994 by Ord. No. 94-8]

185-57 Final Site Plan Approval

1. Final site plan details. The final site plan application technical materials shall include the following:
    1. The approved preliminary site plan, together with all proposed additions, changes or departures therefrom, if applicable.
    2. Final construction documents, among other items, illustrating:
        1. The final plans for site development and site improvement, including those construction details as may be specified at the time of preliminary approval.
        2. The ground floor or other floor plans sufficient to show pedestrian, vehicular or other access as it relates to the final site plan.
        3. The building elevation or typical elevations, including size, structure, materials, colors and textures.
        4. Elevations or typical illustrations of any accessory structure, sign or area visible to the general public.
2. Final site plan review.
    1. Within 45 days after submission of a complete final site plan application, or within such further time as may be agreed upon by the applicant, the approving authority shall approve the application for final site plan approval, with or without conditions, provided that the following requirements are met:

1. The detailed drawings and specifications meet all applicable codes and ordinances.
2. The final plans are substantially the same as the approved preliminary site plans.
3. Performance guarantees, as permitted by N.J.S.A. 40:55D-53, ensuring the installation of on-tract improvements, e.g., streets, grading, pavements, curbs, sidewalks, street lighting, shade trees, culverts, etc., shall be supplied and filed with the appropriate municipal official.
4. The applicant agrees in writing to all conditions of final approval.
5. Proof has been submitted that all taxes and assessments for local improvements on the property have been paid.

2. Upon receipt of a complete application, the administrative officer shall submit one copy to those professionals and boards having received a copy of the preliminary plan.
3. Said professionals and boards shall have a period of 14 days after receipt of the final plan to make a report and recommendations concerning the final plan. The approving authority shall take such recommendations into account but shall have the right to proceed in the absence of any such recommendation.

3. Final plan hearing. Approving authority action shall take place at a meeting of the authority in accordance with the Municipal Land Use Act.
4. Effect of final approval. Final approval shall terminate the time period of preliminary approval for the section granted final approval and shall guarantee the applicant that the zoning requirements applicable to the preliminary approval and all other rights conferred upon the applicant as part of preliminary approval shall not be changed for a period of two years after the date of final approval.
5. Time limit for final approval and extensions.
    1. Final approval shall expire two years from the date of final approval unless the applicant has secured a building permit to commence construction. The approving authority may extend final approval and the protection offered under Subsection F herein for one year. Up to three such extensions may be granted.
    2. Extensions.
        1. In the case of a site plan for a planned development of 50 acres or more, the approving authority may extend the rights granted under final approval for such period of time longer than two years as shall be determined by the approving authority to be reasonable, taking into consideration:
            1. The number of dwelling units permissible under final approval;
            2. Economic conditions; and
            3. The comprehensiveness of the development.
        2. The developer may apply for thereafter, and the approving authority may thereafter grant, an extension of final approval for such additional period of time as shall be determined by the approving authority to be reasonable, taking into consideration:
            1. The number of dwelling units remaining to be developed;
            2. Economic conditions; and
            3. The comprehensiveness of the development.
6. Conditions of final approval. The approving authority, as a condition of final approval, may:

1. Grant final approval only for designated geographic sections of the development.
2. Grant final approval for certain work but require resubmission for final approval for designated elements, such as but not limited to such items as landscaping, signs or street furniture, and require approval of these elements as a prerequisite for a certificate of occupancy.
3. Condition the granting of a certificate of occupancy subject to the applicant or developer or subsequent heirs' or assignees' meeting certain requirements within a designated period of time, not to exceed one year from the date of issuance of the certificate of occupancy. This may include, but is not limited to, such items as the installation of landscaping, the erection of signs, the installation of improvements or the reevaluation of circulation patterns.

[Amended 6-26-1989 by Ord. No. 89-19; 3-28-1994 by Ord. No. 94-8]

Article 185-VIII Procedures For Obtaining Building And Occupancy Permits

185-58 Submission Of Application; Information Required; Deposit
185-59 Investigation; Reports On Decisions

185-58 Submission Of Application; Information Required; Deposit

1. [113]Except as otherwise expressly provided, no building or land shall be used and no building or structure shall be built, altered, erected or used and no other land shall be cleared or graded as a matter of right without application and approval of a use permit by the Zoning Official or, if need be, by the Planning Board or Board of Adjustment of the Township of South Orange Village, nor shall any building permit or certificate of occupancy or certificate of continued occupancy be issued as a matter of right, but shall be granted upon application and approval of a use permit by the Zoning Official or, if need be, by the Planning Board or Board of Adjustment of the Township of South Orange Village, as the case may be, in accordance with the provisions as embodied in this chapter. [Added 3-24-1997 by Ord. No. 97-5]
    1. Before a use permit shall be issued, the Zoning Official shall review the use permit application to determine whether the land or building is zoned for the intended use and to ensure that the applicant complies with all appropriate zoning laws embodied within this chapter.
    2. Once the use permit application has been received by the Zoning Official, a determination as to whether or not the use permit should be issued shall be made within six business days, after which a use permit shall be issued immediately. If the application is disapproved, the Zoning Official shall notify the applicant, in writing, of the disapproval and the reasons therefor.
    3. As provided in § 185-23, the applicant may appeal decisions of disapproval to the Board of Adjustment.
    4. Upon reviewing a use permit application, if the Zoning Official determines that the application involves issues within the jurisdiction of the Planning Board or the Board of Adjustment pursuant to Article II and Article III, respectively, of this chapter, then the Zoning Official shall refer the application to the appropriate Board for review.

5. The fee for the use permit shall be as set forth in Chapter 143, Fees, of this Code.[114]

2. The applicant shall also submit all plans of the proposed construction and development, including a description of the proposed machinery, operation and products, as well as an affidavit by the applicant acknowledging his understanding of the applicable performance standards and agreement to conform to the same at all times.
3. If the matter is one which requires site plan approval, the application shall be accompanied by a deposit as set forth in Chapter 143, Fees, of this Code, which shall be deposited in a special account maintained by the Village. The funds in said account will be used to defray the costs of any special reports required to process the application. If additional funds are required during the processing of the application, requests for such additional funds shall be made upon the developer. The developer shall pay such additional funds to the Village within 10 days of the receipt of said request. Such additional funds shall also be deposited in said special account and shall be used solely to defray the cost of the special reports required to process it. If, at the conclusion of the matter, any funds remain in the special account, either from the original deposit or from any subsequent deposit that may be made by the developer, such funds shall be returned to the developer.[115] [Amended 6-26-1989 by Ord. No. 89-19; 10-24-2011 by Ord. No. 2011-13[116]]

[Added 2-22-1982 by Ord. No. 82-1]

113. Editor's Note: Original Subsection A, dealing with application procedures, was repealed 6-26-1989 by Ord. No. 89-19.
114. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).
115. Editor's Note: Original Subsection D, added 6-13-1988 by Ord. No. 88-17, concerning referral of applications to the Village Pride Committee, was repealed 9-30-1992 by Ord. No. 92-41.
116. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

185-59 Investigation; Reports On Decisions

1. The Planning Board shall, at its next regular meeting after the application has been filed and the funds called for deposited, refer the application for investigation and report to one or more expert constituents selected by the Board as qualified to advise on the methods by which the applicant proposes to conform to the required performance standards.
2. Such consultant or consultants shall make their report as soon as possible but no later than 40 days after the receipt of such application. A copy of the special report shall be furnished to the applicant as soon as said report is received by the Village.
3. At the next regular meeting of the Board or within 30 days after receipt of the consultant's report by the Village, whichever comes sooner, the Board shall render a decision regarding said application, unless the time frame set forth herein has been extended by the applicant.[117]

[Added 2-22-1982 by Ord. No. 82-1]
[Amended 6-26-1989 by Ord. No. 89-19]

117. Editor's Note: Original § 92-60, Authorized permits; conditions; disposition of unused money, of the 1982 Code, which immediately followed this section, was repealed 6-26-1989 by Ord. No. 89-19.

Section 2.

Chapter 143 – 13 Technical review fee deposits – Site Plans is amended to insert the following:

Pre-Application Sketch Plan Review:		
a. Single- to- Two- Family Residential and Minor Subdivision	§ 185-159A(4)	$250.00
b. Mixed Use or Non-Residential on less than either 0.25 acres or 5,000 Gross Square Footage	§ 185-159A(4)	$500.00
c. Mixed Use or Non-Residential on less than either 0.25 acres or 15,000 Gross Square Footage	§ 185-159A(4)	$1,000.00
d. All Other	§ 185-159A(4)	$3,500.00

Section 3.

Repealer

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 4.

This ordinance shall take effect after final passage and publication as required by law.

Section 5.

On passage this ordinance shall be codified.

# # #

Introduction – First Reading

Trustee Member	Motion	Second	Ayes	Nays	Abstain	Absent
Clarke			X			
Coallier					X	
Hartshorn Hilton			X			
Jones			X			
Schnall		X	X			
Zuckerman	X		X			

CERTIFICATION

I, Kevin D. Harris, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was introduced on first reading by the Board of Trustees at their regular meeting held on Wednesday, November 6, 2019.

Kevin D. Harris
Village Clerk

Adoption – Second Reading

Trustee Member	Motion	Second	Ayes	Nays	Abstain	Absent
Clarke		X	X			
Coallier			X			
Hartshorn Hilton			X			
Jones			X			
Schnall						X
Zuckerman	X		X			

CERTIFICATION

I, Kevin D. Harris, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was adopted on second reading by the Board of Trustees at their regular meeting held on Monday, January 13, 2020.

Kevin D. Harris
Village Clerk

Adopted:

Sheena C. Collum, Village President

Attest:

Kevin D. Harris, Village Clerk

RESOLUTION
TOWNSHIP OF SOUTH ORANGE VILLAGE PLANNING BOARD
RESOLUTION RECOMMENDING MASTER PLAN CONSISTENCY OF ORDINANCE 2019-22 AMENDING CHAPTERS 185 AND 143 (SITE PLAN REVIEW AND DEPOSIT)

WHEREAS, by Resolution No. 2019-_____, adopted on November 6, 2019, the Board of Trustees of the Township of South Orange Village referred to the Planning Board of the Township of South Orange Village proposed Ordinance 2019-22, amending the Village code, Chapter 185, Part 4, related to site plan review, to clarify and/or provide for informal pre-application sketch plan review, concept review and post-application technical review; and amending Chapter 143-13 – Technical Review Fee Deposit – Site Plans, to include deposit requirements for pre-application sketch plan review; for the Planning Board to determine whether the proposed Ordinance is consistent with the Master Plan of the Township of South Orange Village; and

WHEREAS, the Ordinance review was conducted by the Planning Board at its meeting on December 10, 2019; and

WHEREAS, at the aforesaid public hearing, the Planning Board heard testimony from Phillip Abramson, of Topology, the planning consultant for the Board, in which Mr. Abramson explained that the purpose of the Ordinance is to provide an opportunity for land use development applicants in the Village to present proposed development projects in an informal manner to Board professionals before completing a fully application package and set of plans, to obtain Board professional feedback and that, consequently, a procedure should be in place for those informal reviews and applicants should be required to post deposits to compensate Board professionals for participating in these reviews; and

WHEREAS, after Mr. Abramson provided the foregoing testimony, and questions from members of the Board were addressed, the Chairman opened the meeting to the general public to comment upon the proposed Ordinance, and no public comments were provided; and

WHEREAS, the Planning Board agreed with the testimony of Mr. Abramson that this technical review process should be made available to improve application review and improve the efficiency of that review, and also to potentially reduce applicant costs by permitting them to make amendments to application plans based upon informal review, before full plans are prepared, while providing that the applicant must provide funding for that informal review by the Board professionals, and that the proposed Ordinance is consistent with the Master Plan of the Township of South Orange Village.

NOW THEREFORE BE IT RESOLVED, by the Planning Board of the Township of South Orange Village, that the Board finds that Ordinance No. 2019-22 is consistent with the Master Plan of the Township of South Orange Village and is recommended to the Board of Trustees for adoption.

The undersigned secretary certifies that the within Resolution was approved by this Board of January 6, 2020.

Ojetti Davis, Board Secretary