LAND USE ORDINANCE of the
BOROUGH OF TINTON FALLS

County of Monmouth
State of New Jersey

Adopted May 19, 2009
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PURPOSE
BOROUGH OF TINTON FALLS

40-1. Enumeration of Purposes
The purposes of this Chapter are to establish standards for the development and use of land and buildings. This Chapter is intended to: regulate the use of land within zoning districts and establish design standards that encourage municipal action to guide the appropriate use or development of all lands in the State, in a manner which will promote the public health, safety, morals and general welfare; secure safety from fire, flood, panic and other natural and man-made disasters; provide adequate light, air and open space; ensure that development does not conflict with the development and general welfare of neighboring municipalities, the County and the State as a whole; promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and the preservation of the environment; encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies; provide sufficient space in appropriate locations for a variety of residential, recreational, commercial and industrial uses and open space, both public and private, according to respective environmental requirements in order to meet the needs of all New Jersey citizens; encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging the location of such facilities and routes which result in congestion or blight; promote a desirable visual environment through creative development techniques and good civic design and arrangements; promote the conservation of historic sites and districts, open space, energy resources, and valuable natural resources in the State and prevent urban sprawl and degradation of the environment through improper use of land; encourage planned developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development of the particular site; encourage senior citizen community housing construction; encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land; promote the conservation of renewable energy sources; and promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning
practices designed to incorporate the State Recycling Plan goals and to compliment municipal recycling programs.

It is the intent of the zoning provisions of this Chapter to implement the Land Use Element and the Housing Element of the Master Plan except as may be modified by the governing body with their reasons set forth in the minutes of their meeting(s) and the adopting resolution(s). It is the intent to have zoning districts and zoning regulations drawn with reasonable consideration to the character of each district and its peculiar suitability for particular uses and to encourage the most appropriate use of land. The zoning provisions are intended to limit and restrict buildings and structures to specified districts and regulate buildings and structures according to their type and the nature and extent of their use, and regulate the nature and extent of the use of land for trade, industry, residence, open space or other purposes, and regulate the bulk, height, number of stories and size of buildings and other structures; the percentage of lot or development that may be occupied by structures; lots sizes and dimensions; and specify floor area ratios and other ratios and regulatory techniques governing the intensity of land use.

40-2. FOR THE PURPOSE OF THIS LETTER:
A. The present tense shall include the future.
B. The singular number shall include the plural and the plural the singular.
C. The word “shall” is always mandatory; the word “may” is discretionary.
D. The words “zone” and “district” are synonymous.
E. The word “building” includes “structure” and any part thereof.
F. The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” “constructed for,” “altered for,” “converted for,” “rented for,” “leased for,” or “occupied for”.
G. The word “person” includes an individual, corporation, partnership, incorporated association, or any similar legal entity.
H. The words “includes”, “including” or “such as” shall not limit the term to the specified examples, but is intended to extend their meaning to all other instances of like kind and character.
I. The term “Board”, “Planning Board”, “Planning/Zoning Board”, “Zoning Board” and “Board of Adjustment” are intended to mean the Board of jurisdiction before which an application is made for development.
J. The term “Chapter” refers to the Land Use Ordinance.
40-3 DEFINITIONS:
Definitions and usages. Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings as herein defined. Whenever a term is used in this chapter which is defined in the MLUL, such term shall have the same meaning as the Municipal Land Use Law (MLUL).

ABUTTING COUNTY ROAD -- Any existing or proposed county road shown on the adopted County Master Plan or Official Map which adjoins or lies within a lot or parcel of land submitted for subdivision or site plan approval.
ACCESS -- A physical entrance to property.
ACCESSORY BUILDING OR STRUCTURE -- A building or structure, the use of which is customarily incidental and subordinate to that of the principal building located on the same lot. When an accessory building is attached in a substantial manner by a wall or roof to a principal building or structure, it shall be considered a part thereof.
ACCESSORY USE -- A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.
ACTIVE ADULT COMMUNITY — A private residential community in which at least eighty percent (80%) of the dwelling units are permanently occupied by at least one (1) person fifty-five (55) years of age or over and in which no children under the age of eighteen (18) are permitted to reside on a permanent basis. Appropriate restrictive covenants shall be imposed upon the community to ensure compliance with these age restrictions and with the "housing for older persons" exemptions of the Federal Fair Housing Act, 42 USC 3601 et seq.
ADDITION -- A structure added to the original structure at some time after the completion of the original structure.
ADMINISTRATIVE OFFICER – The Borough Administrator, or his/her designee, shall serve as the Administrative Officer for the activities required under the Municipal Land Use Act (N.J.S.A. 40:55D-1 et seq.).
ADVERSE EFFECT — Development designs, situations or existing features on a developer’s property or any nearby property, creating, imposing, aggravating or leading to impractical, unsafe, unsatisfactory or non-complying conditions such as a layout inconsistent with the zoning regulations; insufficient street width; unsuitable street grade; unsuitable street location; inconvenient street system; inadequate utilities such as water, drainage, shade trees and sewerage; unsuitable size, shape and location of any area reserved for public use or land for open space in a planned development; infringement upon land designated as wetlands,
wetland buffers, or areas subject to flooding; and the creation of conditions leading to soil erosion by wind or water from excavation or grading, all as set forth in N.J.S.A. 40:55D-38 and measured against the design and performance standards of this Chapter.

AGRICULTURAL USE — Land which is devoted to the growing and harvesting of crops and/or the raising and breeding of poultry and livestock, including dairies, nurseries, greenhouses and accessory buildings incidental to agricultural uses including but not limited to: forages and sod crops; grain and feed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding and raising of any or all such animals; bees and apiary products; fur animals; trees and forest products; or when devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the Federal government.

AISLE -- The traveled way by which cars enter and depart parking spaces.

ALLEY -- A service way providing vehicular service access or pedestrian access to the back or side of properties otherwise abutting on a street.

ALTERATION -- Any change or rearrangement in the supporting members of an existing building such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows or any enlargement or diminution of a building or structure. “Alteration” shall also mean and include any conversion of a building or a part thereof from one use to another or the moving of a building or structure from one location to another. "Alteration" shall not be construed to mean any necessary repairs and renovation of an existing structure solely for the purpose of maintenance and/or improvements of the appearance.

ANTENNA – Any transmitting or receiving device mounted on a tower, building or structure, and used for communications that radiate or capture electro-magnetic waves, digital signals, analogue signals, radio frequencies (excluding radar signals), wireless communications signals or other communication signals. Excepted from this definition are antenna used exclusively by ham radio operators or other residential users.

APPLICANT -- A developer submitting an application for development.

APPLICATION FOR DEVELOPMENT -- The application form and all accompanying documents required by ordinance for approval of a subdivision plan, site plan, planned development, conditional use, zoning variance or direction of the issuance of a permit pursuant to this chapter.

APPROVED PLAN -- A plan, which has been granted final approval by the Planning Board or Board of Adjustment of the Borough of Tinton Falls.

APPROVING AUTHORITY -- The Borough of Tinton Falls Planning Board or Board of Adjustment as the case may be, unless a different agency is designated by this chapter.
APPURTENANCES - The visible, functional, or ornamental objects accessory to and part of buildings.

ARCHITECTURAL DETAILS - The use of elements such as, but not limited to, roofed open porches, chimneys, and stairs (open and covered), to provide architectural interest and variation in the building façade. In no case are cantilevers considered “architectural details”.

ASPHALT MANUFACTURING PLANT - A manufacturing facility for the creation of asphalt paving materials (asphaltic concrete) by combining liquid asphalt and various aggregates, including the storage and dispensing of the asphalt paving materials.

ASSOCIATION -- The entity responsible for the administration of a condominium, which entity may be incorporated or unincorporated.

ATTIC -- The open non-habitable space between the ceiling beams of the top habitable story and the roof rafters in any building, as defined by the building code.

AUTOMOBILE FUELING STATION — Any premises used for the retail sale of gasoline, oil or other products necessary for the maintenance and operation of motor vehicles and where no junked or unregistered vehicles are kept or stored.

AUTOMOBILE REPAIR SHOP - Any premises used for services necessary for the maintenance and operation of motor vehicles and minor repairs thereof and where no junked or unregistered vehicles are kept or stored. For purposes of this Chapter, automobile repair shops include specialty repair and service businesses for vehicular repair or maintenance such as, but not limited to, body shops, shops for transmissions, brakes, tune-ups, tire sales, wheel alignments, and mufflers.

AUTOMOBILE CAR WASH - A structure containing facilities for washing automobiles and automatic or semi-automatic application of cleaner, brushes, rinse water or heat for drying and where no junked or unregistered vehicles are kept or stored.

AUTOMOBILE QUIK-LUBE SHOP - Any premises used for services limited to oil/fluid changes of motor vehicles and minor repairs thereof and where no junked or unregistered vehicles are kept or stored.

BALCONY — An open-air structure attached to a building in a cantilevered manner, without a roof, and located above the first floor level. The edges of the balcony shall have a railing and the structure shall meet the setback requirements for the building to which it is attached. Balconies shall not project more than eight (8) feet from the building and shall not exceed more than one hundred twenty (120) square feet in area. For purposes of this Chapter, an open-air structure supported from the ground is considered a “deck”.
BANKS & FIDUCIARY INSTITUTIONS -- Any structure wherein business of primarily a monetary nature is transacted, such as banks, savings and loans associations, mortgage companies and similar institutions.

BASEMENT -- A floor partially below grade level having 1/2 or more of its floor-to-ceiling height above grade and with a floor-to-ceiling height of not less than 61/2 feet. (See Cellar)

BILLBOARD -- A sign advertising an occupant, product or service on other than the lot upon which the billboard is located.

BOARD -- The Borough of Tinton Falls Planning Board or the Borough of Tinton Falls Zoning Board of Adjustment, whichever is acting on an application for development.

BLOCK -- The length of a street between two street intersections.

BOAT -- A vehicle for traveling in or on water.

Borough Engineer -- That person appointed to the position by the Mayor.

BRIDGE -- A structure designed to convey vehicles and/or pedestrians over a watercourse, railroad, street or any depression.

BUILDING -- A combination of materials to form a construction adapted to permanent, temporary or continuous occupancy and having a roof.

BUILDING COVERAGE -- The ratio of the horizontal area of all buildings on a lot measured from the exterior surface of the exterior walls of the ground floor on a lot to the total lot area exclusive of roof overhangs, unenclosed decks and patios.

BUILDING COVERAGE, PRINCIPAL -- The ratio of the horizontal area of all principal buildings measured from the exterior surface of the exterior walls of the ground floor on a lot to the total lot area exclusive of roof overhangs, unenclosed decks and patios.

BUILDING COVERAGE, ACCESSORY -- The ratio of the horizontal area of all accessory buildings measured from the exterior surface of the exterior walls of the ground floor on a lot to the total lot area exclusive of roof overhangs, unenclosed decks and patios.

BUILDING ENVELOPE -- The two-dimensional space within which a principal structure is permitted to be built on a lot and that is defined by minimum yard setbacks.

BUILDING HEIGHT -- The vertical distance as measured from the grade plane to the average height of the highest roof surface. In the case of sloped roofs, the average height is the mid-point between the roof eave and roof ridge. In the case of a building that has multiple roof levels, the highest of the various roof levels must be used to determine the building height. Chimney, elevator equipment and mechanical utility equipment, and any associated screening or enclosures may exceed the permitted "building height" by up to ten (10) feet, or up to ten percent (10%) above the permitted building height, whichever is less.
BUILDING LINE -- A line parallel to the street line or the lot line touching that part of a building closest to the street or lot line. In the case of a cantilevered section of a building, the building line will coincide with the most projected surface. In the case of attached porches, decks and balconies the building line will coincide with the most projected surface. All yard requirements shall be measured to the building line.

BULK REGULATIONS -- Standards and controls that establish the maximum size of buildings and structures on a lot and the buildable area within which the building can be located, including coverage, setbacks, height, and yard requirements.

CABLE TELEVISION COMPANY -- A cable television company as defined pursuant to section 3 of P.L. 1972, c.186 (C.48:5A-3).

CALIPER -- The diameter of a tree trunk measured in inches a distance of six inches off of the ground.

CANOPY -- A self-supporting roof-like shelter or marquee without sides, permanently affixed to the wall of a building and providing overhead protection from the weather at an entrance to said building, which shall be construed to be a part of the building to which it is affixed.

CAPITAL IMPROVEMENT PROGRAM -- A timetable or schedule of all future capital improvements to be carried out during a specific period and listed in order of priority, and may also include cost estimates and the anticipated means of financing each project.

CARTWAY -- The hard or paved area of a street between the curbs, including travel lanes and parking areas, but not including curbs, sidewalks or swales. Where there are no curbs, the Cartway is that portion between the edges of the paved width.

CELLAR -- A space with less than 1/2 of its floor-to-ceiling height above grade or with a floor-to-ceiling height of less than 61/2 feet. (See Basement)

CEMETERY -- A tract of land devoted for the interment of the dead.

CERTIFICATE OF OCCUPANCY (CO) -- A document issued by the Construction Official and/or Zoning Code Official allowing the occupancy or use of a building and certifying that the structure or use has been constructed and/or renovated according to and in compliance with all the applicable state codes and municipal ordinances and resolutions.

CERTIFICATION -- A signed, written statement by the Borough Engineer and/or Construction Official that specific constructions, inspections or tests, where required, have been performed and that such comply with the applicable requirements of this chapter or regulations adopted hereunder.

CHANGE IN USE -- Any use of a building or land which is in any manner different from the previous use by way of function, operation, extent, products sold or manufactured and the like, but not
including a change in ownership or occupancy unless the nature of the use, as described above, is changed.

CHILDREN CENTER -- An establishment providing for the care, supervision and protection of children that is licensed by the State of New Jersey pursuant to P.L. 1983, c. 492 (N.J.S.A. 30:5B-1 et seq.).

CHURCHES AND PLACES OF RELIGIOUS WORSHIP -- A building or structure, or groups of buildings or structures, that by design and construction is primarily intended for conducting organized religious services and associated accessory uses.

CIRCULATION -- Systems, structures and physical improvements for the movement of people, goods, water, air, sewage or power by such means as streets, highways, railways, waterways, towers, airways, pipes and conduits, and the handling of people and goods by such means as terminals, stations, warehouses and other storage buildings or transshipment points.

CLUB -- A group of people organized for a common purpose to pursue common goals, interests, or activities, and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws.

CLUSTER DEVELOPMENT — A development where the permitted number of dwelling units is designed onto one (1) or more portions of the overall tract so that the developed portions of the tract have higher densities while other portions of the tract are left undeveloped to be designed for some public use, or left in open space, common open space, or common property (excluding stormwater management facilities) so that overall the gross density of the entire tract is not exceeded.

CO-LOCATION -- The use of a common wireless telecommunications tower or a common structure, by two or more wireless license holders or unlicensed holders nevertheless regulated by the Federal Communications Commission or by one wireless license holder for more than one type of communications technology and/or the placement of a wireless telecommunication tower on a structure owned or operated by a utility or other public entity.

COMMON PROPERTY — Means and includes but shall not be limited to facilities for the common use of two or more dwellings units, such as roads, sidewalks, swimming pools, playgrounds, trees, greens, fairways and parking areas.

COMMERCIAL VEHICLES -- A truck, bus, van, sedan, delivery vehicle, or station wagon with advertising matter on the side, or any other commercially used vehicle.

COMMON OPEN SPACE -- An open space area within or related to a site designated as a development and designed and intended for the use or enjoyment of residents and owners of the development. Common open space may contain such complementary structures and
improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

COMMON OWNERSHIP -- Ownership of two or more contiguous parcels of real property by one person or by two or more persons or entity owning such property jointly.

COMMUNITY RESIDENCE FOR THE DEVELOPMENTALLY DISABLED -- Any community residential facility licensed pursuant to P.L. 1977, c. 448 (N.J.S.A. 30:11B-1 et seq.) providing food, shelter, and personal guidance, under such supervision as required, to not more than 15 developmentally disabled or mentally ill persons, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to, group homes, halfway houses, intermediate care facilities, supervised apartment living arrangements and hostels. Such a residence shall not be considered a health care facility within the meaning of the Health Care Facilities Planning Act (P.L. 1971, c. 136; N.J.S.A. 26:2H-1 et seq.). In the case of such community residence housing mentally ill persons, such residence shall have been approved for a purchase of service contract or an affiliation agreement pursuant to such procedures as shall be established by regulation of the Division of Mental Health and Hospitals of the Department of Human Services.

COMMUNITY SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE -- Any shelter approved for a purchase of service contract and certified pursuant to standards and procedures established by regulation of the Department of Human Services pursuant to P.L. 1979, c. 337 (N.J.S.A. 30:40-1 to 30:14-14) providing food, shelter, medical care, legal assistance, personal guidance and other services to not more than 15 persons who have been victims of domestic violence, including any children of such victims, who temporarily require shelter and assistance in order to protect their physical and psychological welfare.

COMPLETE APPLICATION -- An application form completed as specified by this chapter and the rules and regulations of the Borough and all accompanying documents required by this chapter for approval of the application for development.

CONCEPT PLAN -- An informal review of a plan for development that carries no vesting rights or obligations on any party.

CONCRETE MANUFACTURING PLANT -- A manufacturing facility for the creation of concrete building and paving materials (concrete) by combining cement, water and various aggregates, including the storage and dispensing of the concrete building and paving materials.

CONDITIONAL USE -- A use permitted in a particular zoning district only upon showing that such use in a specified location will comply with the conditions and standards for the location and operation of such use as contained in the Zoning Ordinance and upon issuance of an authorization therefore by the Planning Board or Board of Adjustment.
CONDOMINIUM -- The form of ownership of real property under a master deed providing for ownership by one or more owners of units of improvements together with an undivided interest in common elements appurtenant to each such unit.

CONSOLIDATION -- The removal of lot lines between contiguous parcels.

CONSTRUCTION OFFICIAL -- The Borough official specified in the Building Code who is charged with administering the Construction Code.

CONSTRUCTION PERIOD -- A limited time period of development activities, beginning with the issuance of a construction permit and concluding with the issuance of a certificate of occupancy, or two (2) years, whichever is less.

CONSTRUCTION PERMIT -- Legal authorization for the erection, alteration or extension of a structure.

CONTIGUOUS PARCELS -- Tracts of land which share one or more common boundaries.

CONSTRUCTION STANDARDS -- When used in this chapter, the construction specifications and standard construction details as prepared by the Borough Engineer of the Borough of Tinton Falls.

COUNTY MASTER PLAN -- A composite of the plan elements for the physical development of Atlantic County, with the accompanying maps, plats, charts and descriptive and explanatory matter adopted by the County Planning Board pursuant to Chapter 291 of the Laws of New Jersey.

COUNTY PLANNING BOARD -- The Monmouth County Planning Board.

CREMATORY -- A building with a furnace called a retort which is used to cremate human remains.

CRITICAL ENVIRONMENTAL AREAS -- The following areas are designated critical areas within the Borough:

A. All surface water bodies
B. All wetlands
C. Slopes in excess of 15%
D. Floodplains and Flood Hazard areas.

CUL-DE-SAC -- The turnaround at the end of a dead-end street.

DAYS -- Calendar days.

DEAD-END STREET -- A street or portion of a street, which is accessible by a single means of ingress or egress.

DECK -- An unroofed platform either freestanding or attached to the building at or above 18 inches of the finished grade and not covered by a permanent roof. A deck may be constructed above a first floor portion of a building, at the floor level of the second story, but not above that level.
DEDICATION - An appropriation of land to some public use made by the owner and accepted for such use by or on behalf of the public.

DENSITY - The permitted number of dwelling units per gross area of land to be developed.

DEVELOPER -- The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other person having an enforceable proprietary interest in such land.

DEVELOPMENT -- The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure; any mining, excavation, landfill or land disturbances and any use, change in use or extension of use of land for which permission may be required pursuant to this chapter.

DEVELOPMENT, CONVENTIONAL -- Development other than planned development or cluster development.

DEVELOPMENT REGULATION -- Zoning, subdivision, site plan, official map or other municipal regulation of the use and development of land or amendment thereto adopted and filed pursuant to the Municipal Land Use Law.

DRIVEWAY -- A paved or unpaved area used for ingress or egress of vehicles and allowing access from a street to a lot, building or other structure or facility.

DWELLING -- A structure or portion thereof that is used exclusively for human habitation. "Dwellings" may include but are not limited to the following types:

A. DETACHED SINGLE-FAMILY -- A dwelling for one family that is not attached to any other dwelling by any means.

B. ATTACHED SINGLE-FAMILY/TOWNHOUSE -- A one-family dwelling in a row of three (3) or more such attached units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

C. DUPLEX -- A building containing two dwelling units attached side-by-side along a common fire-resistant wall.

D. APARTMENT -- A dwelling unit in a building having two (2) or more dwelling units where entranceways, hallways, basements, attics, storage areas, heating systems, yards and similar services in the building may be shared in common, singly or in combination.

E. GARDEN APARTMENT -- A two (2) story apartment building containing four (4) or more dwelling units, consisting of units on the first and second floor with common open space.

DWELLING UNIT -- One or more rooms designed, occupied or intended for occupancy as separate living quarters with cooking, sleeping and sanitary facilities provided within the dwelling.
unit for the exclusive use of a single family maintaining a household, excluding a boat, trailer or other vehicle of any type or temporary shelter such as a tent.

EASEMENT -- A grant of one or more property rights by the property owner to and/or for use by the public, a corporation or another person or entity.

EASEMENT, CONSERVATION -- The grant of a property right stipulating that the described land will remain in its natural state and precluding future or additional development.

ELEVATION - (1) A vertical distance above or below a fixed reference level; (2) a fully dimensioned drawing of the front, rear, or side of a building showing features such as windows, doors, and relationship of grade to floor level.

EMPLOYEES -- Whenever the word “employees” or the expression “number of employees” is herein referred to, it shall mean the greatest number of persons to be employed in the building in question during any season of the year and at any time of the day or night.

ENLARGEMENT -- An increase in the size of an existing structure or use, including physical size of the property, building, parking and other improvements.

ENVIRONMENTAL COMMISSION -- A municipal advisory body created pursuant to N.J.S.A. 40:56A-1 et seq.

EROSION -- The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

ESSENTIAL SERVICES -- The erection, construction, alteration or maintenance of underground, surface or overhead gas, electrical, steam or water transmission systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, light stanchions, telephone lines, hydrants and other similar equipment and accessories, reasonably necessary for the furnishing of adequate service to the zone or neighborhood where located by public utilities, municipal or other governmental agencies. "Essential services" shall include first aid and emergency aid squad buildings.

EXISTING GRADE -- The vertical location of the ground surface prior to excavating or filling.

EXCEPTION -- Permission to depart from the design standards in the ordinance.

EXTENSION -- An increase in the amount of existing floor area beyond the exterior wall.

FAMILY -- A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

FAMILY DAY-CARE HOME -- Any private residence approved by the Division of Youth and Family Services or an organization with which the division contracts for family day-care in which child care services are regularly provided to no fewer than three and no more than five children for
no fewer than 15 hours per week. A child being cared for under the following circumstances is not included in the total number of children receiving child-care services:

   A. The child being cared for is legally related to the provider; or
   B. The child is being cared for as part of a cooperative agreement between parents for the care of their children by one or more of the parents, where no payment for the care is being provided.

FENCE -- A structure made of posts or stakes, joined together by boards, wire or rails, serving as an enclosure, a barrier or as a boundary.

FINAL APPROVAL -- The official action of the Planning Board taken on a preliminary approved major subdivision or site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guaranties properly posted for their completion, or approval conditioned upon the posting of such guaranties.

FINAL PLAN -- The final map of all or a portion of a development, which is presented to the Board for final approval in accordance with these regulations and which, if an approved subdivision, shall be filed with the proper county recording officer.

FINANCIAL SERVICES -- Establishments such as financial institutions, credit agencies, investment companies, brokers of and dealers in securities and commodities, security and commodity exchanges, and insurance agents.

FLAG LOTS - Flag lots are lots whose minimum dimensions and area are located some distance from the street and access to the main body of the lot is from an access lane narrower than the minimum lot width.

FLEX-SPACE — A building used for nonresidential purposes of a light industrial type and designed so the interior walls may be relocated to accommodate different and/or changing needs of occupants.

FLOOD FRINGE — That portion of the flood hazard area outside the floodway.

FLOOD HAZARD AREA — The floodway and flood fringe areas as determined by the N.J. Department of Environmental Protection under Section 3 of the Flood Hazard Area Control Act (PL 1979, c. 359).

FLOOD PLAIN — The flood hazard areas of delineated streams and areas inundated by the 100-year flood in non-delineated areas.

FLOODWAY — The channel of a natural stream and portions of the flood hazard area adjoining the channel which are reasonably required to carry and discharge the floodwater or flood flow of any natural stream.
FLOOR AREA - The sum of the gross horizontal areas of all floors of buildings including garages measured from the exterior faces of exterior walls or from the centerline of party walls separating two buildings.

FLOOR AREA RATIO - The sum of the area of all floors of buildings or structures compared to the total area of the site.

FRESHWATER WETLAND — An area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation as determined by the New Jersey Freshwater Wetlands Protection Act and implementing the regulations of the N.J. Department of Environmental Protection.

FRONTAGE -- See “lot, frontage.”

GARAGE - A building or part thereof used as accessory to the main building, which provides for the storage of automobiles and in which no residential occupation, business or service is carried on. A detached garage shall be defined as an accessory structure. An attached garage shall be part of the principal structure.

GAZEBO – A small building usually roofed but without walls, placed on the grounds of residential property as a decorative architectural feature having no utility services.

GENERAL DEVELOPMENT PLAN — A plan submitted pursuant to N.J.S.A. 40:55D-45.1 thru 40:55D-45.8 in support of a large-scale, long-range planned development.

GOLF DRIVING RANGE – A golf practice facility, consisting of an open field with a teeing ground at one end. The landing area may include target greens and yardage markers. A golf driving range may have practice putting greens and areas for chipping, pitching and bunker practice.

GOVERNING BODY -- The Mayor and Council of the Borough of Tinton Falls.

GOVERNMENT AGENCY -- Any department, commission, independent agency or instrumentality of the United States and of the State of New Jersey and any county, city, township, village, authority, district or other governmental unit.

GRADE PLANE - A referenced plane adjoining the building at all exterior walls. The grade plane shall be established by averaging the finished ground levels at all exterior walls, unless the Board or Zoning Officer determines that the grading within six (6) feet of the structure has been elevated by more than two (2) feet for the sole purpose of elevating any proposed structure. When the Board or Zoning Officer determines that the grading within six (6) feet of a proposed structure has been elevated by more than two (2) feet for the sole purpose of elevating the structure, the elevation in excess of two (2) feet will be subtracted in calculating grade plane. In
either case, where finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within six (6) feet of the building.

GROUND COVER – Grasses or other plants and landscaping grown or placed to keep soil from being blown or washed away.

GROUND FLOOR -- The first floor of a building other than a cellar or basement.

GROSS FLOOR AREA — The total floor area in a structure measured by using the outside dimension of the building at each story. The floor area of units sharing a common wall shall be measured from the center of interior walls and the outside of exterior walls.

HOMEOWNERS’ ASSOCIATION -- A community association, other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities.

HOME OCCUPATION — The limited use of a restricted portion of a resident’s dwelling unit as an incidental and accessory use for the convenience of the resident for occupational activities as limited in the zoning provisions of this Chapter.

HOTEL — A building designed and used exclusively to accommodate transient guests for periods not to exceed thirty (30) consecutive days. Each room shall contain at least one (1) bedroom, one (1) bathroom, and one (1) closet. None of the rooms or suites of rooms shall have a full kitchen, and none shall have a gas/electric range or oven, but they may provide a sink, microwave oven, and/or mini-refrigerator.

HOT TUB/SPA — A structure placed on or below the surface of the ground and filled with water. Any hot tub/spa located outdoors shall have a cover capable of being locked. The hot tub system includes devices to heat, circulate and filter the water and may or may not have an accompanying deck. Facilities with more than one hundred (100) square feet of water surface area shall be considered swimming pools.

HOUSEHOLD -- A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

IMPERVIOUS COVERAGE -- Any material which generally reduces or prevents absorption of stormwater into the ground, including but not limited to buildings and other structures, parking areas, driveways, sidewalks, paving, and patios.

IMPROVED LOT-- A lot upon which exists a principal structure or building.

INDUSTRIAL OR OFFICE PARK — A total tract comprehensively planned, designed and approved for industrial and/or office uses and other permitted principal and accessory uses, whether or not the buildings are constructed in one (1) development stage or over a period of time, but where the streets, utilities and lots and/or tenants’ parcels are set forth on a plan for the entire tract prior
to construction of any portion of the tract. As development takes place in accordance with the approved plans, changes may be made in the plans for the undeveloped section(s) to accommodate subsequent land needs, provided the modifications conform to logical extensions of installed segments of streets, drainage, utilities and other facilities. Parks designed for more than one (1) principal building shall have buildings spaced so that the mortgage and/or lease lines shall conform to the requirements for lot lines as if the parcels were being subdivided and in order to establish conformance with this Chapter for such matters as building setbacks, buffers, driveway locations, frontage on a street, and distances between buildings.

INTERESTED PARTY:
A. In a criminal or quasi-criminal proceeding, any citizen of the State of New Jersey.
B. In the case of a civil proceeding in any court or in an administrative proceeding before a municipal agency, any person, whether residing within or without the municipality, whose right to use, acquire or enjoy property is or may be affected by any action taken under this Act or whose rights to use, acquire or enjoy property under this Act or under any other law of this state or of the United States have been denied, violated or infringed by an action or a failure to act under this Act.

JUNKYARD — Any area of land, with or without buildings, devoted to the storage, keeping or abandonment of junk or debris, or discarded material, whether or not it is in connection with the dismantling, processing, salvage, sale or other use of disposition of any material whatsoever.

LAND -- Ground, soil or earth, including improvements and fixtures on, above or below the surface thereof.

LANDSCAPE/LANDSCAPING – Lawns, trees, plants, grass and other natural materials such as rocks and woodchips, and decorative features, including sculpture, patterned walks, fountains and pools.

LANDSCAPE STRUCTURE – Any structure whose purpose is primarily decorative in nature, such as flag poles, fences, arbors, trellises and planters, and not intended for human occupancy, storage or utility purposes. Such structure shall not be restricted by setbacks or coverage definitions as defined herein.

LANDSCAPING/CONSTRUCTION CONTRACTORS STORAGE YARD – A portion of a lot used to store and maintain landscaping or construction equipment and stockpile areas of clean materials customarily required in the landscaping or building trade by a contractor.

LIGHT INDUSTRY - A land use where the only activity involved is one of the fabrication, maintenance, alteration, repairing, finishing, or assembling of standardized parts as contrasted to a processing activity which would involve a physical or chemical process that would change the nature or character of the product or raw material or which would cause or result in toxic or
objectionable or corrosive fumes, vapors, odors, effluent, gas, smoke, dust, glare, flashes or excessive noise or vibration. Any and all manufacturing, fabrication, maintenance, alteration, repairing, finishing, or assembling shall be carried on within and confined to an enclosed structure or structures.

LOADING SPACE - An open space or covered area, on a lot, used only for the loading or unloading of goods to which there is direct or unobstructed access from a street or ally.

LOCAL UTILITY -- Any sewerage authority created pursuant to the Sewerage Authorities Law, P.L. 1946, c. 138 (N.J.S.A. 40:14A-1 et seq.); any utilities authority created pursuant to the Municipal and County Utilities Authorities Law, P.L. 1957, c. 183 (N.J.S.A. 40:14B-1 et seq.); or any utility, authority, commission, special district or other corporate entity not regulated by the Board of Regulatory Commissioners under Title 48 of the Revised Statutes that provides gas, electricity, heat, power, water or sewer service to a municipality or the residents thereof.

LOT -- A designated parcel, tract or area of land established by plat, or otherwise as permitted by law, and to be used, developed or built upon as a unit.

LOT AREA -- The total area within the lot lines of a lot not including any street rights-of-way.

LOT, CORNER -- A parcel of land, either at the junction of and abutting on two or more intersecting streets, or abutting a single street at the point where the road tangents deflect by more than 45°.

LOT COVERAGE -- That part of one lot or more than one lot which is improved or is proposed to be improved with buildings and/or other structures, including but not limited to principal buildings, accessory buildings, driveways, parking lots, pedestrian walkways, signs and other man-made improvements on the ground surface which are more impervious than the natural surface, but excluding the water surface of any swimming pool, hot tub or spa. For purposes of this Chapter, neither water surface area of any swimming pool, hot tub or spa nor the area of balconies shall be counted as lot coverage.

LOT DEPTH -- The shortest distance between the front lot line and line drawn parallel to the front lot line through the mid-point of the rear lot line, provided that, in triangular lots having no rear lot line, the distance shall be measured to the mid-point of the line parallel to the front lot line, which shall not be less than 10 feet in length, measured between its intersections with the side lot lines. On corner lots, the rear lot line opposite the designated front of the building shall be used for purposes of determining lot depth only.

LOT FRONTAGE -- The shortest distance between the intersection points of the side lines of lot with the front lot line. The minimum "lot frontage" shall be the same as the lot width except that on curved alignments with an outside radius of less than five hundred (500) feet, the "lot frontage" may be reduced to not be less than seventy-five percent (75%) of the required
minimum lot width. In the case of a corner lot, or a lot with two (2) or more sides fronting on a
street, only one (1) frontage may be used to meet the requirements of this Chapter, but the front
yard setback shall be met from all streets.
LOT, INTERIOR -- A lot other than a corner lot.
LOT LINE -- A line of record bounding a lot that divides one lot from another lot or from a public
or private street or any other public space
LOT LINE, FRONT -- The lot line separating a lot from a street right-of-way, also referred to as a
“street line”.
LOT LINE, REAR -- The lot line opposite and most distant from the front lot line or the point at
which the side lot lines meet.
LOT LINE, SIDE -- Any lot line other than a front or rear lot line.
LOT SIZE AVERAGING — A design technique for a development where some lots are smaller, and
one (1) or more lots are larger, but the average lot size among all lots in the development is
equal to or greater than the minimum required for the zoning district in which the property is
located. The different lot sizes may be used to provide a variety of lot sizes, and/or create
smaller residential lots in order to produce one (1) or more larger lots for recreation, school or
other public purposes, and/or similar design options. The use of this design technique shall not
increase the number of lots allowed and the reduced lot sizes shall not be smaller than set forth
in the zoning requirements.
LOT WIDTH -- The shortest distance between the side lot lines, measured at street line, or if no
setback line is established, the mean width of the lot measured at right angles to its depth. The
minimum lot width, as required by this Chapter, shall be maintained for at least 75% of the
minimum depth, as measured continuously from the front line, except for lots which front the
turnaround of a cul de sac, in which case lot width at the street line may be reduced to 50% of
the required width. However, the lot width measured at the front setback line must be equal to
or greater than 75% of the required lot width. On corner lots, the rear lot line not opposite the
designated front of the building shall be used for purposes of determining lot width only.
LOWER INCOME — Income limits established for low and moderate income levels. Low income
for the average household is less than fifty percent (50%) of the median income. Moderate
income is between fifty percent (50%) and eighty percent (80%) of the median. For purposes of
this Chapter, the median income shall be the applicable number published in the most recent
Income Limits by the United States Department of Housing and Urban Development. The low
and moderate income levels for a particular household size shall be based on the number of
people as shown in the same publication as of the date of issuing each certificate of
occupancy.
MAJOR DEVELOPMENT — In addition to the definition of "development" in the Municipal Land Use Law (N.J.S.A. 40:55D-4), a "major" development is a subdivision or site plan which satisfies either condition (1) or (2) below:

1. Any site plan or subdivision plan, or amended site plan or subdivision plan, that will ultimately cover land with a total of one (1) or more acres of impervious surfaces; which shall include but not be limited to roadways, driveways, roofs, ponds, and other bodies of water;

2. Any construction of one or more of the following uses:
   a. Feeding and holding areas that provide for more than 100 head of cattle or 15,000 hens, 500 swine, 4,000 turkeys, 10,000 ducks; this section shall also apply to all other equivalent numbers of animal units as determined by the SCS Agricultural Waste Management Field Manual for measuring BOD (biochemical oxygen demand) producing potential;
   b. Pipelines, storage, or distribution systems for petroleum products or chemicals;
   c. Storage, distribution or treatment facilities (excluding individual on-site sewage disposal systems) for liquid waste;
   d. Solid waste storage, disposition, incineration or landfill;
   e. Quarries, mines or borrow pits;
   f. Land application of sludge or effluents;
   g. Storage, distribution or treatment facilities for radioactive waste.

MAINTENANCE GUARANTY -- Any security which may be accepted by a municipality for the maintenance of any improvements required by the Municipal Land Use Act, including but not limited to surety bonds, letters of credit under the circumstances specified in § 16 of P.L. 1991, c. 256 (N.J.S.A. 40:55D-53.5), and cash.

MAJOR SUBDIVISION -- Any subdivision not classified as a minor subdivision.

MANUFACTURING - A land use where establishments engage in the mechanical or chemical transformation of materials or the processing of raw products into new products or any other processing activity which would involve a physical or chemical process that would change the nature or character of the product or raw material. Manufacturing includes the production of articles or finished products from raw or prepared materials by giving those materials new forms or qualities. Manufacturing also includes the blending of materials such as oils, plastics, resins or liquors. Any and all manufacturing processes shall be carried on within and confined to an enclosed structure or structures.

MASTER PLAN -- A composite of one or more written or graphic proposals for the development of the Borough as set forth in and adopted pursuant to N.J.S.A. 40:55D-28 et seq.
MAUSOLEUM - A building especially designed to receive entombments.

MAYOR -- The chief executive of the Borough.

MINIATURE GOLF COURSE - A tract of land developed for the novelty version of golf played with a putter and golf ball on a miniature course and featuring obstacles such as alleys, bridges, and tunnels.

MORTUARY- A building for the storage of the deceased prior to their burial or cremation and/or a facility for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation.

MUNICIPAL AGENCY -- The Planning Board, Board of Adjustment or the Borough Council when acting pursuant to the Municipal Land Use Law.


MUNICIPAL USE -- Any use made by the Borough of Tinton Falls of property owned or leased by it or legally under its control by easement, license or otherwise.

NEW STREET — The construction of new street pavement and accompanying drainage facilities in locations where improved street(s) did not exist, including extended portion(s) of existing street(s). A "new street" does not include an existing street being widened, repaved or undergoing other improvements or upgrading.

NONCONFORMING LOT -- A lot, the area, dimension or location of which fails to conform to the requirements of the zoning district in which it is located.

NONCONFORMING SIGN -- Any sign that it does not conform to all the standards and regulations of this chapter.

NONCONFORMING STRUCTURE/BUILDING – A structure/building, the size, dimension or location of which fails to conform to the requirements of the zoning district in which it is located.

NONCONFORMING USE -- A use or activity which fails to conform to the requirements of the zoning district in which it is located.

NURSERY SCHOOL — A facility for the care, development and supervision of children under the age of six (6) years, who attend the facility for less than twenty-four (24) hours a day. The facility shall be licensed by the State Department of Human Services, Division of Youth and Family Services. (See “Child Care Center” and “Family Day Care Home”).

OBLIGOR -- Any individual, firm, association, corporation or any other legal entity and shall include the owner or subdivider, or both, as may be required by the Borough. The obligor shall be responsible for posting and executing any required performance guaranty.

OCCUPANCY -- The specific purpose for which land or a building is used, designed or maintained.
OFFICE -- A room, group of rooms or building used for conducting the affairs of a business, profession, service, industry or government, but where no retail sales of goods are offered and where no manufacturing, assembling or fabricating takes place.

OFFICE PARK – a development on a tract of land that contains a number of separate office buildings designed, planned, constructed and managed on an integrated and coordinated basis.

OFFICIAL COUNTY MAP -- A map, with changes and additions thereto, adopted and established, from time to time, by resolution of the Board of Chosen Freeholders of the county pursuant to N.J.S.A. 40:27-5.


OFF-SITE -- Located outside the lot lines of the lot in question but within the property (of which the lot is a part), which is the subject of a development application or a contiguous portion of a street or right-of-way.

OFF-TRACT -- Not located on the property which is the subject of a development application nor on a contiguous portion of a street or right-of-way.

ON-SITE -- Located on the lot in question.

ON-TRACT -- Located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way.

OPEN SPACE -- Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

OUTDOOR STORAGE – The keeping in an unenclosed area of any goods, material, merchandise, or vehicles in the same place for more than 24 hours.

OWNER -- An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek or authorize development of land under this chapter.

PAR-3 GOLF COURSE – A tract of land laid out for at least nine holes, that have a par on each hole of 3 and an average of 2,000 to 2,500 yards, for playing the game of golf. A par-3 golf course may include a practice range and a pro shop.

PARKING AREA, PRIVATE -- Any open area, including parking spaces and access aisles providing direct access thereto, used for the temporary storage of automobiles and other permitted vehicles for the private use of the owners or occupants of the lot on which the area is located.
PARKING AREA, PUBLIC -- Any open area, (other than a street or other public way), including parking spaces and aisles, used for the temporary storage of automobiles and other permitted vehicles and available to the public, with or without compensation, or as an accommodation for clients, customers and employees.

PARKING SPACE -- A space for the off-street parking of one operable, licensed motor vehicle within a public or private parking area.

PARTIAL DESTRUCTION -- A building or structure that because of fire, flood, explosion or other calamity requires rebuilding the value of which is less than half of the building’s assessed valuation.

PARTY IMMEDIATELY CONCERNED -- For purposes of notice, any applicant for development, the owners of the subject property and all owners of property and government agencies entitled to notice under N.J.S.A. 40:55D-12.

PATIO -- A surface structure affixed to the ground throughout its area (such as poured concrete, brick, or flagstone) and having no portion supported by piers, columns, or posts and having no portion used for a parking space. A structure that is supported by piers, columns, or posts in any manner shall be considered a "deck". Patios may abut a building or may be located separate from a building. Patios shall meet the setback requirements of an accessory building, even if attached to the principal building, except if a patio abutting a principal building has a roof, railing, or other structural elements above the finished grade of the patio, it shall meet the setback requirements for the principal building.

PERFORMANCE GUARANTEE -- Any security that may be accepted by a municipality (in conformance with C.40:55D-53) to ensure that improvements required or approved as part of an application for development will be satisfactorily completed.

PERFORMANCE STANDARDS - See Standards of Performance

A. Adopted by ordinance pursuant to Subsection 52d (N.J.S.A. 40:55D-65d) regulating noise levels, glare, skyglow, earthborne or sonic vibrations, heat, radiation, television or radio waves, noxious odors, toxic materials, explosive and inflammable materials, smoke and airborne particles, waste discharge, screening of unsightly objects or conditions and such other similar matters as may be reasonably required by the municipality; or

B. Required by applicable federal or state laws or municipal ordinances.

PERMIT -- A certificate issued to perform work under this chapter.

PERMITTED USE -- Any use which shall be allowed, subject to the provisions of this chapter.

PERMITTEE -- Any person to whom a permit is issued in accordance with this chapter.
PERSON -- A corporation, company, association, society, firm, partnership or joint-stock company, as well as an individual, the state and all political subdivisions of the state or any agency or instrumentality thereof.

PLANNED UNIT DEVELOPMENT — An area with a minimum acreage as specified in the zoning provisions of this Chapter and an area to be developed as a single entity according to a plan containing one (1) or more residential clusters which may include, as specified in the zoning provisions, permitted nonresidential uses including public and/or quasi-public uses.

PLAT-- A map or maps of a subdivision or site plan.

POOL - A water filled enclosure permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above surface pool, having a depth of more than 30 inches, designed; uses and maintained for swimming and bathing.

PORCH -- A roofed open area which may be screened, attached to or part of a building with direct access to or from it. A porch shall not be considered open if enclosed by either a permanent or detachable glass sash.

PORTABLE STORAGE UNIT - A non-motorized storage container for on-site storage.

PRELIMINARY APPROVAL -- The conferral of certain rights, pursuant to §§ 34, 36 and 37 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-46, 40:55D-48 and 40:55D-49), prior to final approval after specific elements of a development plan have been agreed upon by the Planning Board and the applicant.

PRE-K SCHOOL GRADE — A grade level in a school (as defined herein) for children who are generally too young or otherwise not ready to enter kindergarten. Pre-K as used herein shall be distinguished from childcare and day care facilities.

PRELIMINARY FLOOR PLANS AND ELEVATIONS -- Architectural drawings prepared during early and introductory stages of the design of a project illustrating, in a schematic form, its scope, scale and relationship to its site and immediate environs.

PRINCIPAL BUILDING -- A building in which is conducted the main use of the lot.

PRINCIPAL USE — The main purpose for which any lot, structure and/or building is used.

PROHIBITED USE -- A use which is not permitted in a zone.

PROPERTY - A lot, parcel, or tract of land together with the building and structures located thereon.

PUBLIC AREAS:
   A. Public parks, playgrounds, trails, paths and other recreational areas.
   B. Other public open spaces.
   C. Scenic and historic sites.
   D. Sites for schools and other public buildings and structures.
PUBLIC PURPOSE — The use of land by a municipal, County, State or Federal agency or authority.

PUBLIC DEVELOPMENT PROPOSAL -- A master plan, capital improvement program or other proposal for land development adopted by the appropriate public body or any amendment thereto.

PUBLIC IMPROVEMENTS -- Improvements which the Board may deem necessary or appropriate, including but not limited to streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyors monuments, water mains, culverts, storm sewers, sanitary sewers, drainage structures, erosion control and sedimentation control devices, public improvements of open space and, in the case of site plans, other on-site improvements and landscaping.

PUBLIC OPEN SPACE -- An open space area conveyed or otherwise dedicated to a municipality, municipal agency, board of education, state or county agency or other public body for recreational or conservational uses.

PUBLIC UTILITY FACILITIES -- Telephone and electric lines, poles, equipment and structures, water or gas pipes, hydrants, valves, mains or structures or sewer pipes, together with accessories and appurtenances, maintained, operated and conducted for the service, convenience, necessity, health and welfare of the public.

QUORUM -- A majority of the full authorized membership of a municipal agency.

RECREATIONAL VEHICLE -- A vehicular-type portable structure without permanent foundation that can be towed, hauled or driven including:

A. WATERCRAFT - Includes any type of boat, float or raft, plus the normal equipment to transport the same on the public highway.

B. CAMPER, CAMP TRAILER or FOLDING TENT TRAILER -- A vehicular, portable structure built on a chassis or metal-walled body unit, mounted on wheels with a superstructure made, in part or in whole, of canvas and metal frame and primarily designed as temporary living accommodation for recreational, camping and travel use.

C. MOTORIZED HOME -- A portable dwelling designed and constructed as an integral part of a self-propelled vehicle primarily designed as temporary living accommodation for recreational, camping and travel use.

D. PICKUP CAMPER -- A structure designed primarily to be mounted on a pickup or truck and with sufficient equipment to render it suitable for temporary living accommodation for recreational, camping and travel use.

E. TRAVEL TRAILER -- A vehicular, portable structure built on a chassis, primarily designed as temporary living accommodation for recreational, camping and travel use. F. VARIOUS RECREATIONAL VEHICLES - motorized vehicles such as, but not limited to, all terrain vehicles, snowmobiles and jet skis and the trailers necessary to transport them.
RECREATION FACILITY -- A place where sports, leisure time activities and customary and usual recreational activities are carried out.

RECREATION FACILITY, PRIVATE -- Facilities operated by a private organization and open only to bona fide members and guests of such organization.

RECREATION FACILITY, PUBLIC -- Facilities operated by the Borough, county or other governmental agency.

RESEARCH FACILITIES - A facility for investigation into the natural, physical or social sciences, which may include engineering and product development.

RESOURCE RECYCLING FACILITY — A facility which accepts, collects, moves, transfers, stores and/or separates ferrous and non-ferrous metals, glass, aluminum, wood, concrete, asphalt, paper, cardboard, plastic and other recyclable materials but does not accept or process food, animal, medical, nuclear, toxic or hazardous waste, unless otherwise provided elsewhere in the Code of the Borough of Tinton Falls, in order to process such items into reusable, marketable materials. Resource recycling excludes any process involving burning or other chemical alteration(s) of the material(s).

RESTAURANT -- An establishment where food and drink are prepared and/or served and consumed at tables within the principal building, including sidewalk dining where allowed and takeout service without facilities for drive-through order and for drive-through pickup.

RESTAURANT, FAST FOOD – An establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises and whose desire or principal method of operation permits or encourages self-service, high-turnover dining.

RESTAURANT, DRIVE-THROUGH -- An establishment where food and drink are prepared, served and consumed primarily within the principal building with facilities for drive-through order and/or drive-through pickup.

RESTAURANT, TAKE-OUT – An establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant part of the consumption takes place outside the confines of the restaurant, and where ordering and pickup of food may take place from an automobile.

RESUBDIVISION -- The further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but does not include conveyances made so as to combine existing lots by deed or other instrument.
RETAIL SALES - Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and without necessarily rendering services incidental to the sale of such goods.

RETAIL SERVICE - Establishments engaged in providing services for individuals, businesses, government and other organizations and includes finance; insurance, real estate and personal services; business services and miscellaneous repair services; motion pictures, amusement and recreation services; health services and educational services; social services, museums, art galleries, botanical gardens and zoological gardens.

RETAIL WAREHOUSE — A building where the use combines retail and warehouse functions by stocking the inventory of goods in large quantities using stack-storage techniques in areas accessible to patrons for the purpose of selling the goods at retail or wholesale prices.

RIGHT-OF-WAY — The total width and length of the course of a street, watercourse, utility alignment or other way and within which all improvements and rights of access are confined.

RIGHT-OF-WAY LINES -- The lines that form the boundaries of a right-of-way.

SATELLITE EARTH STATION ANTENNA - A parabolic or dish-shaped antenna or any other apparatus or device that is designed for the purpose of receiving radio waves.

SCHOOL -- Any building or part thereof which is designed, constructed or used for education of students up to and through the secondary level and licensed by the State of New Jersey.

SCHOOL, BOARDING — A “school” as defined herein at which all or some of the students reside on-site for all or a portion of the school year.

SCHOOL BUS - Every motor vehicle operated by, or under contract with, a public or government or government agency, or religious or other charitable organization or corporation, or privately operated for compensation for the transportation of children to or from school for secular or religious education, which complies with the regulations of the Department of Education affecting school buses, including “School Vehicle Type I” and “School Vehicle Type II”.

SCHOOL VEHICLE TYPE I - Any vehicle with a seating capacity of 17 or more, used to transport enrolled children, and adults only when serving as chaperones, to or from school, school connected activity, day camp, summer camp, nursery school, child care center, preschool center or other similar places of education. Such vehicle shall comply with the regulations of the Division of Motor Vehicles and either the Department of Education or the Department of Human Services, whichever is the appropriate supervising agency.

SCHOOL VEHICLE TYPE II - Any vehicle with a seating capacity of 16 or less, used to transport enrolled children, and adults only when serving as chaperones, to or from school, school connected activity, day camp, summer camp, nursery school, child care center, preschool center or other similar places of education. Such vehicles shall comply with the regulations of
the Division of Motor Vehicles and either the Department of Human Services, whichever is the appropriate supervising agency.

**SEDIMENTATION** - The deposition of soil that has been transported from its site or origin by water, ice, wind, gravity or other natural means as a product of erosion.

**SELF-STORAGE FACILITY** - A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time. For the purposes of this section mini-warehouses shall be considered self-storage facilities.

**SETBACK** - The required yard or distance between buildings and property lines.

**SETBACK LINE** -- That line to which a building must be set back from the property line.

**SEXUALLY ORIENTED BUSINESS** — (1) A commercial establishment which as one of its principal business purposes offers for sale, rental, or display any of the following: books, magazines, periodicals or other printed material, or photographs, films, motion pictures, video cassettes, slides or other visual representations which depict or describe a "specified sexual activity" or "specified anatomical area"; or still or motion picture machines, projectors or other image-producing devices which show images to one (1) person per machine at any one (1) time, and where the images so displayed are characterized by the depiction of a "specified sexual activity" or "specified anatomical area"; or instruments, devices, or paraphernalia which are designed for use in connection with a "specified sexual activity"; or (2) A commercial establishment which regularly features live performances characterized by the exposure of a "specified anatomical area" or by a "specified sexual activity," or which regularly shows films, motion pictures, video cassettes, slides, or other photographic representations which depict or describe a "specified sexual activity" or "specified anatomical area."

**SHADE TREE** - A deciduous tree planted for its high crown of foliage along a street within a shade tree easement.

**SHOPPING CENTER** — One (1) or more buildings or parts thereof designed as a unit to be occupied by two (2) or more retail businesses or departments in a single facility, designed in accordance with the requirements of the zoning district in which it is located and conducted as an integrated and cohesively planned development. Where there is more than one (1) building on a lot, the buildings shall be spaced as if the buildings were to be on separate lots in order to establish conformance with this Chapter for such matters as building setbacks, buffers, driveway locations and distances between buildings.

**SHOPPING CENTER, REGIONAL** — A Shopping Center (see above) that contains a wide variety of retail and service establishments, that has at least one or more anchor stores, and that draws its clientele from the region.
SIDEWALK – A way for carrying pedestrian traffic. It may be located within the right-of-way provided for a street or may be located adjacent to a property line, between lots and laid out so that it may provide pedestrian traffic along a street or road or within a subdivision connecting two streets.

SIGHT TRIANGLE — A triangular shaped portion of land established at intersections in accordance with the requirements of this chapter in which nothing shall be erected, placed, planted or allowed to grow in such a manner as to limit or obstruct sight distance of motorists entering or leaving the intersection.

SIGN -- Any device, fixture, placard or structure that uses color, form, picture, display, graphic, illumination, symbol or writing to advertise, attract attention to, announce the purpose of or identify a person, entity or thing or to communicate any information to the public.

SIGN, DIRECTIONAL -- Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance" and "exit."

SIGN, FREESTANDING -- Any sign supported by structures or supports that are placed on, or anchored in the ground and that are independent from any building or other structure.

SIGN, GROUND -- Any sign in which the entire bottom is in contact with the ground.

SIGN, NAMEPLATE -- A sign, located on the premises, giving the name or address, or both, of the owner or occupant of a building or premises.

SIGN, PERMANENT -- Any sign that is painted directly on the window glass with permanent paint or that is mounted by bolts or screw, or otherwise in a permanent fashion, on a permanent structure.

SIGN, POLITICAL -- A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

SIGN, REAL ESTATE -- A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

SIGN, ROOF -- A sign that is mounted on the roof a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deckline of a building with a mansard roof.

SIGN, SANDWICH BOARD -- A sign that is not affixed to a building, structure or the ground.

SIGN, TEMPORARY -- Any sign designed or intended to be displayed for a short period of time.

SIGN, WALL -- Any sign attached parallel to, but within ten (10) inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.
SIGN, WINDOW -- Any sign that is placed within 24 inches of a window or upon the window panes or glass and is visible from the exterior of the window.

SIGN, IDENTIFICATION -- A sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.

SITE -- Any plot or parcel of land or combination of contiguous lots or parcels of land.

SITE PLAN -- A development plan of one or more lots on which is shown:

A. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, floodplains, marshes and waterways.
B. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting and screening devices;
C. Any other information that may be reasonably required in order to make an informed determination pursuant to an ordinance requiring review and approval of site plans by the Planning Board, adopted pursuant to N.J.S.A. 40:55D-37 et seq.

SITE PLAN, MAJOR -- All site plans for new developments and those site plans not defined as minor and including a "Major Development." (See "MAJOR DEVELOPMENT").

SITE PLAN, MINOR -- A development plan for which site plan approval is required and contains the information reasonably required in order to make an informed determination as to whether the requirements established by this Chapter for approval of a minor site plan have been met and for which the Planning Board finds that the following conditions have been met:

A. The construction of drainage facilities is not required;
B. Involves less than ten (10) parking spaces and/or less than one thousand (1,000) additional square feet of floor area;
C. Involves changes in lot coverage totaling not more than ten percent (10%) of the lot area;
D. Does not involve a planned development, any new street, or any off-tract improvement which is to be prorated pursuant to N.J.S.A. 40:55D-42.

SLOPE -- Deviation of a surface from the horizontal, usually expressed in percent or degree.

SOIL -- All unconsolidated mineral and organic material of whatever origin that overlies bedrock and which can be readily excavated.

SPECIFIED ANATOMICAL AREA -- (1) Less than completely and opaquely covered human genitals, pubic region, buttock or female breasts below a point immediately above the top of the areola; or (2) Human male genitals in a discernibly turgid state, even if covered.
SPECIFIED SEXUAL ACTIVITY — (1) The fondling or other erotic touching of covered or uncovered human genitals, pubic region, buttock or female breast; or (2) Any actual or simulated act of human masturbation, sexual intercourse or deviate sexual intercourse.

STANDARDS OF PERFORMANCE — Standards adopted by ordinance pursuant to Chapter 291 of the Laws of the State of New Jersey, 1975, “regulating noise levels, glare, vibrations, heat, radiation, odors, explosive and flammable matters, smoke and airborne particles, waste discharge, screening of unsightly objects or conditions and such other similar matters as may be reasonably required by the Borough of Tinton Falls or required by applicable federal or state laws for municipal ordinances.

STORAGE SHED — An accessory building used for the storage of items such as, but not limited to, tools, lawn and garden equipment and furniture and similar items of personal property belonging to the occupant of the principal structure.

STORY — That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

STORY, HALF — The area under a sloping roof where the possible floor area with head room of 5 feet or more occupies no more than one third (1/3) of the floor area of the floor immediately below. Where the floor area with a floor to ceiling height in excess of 5 feet is more than one third (1/3) of the floor area immediately below, it shall count as a full story.

STREET — Any street, avenue or boulevard, road, parkway, viaduct, drive or other way which is an existing state, county or municipal roadway or which is shown upon a plat heretofore approved pursuant to law or which is approved by official action as provided by this chapter or which is shown on plat duly filed and recorded in the office of the county recording officer prior to the appointment of a Planning Board and the grant to such Board of the power to review plats and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines. For the purpose of this chapter, streets shall be classified as follows:

A. Arterial streets: those which are used primarily for fast or heavy traffic.
B. Secondary traffic streets: streets connecting places of relatively dense settlement with each other and with arterial streets and intended primarily for intermunicipal and commuter traffic.
C. Connector streets: those which carry traffic from minor streets to the major system of arterial streets, including the principal entrance streets of a residential development.
STREET LINE — The edge of the existing or future street right-of-way forming the dividing line between the street and the lot, whichever would result in the widest right-of-way as shown on an adopted Master Plan or Official Map or as required by this Chapter.

STREET TREE — See SHADE TREE

STRUCTURE — A combination of materials to form a construction for occupancy, use, or ornamentation whether installed on, above, or below the surface of a parcel of land.

SUBDIVISION:

A. The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale or development. The following shall not be considered subdivisions within the meaning of this chapter if no new streets are created:

   1. Divisions of property by testamentary or intestate provisions.
   2. Divisions of property upon court order, including but not limited to judgments of foreclosure.
   3. Consolidation of existing lots by deed or other recorded instrument.
   4. The conveyance of one or more adjoining lots, tracts or parcels of land, owned by the same person or persons, and all of which are found and certified by the Administrative Officer to conform to the requirements of the municipal development regulations and are shown and designated as separate lots, tracts or parcels on the Tax Map or Atlas of the Borough.

B. The term "subdivision" shall also include the term "resubdivision."

SUBDIVISION, MAJOR — Any subdivision not classified as a minor subdivision, and including a "major development."

SUBDIVISION, MINOR — A subdivision of land for the creation of not more than five (5) lots, including the remainder of the original lot; provided that such subdivision does not involve a 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.

SURVEY — A map showing the boundary lines of the property and location of existing improvements thereon, prepared by a licensed land surveyor.

SURVEY CERTIFICATION — A certification in lieu of oath or affidavit confirming the accuracy of the survey.

SWIMMING POOL — See POOL

SWIM CLUB — A commercial facility for the indoor and/or outdoor use of swimming pools for swimming, diving and related instruction. Swim clubs may have accessory office, locker room, storage and mechanical areas.

TERRACE — See PATIO
TENNIS CLUB - A commercial facility for the indoor and/or outdoor use of tennis courts for the sport of tennis and related instruction. Tennis clubs may have accessory office, locker room, storage and mechanical areas.

TIDAL WETLANDS — An area that is inundated or saturated by fresh or saline waters under tidal influences at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

TRACT -- Property which is the subject of a development application.

TRESPASS LIGHTING – Lighting from an adjacent property which exceeds 0.1 footcandle.

USE -- The purpose or activity for which land or buildings are arranged, designed or intended or for which land or buildings are occupied or maintained.

USE, PRINCIPAL -- The main or primary activity of any lot or parcel.

UTILITY SERVICES — For the purposes of this Chapter, utility means those services including, but not limited to, pump stations, switching stations and transformers, pipes, lines, cables, service connections and similar facilities that provide the daily service of the utility to the consumer for sewage collection, water supply, gas, electric, telephone and cable television, but does not include, by definition, for purposes of this Chapter, such other commercial or industrial land use aspects of these or any other utility service, such as wireless telecommunications, which may or may not be part of a regulated utility company such as towers, repair garages, offices, open storage, work areas, energy generation, recycling of recyclable material, landfills, and storage tanks.

VARIANCE -- Permission to depart from the literal requirements of the Zoning standards of this Chapter.

WAIVER, DESIGN - Permission to depart from the requirements of this Chapter with respect to the Design standards of this Chapter.

WAIVER, SUBMISSION - Permission to depart from the requirements of this Chapter with respect to the submission of required maps or documents.

WAREHOUSE — Any structure designed for, or used permanently for, the storage of goods and materials.

WASTE TRANSFER STATION - A facility where solid waste materials, including yard waste, demolition materials, and household refuse, are transferred from small vehicles to large trucks for efficient transport to landfills, recycling centers, and other disposal sites.

WETLANDS — See FRESHWATER WETLANDS and TIDAL WETLANDS.
WIRELESS COMMUNICATION - Any personal wireless service as defined in the federal communication act of 1996 (“FTA”); i.e., FCC-licensed commercial wireless communication services, including cellular, PCS, SMR, ESMR, paging, and similar services that currently exist or that may in the future be developed. “wireless communications” does not include any amateur radio facility that is under seventy (70) feet in height and is owned and operated only by a federally licensed amateur radio station operator or is used exclusively to receive transmissions, nor does it include any parabolic satellite antennas, nor does it include non-wireless telephone service.

WIRELESS COMMUNICATION ANTENNA - Any device which is used for the transmission and reception of wave frequencies for the purpose of any wireless communication as defined herein below. For the purposes of this section, wireless communication antennas shall not be considered to be a public utility.

WIRELESS COMMUNICATION TOWER - A freestanding monopole structure on which one (1) or more antennas are attached, but shall not mean existing structures such as silos, cupolas or water tanks.

WIRELESS COMMUNICATION COMPOUND - An area enclosed by walls or fencing within which a wireless communication tower and associated equipment are housed and maintained preventing access to all equipment by the general public.

YARD -- An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in this chapter shall be unoccupied and unobstructed from the ground upward except as may be specifically provided in the Zoning Ordinance. In an apartment, townhouse, industrial or office park complex, shopping center, or other development where more than one (1) building or structure may be erected on a lot, “yards” shall also be the open space extending between the buildings and/or structures.

YARD, FRONT -- A space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at its closest point to the front lot line. Said front yard shall be unoccupied and unobstructed from the ground upward, except as may be permitted elsewhere in this chapter. Corner lots shall be deemed to have more than one “front lot line”.

YARD, REAR -- A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building at its closest point to the rear lot line. Said rear yard shall be unoccupied and unobstructed from the ground upward, except as may be permitted elsewhere in this chapter. For purposes of this Chapter, the “rear” of a building shall be opposite the designated “front” of the building.
YARD, SIDE -- A space extending from the front yard to the rear yard between the principal
building and the side lot line.
ZONING BOARD -- The Zoning Board of Adjustment as established under this chapter.
ZONING PERMIT -- A document signed by the Zoning Officer:
A. Which is required by ordinance as a condition precedent to the commencement of a use or
the erection, construction, reconstruction, alteration, conversion or installation of a structure or
building.
B. Which acknowledges that such use, structure or building complies with the provision of the
Municipal Zoning Ordinance or variance therefrom duly authorized by the appropriate agency
ARTICLE II
PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT
BOROUGH OF TINTON FALLS

40-4 PLANNING BOARD
A. Establishment of Planning Board

1. Membership. The Borough of Tinton Falls Planning Board shall consist of nine (9) members of the following four (4) classes:
   a. Class I: the Mayor or Mayor’s designee.
   b. Class II: One (1) of the officials of the Borough, other than a member of the Borough Council, to be appointed by the Mayor.
   c. Class III: a member of the Borough Council to be appointed by the Borough Council.
   d. Class IV members: Six (6) other citizens of the Borough to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, position or employment except that one (1) member may be a member of the Board of Adjustment. Not more than one (1) Class IV member may be a member of the Board of Education. For the purpose of this section, membership on a Borough board or commission whose function is advisory in nature, the establishment of which is discretionary and not required by statute, shall not be considered the holding of Borough office.
   e. Alternate members. Two (2) alternate members shall be appointed and shall meet the qualifications of Class IV members. Alternate members shall be appointed for a term of two (2) years, and at the time of their appointments shall be designated Alternate No. 1 and Alternate No. 2, respectively. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

2. Terms. The term of the Class I member shall correspond to his or her official tenure as Mayor. The terms of the members composing Class II and Class III shall be for one (1) year or terminate at the completion of their respective terms of office, whichever occurs first. The term of a Class IV member who is also a member of the Board of Adjustment or Board of Education shall terminate whenever he or she is no longer a member of such
other body or at the completion of his or her Class IV term, whichever occurs first. The term of all other Class IV members shall be four (4) years. If a vacancy in any class shall occur otherwise than by expiration of the Planning Board term, it shall be filled by appointment, as above provided, for the unexpired term.

3. Substitute members when conflict exists. If the Planning Board lacks a quorum because any of its members are prohibited by this Chapter below from acting on a matter due to the member's personal or financial interest, regular members of the Board of Adjustment shall be called upon to serve, for that matter only, as temporary members of the Planning Board in order of seniority of continuous service to the Board of Adjustment until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest. If a choice has to be made between regular members of equal seniority, the Chairperson of the Board of Adjustment shall make the choice.

4. Organization. The Planning Board shall organize annually by selecting from among its Class IV members a chairperson and a vice chairperson. The Board shall also select a secretary who may or may not be a member of the Board or who may be a municipal employee. The Board shall create and fill such other offices as established by ordinance.

5. Legal counsel and other professional staff. The Planning Board may annually appoint an attorney at law of New Jersey other than the Borough Solicitor as Planning Board Solicitor and may fix his or her compensation or rate of compensation not exceeding the amount appropriated. The Planning Board may also employ or contract for and fix the compensation of such experts and other staff and services, as it may deem necessary. The Board, however, shall not authorize expenditures which exceed, exclusive of gifts or grants, the amount appropriated by the Borough Council for its use.

6. Conflict of interest. No member of the Planning Board shall be permitted to act on any matter in which he has any personal or financial interest, either directly or indirectly.

7. Vacancy. If a vacancy of any class shall occur otherwise than by expiration of term, it shall be filled by appointment as above provided for the unexpired term.

8. Removal. Any member other than a Class I member, after a public hearing, if requested, may be removed by the Borough Council for cause.

B. Powers and Jurisdiction of Planning Board

1. Mandatory Powers. The Planning Board shall exercise its powers in accordance with the Municipal Land Use Law in regard to:


   b. Subdivision and site plan review pursuant to this Chapter.
c. Any official map adopted by the Borough Council pursuant to N.J.S.A. 40:55D-32 et seq.
d. The zoning ordinance including conditional uses pursuant to this Chapter.
e. Any capital improvements programs pursuant to N.J.S.A. 40:55D-29 et seq.
f. Variances and certain building permits in conjunction with subdivision, site plan and conditional use approval pursuant to the Board’s ancillary powers.

2. Other Powers. The Planning Board may:
   a. Participate in the preparation and review of programs or plans required by State or Federal law or regulation.
   b. Assemble data on a continuing basis as part of a continuous planning process.
   c. Perform such other advisory duties as are assigned to it by ordinance or resolution of the Borough Council.

C. Ancillary Powers of the Planning Board

1. Planning Board review in lieu of Board of Adjustment. Whenever the proposed development requires approval of a subdivision, site plan or conditional use, but not a use variance, the Planning Board shall have the power to grant to the same extent and subject to the same restrictions as the Board of Adjustment:
   a. Bulk and dimensional variances pursuant to this Chapter.
   b. Direction pursuant to N.J.S.A. 40:55D-34 for issuance of a permit for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved pursuant to N.J.S.A. 40:55D-32.
   c. Direction pursuant to N.J.S.A. 40:55D-36 for issuance of a permit for a building or structure not related to a street.

2. Notice of Variance and other relief required. Whenever relief is requested pursuant to this section, notice of the hearing on the application for development shall include reference to the request for variances or direction for issuance of a permit, as the case may be.

3. Applicant’s Right to Bifurcate Application. The applicant may elect to submit a separate application requesting approval of the variance or direction of the issuance of a permit and a subsequent application for any required approval of a subdivision, site plan or conditional use. The same Board must hear both applications. The separate approval of the variance or direction of the issuance of a permit shall be conditioned upon the grant of all required subsequent approvals by the Planning Board. No such subsequent approval shall be granted unless the approval can be granted without substantial detriment to the public good and without substantial impairment of the intent and
purpose of the zone plan and zoning ordinance.

4. **Time Periods for Action on Applications Seeking Variance or Other Relief under This Section.** Whenever an application for approval of a subdivision, site plan or conditional use includes a request for relief pursuant to Subsection C1 above, the Planning Board shall grant or deny approval of the application within one hundred twenty (120) days after submission by an applicant of a complete application to the Planning Board or within such further time as may be consented to by the applicant. In the event that the applicant elects to submit separate consecutive applications, the aforesaid provision shall apply to the application for approval of the variance(s) or direction for issuance of a permit. The period for granting or denying any subsequent approval shall be as otherwise provided in this Chapter. Failure of the Planning Board to act within the period prescribed shall constitute approval of the application and a certificate of the Administrative Officer as to the failure of the Planning Board to act shall be issued on request of the applicant. It shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the County recording officer for purposes of filing subdivision plats.

5. **Minor site plan approval shall be granted or denied within forty-five (45) days of the date of submission of a complete application to the administrative officer or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute minor site plan approval.**

6. **County Approval.** Whenever review or approval of the application by the County Planning Board is required by N.J.S.A. 40:27-6.3, in the case of a subdivision, or N.J.S.A. 40:27-6.6, in the case of a site plan, the Planning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.

D. **Referral Powers of the Planning Board** Prior to the adoption of a development regulation, revision or amendment thereto, the Planning Board shall make and transmit to the Borough Council, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed development regulation, revision or amendment which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the Board deems appropriate. The Borough Council, when considering the adoption of a development regulation, revision or amendment thereto, shall review the report of the Planning Board and may disapprove or change any recommendation by a vote of a majority of its full authorized membership and shall record in
its minutes the reasons for not following such recommendations. Failure of the Planning Board to transmit its report within the 35-day period provided herein shall relieve the Borough Council from the requirements of this subsection in regard to the proposed development regulation, revision or amendment referred to the Planning Board. Nothing in this section shall be construed as diminishing the application of the provisions of N.J.S.A. 40:55D-32 to any official map or an amendment or revision thereto or of N.J.S.A. 40:55D-62 to any zoning ordinance or any amendment or revision thereto.

E. If the Planning Board finds that an application for development conforms to the definition of "minor site plan" or "minor subdivision", the Planning Board may waive notice and public hearing requirements. Minor plan approval shall be deemed to be final approval of the plan by the Board, provided that the Board or said Subcommittee may condition such approval on terms ensuring the provision of improvements pursuant to N.J.S.A. 40:55D-38, 40:55D-39, 40:55D-41 and 40:55D-53.

40-5 ZONING BOARD OF ADJUSTMENT

A. Establishment of Zoning Board of Adjustment

1. Membership. The Borough of Tinton Falls Zoning Board of Adjustment shall consist of seven (7) regular members and two (2) alternate members, each of whom shall be residents of the Borough of Tinton Falls and shall be appointed by the Borough Council. All regular members appointed shall serve for terms of four (4) years beginning January 1 of the year of their appointment.

2. Alternate Members. Alternate members shall be appointed for a term of two (2) years, and at the time of their appointments shall be designated Alternate No. 1 and Alternate No. 2, respectively. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

3. Other Municipal Office. No member of the Board of Adjustment shall hold any elective office or position under the Borough.

4. Conflict Of Interest. No member of the Board of Adjustment shall be permitted to act on any matter in which he or she has, either directly or indirectly, any personal or financial interest.

5. Vacancy. If a vacancy of any class shall occur otherwise than by expiration of term, it shall be filled by appointment as above provided for the unexpired term.
6. **Removal.** A member, after a public hearing if requested, may be removed by the Borough Council for cause.

7. **Election of Officers.** The Board of Adjustment shall annually elect a chairperson and vice chairperson from its members and a secretary who may or may not be a member of the Board or a municipal employee.

8. **Substitute Members When Conflict Exists.** If the Board of Adjustment lacks a quorum because its regular or alternate members are prohibited by N.J.S.A. 40:55D-69 from acting on a matter due to the member's personal or financial interest, Class IV members of the Planning Board shall be called upon to serve, for that matter only, as temporary members of the Board of Adjustment. The Class IV members of the Planning Board shall be called upon to serve in order of seniority of continuous service to the Planning Board until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest. If a choice has to be made between Class IV members of equal seniority, the Chairperson of the Planning Board shall make the choice.

9. **Legal Council and Other Professional Staff.** The Board of Adjustment may employ or contract for and fix the compensation of legal counsel, other than the Borough Solicitor, and experts and other staff services as it shall deem necessary, not exceeding, exclusive of gifts and grants, the amount appropriated by the Borough Council for its use.

B. **Powers and Jurisdiction of Zoning Board of Adjustment**

1. The Board of Adjustment shall have the following powers:
   a. **Appeals.** Hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision or refusal made by the Zoning Officer or any other Borough Official, based on or made in the enforcement of the zoning ordinance.
   
   b. **Interpretations.** Hear and decide requests for interpretation of the Zoning Map or Ordinance or for decisions upon other special questions upon which such Board is authorized to pass by any Zoning or Official Map Ordinance in accordance with the Municipal Land Use Law.
   
   c. **Bulk And Dimensional Variances:**
      (1) Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any zoning
regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property, the Board may grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship; or

(2) Where in an application or appeal relating to a specific piece of property the purposes of zoning set forth in N.J.S.A. 40:55D-2 would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, the Board may grant a variance to allow departure from such zoning requirements, provided, however, that the fact that a proposed use is an inherently beneficial use shall not be dispositive of a decision on a variance under this Chapter, and provided that no variance from those departures enumerated in this Chapter shall be granted; and provided further that the proposed development does not require approval by the Planning Board of a subdivision, site plan or conditional use in conjunction with which the Planning Board has the power to review a request for a variance pursuant to N.J.S.A. 40:55D-60a.

d. Use Variances. In particular cases and for special reasons, the Board may grant a variance to allow departure from zoning regulations to permit (1) a use or principal structure in a district restricted against such use or principal structure, (2) an expansion of a non-conforming use, (3) deviation from a specification or standard pursuant to N.J.S.A. 40:55D-67 pertaining solely to a conditional use, (4) an increase in the permitted floor area ratio as defined in N.J.S.A. 40:55D-4, (5) an increase in the permitted density as defined in N.J.S.A. 40:55D-4 except as applied to the required lot area for a lot or lots for detached one or two dwelling unit buildings which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision or (6) a height of a principal structure which exceeds by ten (10) feet or ten (10) percent the maximum height permitted in the district for a principal structure. A variance under this subsection shall be granted only by affirmative vote of at least five members.

2. Relief Not Enumerated Under Use Variance to Be Decided Under Bulk and Dimensional Variances. If an application for development requests one or more variances but not a variance for a purpose enumerated in subsection d of this section, the decision on the requested variance or variances shall be rendered under subsection c of this section.

3. Requirement for Showing of No Substantial Detriment. No variance or other relief may be granted under the terms of this section, including a variance or other relief involving an inherently beneficial use, without a showing that such variance or other relief can be
granted without substantial detriment to the public good and will not substantially impair
the intent and the purpose of the zone plan and zoning ordinance.

4. Referral of Application to Other Agencies. An application under this section may be
referred to any appropriate person or agency for its report; provided that such reference
shall not extend the period of time within which the Zoning Board of Adjustment shall act.

5. Additional Powers. The Zoning Board of Adjustment shall have the following additional
powers:

a. To direct issuance of a permit pursuant to N.J.S.A. 40:55D-34 for a building or structure
   in the bed of a mapped street or public drainageway, flood control basin or public
   area reserved pursuant to N.J.S.A. 40:55D-32.

b. To direct issuance of a permit pursuant to N.J.S.A. 40:55D-36 for a building or structure
   not related to a street.

c. To grant to the same extent and subject to the same restrictions as the Planning
   Board subdivision or site plan approval or conditional use approval whenever the
   proposed development requires approval by the Board of Adjustment of a use
   variance. The developer may elect to submit a separate application requesting
   approval of the variance and a subsequent application for any required approval of
   a subdivision, site plan or conditional use. The separate approval of the variance shall
   be conditioned upon grant of all required subsequent approvals of a site plan or
   subdivision by the Board of Adjustment. No such subsequent approval shall be
   granted unless such approval can be granted without substantial impairment to the
   public good and without substantial impairment to the intent and purpose of the
   zone plan and zoning ordinance. The number of votes of Board members required to
   grant any such subsequent approval shall be as otherwise provided in this Chapter
   for the approval in question, and the special vote pursuant to N.J.S.A. 40:55D-70d
   shall not be required.

7. County Approval. Whenever review or approval of the application by the County
Planning Board is required by N.J.S.A. 40:27-6.3, in the case of a subdivision, or N.J.S.A.
40:27-6.6 in the case of a site plan, the Board of Adjustment shall condition any approval
that it grants upon timely receipt of a favorable report on the application by the County
Planning Board or approval by the County Planning Board by its failure to report thereon
within the required time.

A. Annual Report On Variances Heard By Zoning Board Of Adjustment The Board of Adjustment
shall, at least once a year, review its decisions on applications and appeals for variances
and prepare and adopt by resolution a report of its findings on zoning ordinance provisions
which were the subject of variance requests and its recommendations for zoning ordinance amendment or revision, if any. The Board of Adjustment shall send copies of the report and resolution to the Borough Council and Planning Board.

D. Appeals and Applications to Zoning Board of Adjustment

1. Time and Procedure for Appeal. Appeals to the Board of Adjustment may be taken by any interested party affected by any decision of an official of the Borough of Tinton Falls based on or made in the enforcement of the Zoning Ordinance or Official Map. Such appeal shall be taken within twenty (20) days by filing a notice of appeal with the official from whom the appeal is taken, with nine (9) copies of the notice given to the Secretary of the Board of Adjustment. The notice shall specify the grounds for the appeal. The official from whom the appeal is taken shall immediately transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

2. Board of Adjustment Applications without Prior Application to Administrative Officer. A developer may file an application for development with the Board of Adjustment for action under any of its powers without prior application to the Administrative Officer.

3. Board Powers on Appeals. The Board may reverse or affirm, wholly or in part, or may modify the action, order, requirement, decision, interpretation or determination appealed from and to that end have all powers of the municipal official from whom the appeal is taken.

4. Stay of Proceedings by Filing of Appeal. An appeal to the Board of Adjustment shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made unless the municipal official from whose action the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Superior Court of New Jersey upon notice to the municipal official from whom the appeal is taken and on due cause shown.

E. Time Period for Action by Board of Adjustment

1. The Board shall render a decision not later than one hundred twenty (120) days after the date (1) an appeal is taken from a decision of the Administrative Officer or other municipal official or (2) of the submission of a complete application for development to the Board of Adjustment, as the case may be.

2. Failure of the Board to render a decision within such one hundred-twenty-day-period or within such further time as may be consented to by the applicant shall constitute a decision favorable to the applicant.
3. Time Limits for Decision. Whenever an application for development requests relief pursuant to subdivision or site plan approval associated with a use variance, the Board of Adjustment shall grant or deny approval of the application within one hundred twenty (120) days after submission by a developer of a complete application to the Board of Adjustment or within such further time as may be consented to by the applicant. In the event that the developer elects to submit separate consecutive applications, the one hundred twenty (120) day provision shall apply to the application for approval of the variance. The period for granting or denying any subsequent approval shall be as otherwise provided in this Chapter. Failure of the Board of Adjustment to act within the period prescribed shall constitute approval of the application, and a certificate of the Administrative Officer as to the failure of the Board of Adjustment to act shall be issued on request of the applicant. It shall be sufficient in lieu of the written endorsement or other evidence of approval required, and shall be so accepted by the county recording officer for purposes of filing subdivision plats.

40-6 PROVISIONS APPLICABLE TO BOTH PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT

A. Meetings.

1. Meeting Schedule. Meetings of both the Planning Board and Board of Adjustment shall be scheduled no less often than once a month and shall be held as scheduled unless cancelled for lack of pending applications. Each Board may, in its discretion, eliminate one meeting during the summer months.

2. Special Meetings. The Chairman may request a special meeting provided that a majority of the Board agrees the meeting should be held. Board members shall be given at least seventy-two (72) hours advance telephone notice of a special meeting. The public shall be given notice of such meeting in accordance with the Open Public Meetings Act and, if applicable, MLUL requirements. Any costs associated with special meetings shall be the responsibility of the applicant (see fee ordinance).

3. Quorum. No action shall be taken at any meeting without a quorum being present.

4. Voting Requirements. All action shall be taken by majority vote of the members of the respective Board present at the meeting except as otherwise required by the provisions of N.J.S.A. 40:55D-34 and/or 70d. Failure of a motion to receive the number of votes required to approve an application for development shall be deemed an action denying the application. A member of the Board who was absent for one (1) or more of the meetings at which a hearing was held shall be eligible to vote on a matter upon which the hearing was conducted, notwithstanding the absence from one (1) or more of
the meetings; provided, however, that a transcript or recording of all of the hearing from which he/she was absent exists, and provided, further, that such Board member certifies in writing to the Board that he/she has read such transcript or listened to such recording.

5. Meetings Open To Public. All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Act.

6. Minutes. Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Board and of the persons appearing by attorney, the action taken by the Board, the findings, if any, made by it and reasons therefore. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the Municipal Clerk. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceedings concerning the subject matter of such minutes. Such interested party may be charged a reasonable fee for reproduction of the minutes for his or her use. Such fees may be established by rule by each Board.

7. Minutes of Closed Meetings. At least once a year, each Board shall review the minutes of all closed meetings held in conformance with the Open Public Meetings Act to determine whether the minutes may be made public.

B. Public Hearings

1. Requirement for Hearing. The Planning Board or Board of Adjustment shall hold a hearing on each application for development or on the adoption, revision or amendment of the Master Plan. Each Board shall make rules governing such hearings.

2. Maps to Be Available For Public Inspection. Any maps and documents for which approval is sought at a hearing shall be on file and available for public inspection at least ten (10) days before the date of the hearing during normal business hours in the office of the Board Secretary. The applicant may produce other documents, records or testimony at the hearing to substantiate, clarify or supplement the previously filed maps and documents.

3. Payment of Taxes. Every application for development submitted to the Planning Board or to the Board of Adjustment shall be accompanied by proof that no taxes or assessments for local improvements including water and sewer are due or delinquent on the property which is the subject of such application, or, if it is shown that taxes or assessments are delinquent on said property, any approvals or other relief granted by either Board shall be conditioned upon either the prompt payment of such taxes or assessments or the making of adequate provision for the payment thereof in such
manner that the Borough will be adequately protected.

4. Oaths and Subpoenas. The officer presiding at the hearings or such person as he/she may designate shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties; and the provisions of the County and Municipality Investigations Law, P.L. 1953, c. 38 (N.J.S.A. 2A:67A-1 et seq.), shall apply.

5. Testimony and Cross Examination. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer or solicitor for the Board, and the right of cross-examination shall be permitted to all interested parties through their solicitors, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.

6. Evidence. Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence.

7. Record of Proceedings. The Board shall provide for the verbatim recording of the proceedings by either a stenographer or mechanical or electronic means. The Board shall furnish a transcript, or duplicate recording in lieu thereof, on request to any interested party at his expense. Fees for such expenses shall be established by rules of the Board.

8. Decisions:

   a. Resolutions. The Board shall include findings of fact and conclusions based thereon in each decision on any application for development and shall reduce the decision to writing. The Board shall provide the findings and conclusions through:

      (1) A resolution adopted at a meeting held within the time period provided in the MLUL for action by the Board on the application for development; or

      (2) A memorializing resolution adopted at a meeting held not later than forty-five (45) days after the date of the meeting at which the Board voted to grant or deny approval. Only the members of the Board who voted for the action taken may vote on the memorializing resolution, and the vote of a majority of such members present at the meeting at which the resolution is presented for adoption shall be sufficient to adopt the resolution.

      (3) An action pursuant to N.J.S.A. 40:55D-9 resulting from the failure of a motion to approve an application, shall be memorialized by resolution as provided above, with those members voting against the motion for approval being the
members eligible to vote on the memorializing resolution.

(4) The vote on any such resolution shall be deemed to be a memorialization of the action of the Board and not to be an action of the Board; however, the date of the adoption of the resolution shall constitute the date of the decision for purposes of the mailings, filings and publications required under this subsection. If the Board fails to adopt a resolution or memorializing resolution, any interested party may apply to the Superior Court in a summary manner for an order compelling the Board to reduce its findings and conclusions to writing within a stated time and the cost of the application, including attorney's fees, shall be assessed against the municipality.

b. Copies of Decision. A copy of the decision shall be mailed by the Board within ten (10) days of the date of decision to the applicant or if represented then to his or her solicitor, without separate charge, and to all who request a copy of the decision for a reasonable fee. A copy of the decision shall also be filed by the Board in the office of the Municipal Clerk. The Municipal Clerk shall make a copy of such filed decision available to any interested party for a reasonable fee and available for public inspection at his or her office during reasonable hours.

c. Publication of Notice of Decision. A brief notice of the decision shall be published in the official newspaper of the municipality. Such publication shall be arranged at the applicant's expense by the Secretary of the Board, provided that nothing contained in this ordinance shall be construed as preventing the applicant from arranging such publication if he or she so desires. The period of time in which an appeal of the decision may be made shall run from the first publication of the decision, whether arranged by the Board or the applicant.

C. Notice of Applications

1. Applications Requiring Notice. Public notice of a hearing on an application for development shall be given.

2. Manner of Giving Notice. Notice of a hearing requiring public notice shall be given by the applicant at least ten (10) days prior to the date of the hearing in the following manner:

a. To the general public, by publication in the official newspaper of the Borough.

b. To all owners of real property as shown on the current tax duplicate, located in the State and within two hundred (200) feet in all directions of the property which is the subject of such hearing, provided that this requirement shall be deemed satisfied by notice to the condominium association, in the case of any unit owner whose unit has
a unit above or below it, or horizontal property regime, in the case of any co-owner whose apartment has an apartment above or below it. Notice shall be given by serving a copy thereof on the property owner as shown on said current tax duplicate or his or her agent in charge of the property or mailing a copy thereof by certified mail to the property owner at his or her address as shown on said current tax duplicate.

c. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation.

d. Notice to a condominium association, horizontal property regime, community trust or homeowner’s association, because of its ownership of common elements or areas located within two hundred (200) feet of the property which is the subject of the hearing, may be made in the same manner as to a corporation without further notice to unit owners, co-owners or homeowners on account of such common elements or areas.

e. To the Clerk of any adjoining municipality when the property involved is located within two hundred (200) feet of said adjoining municipality. Notice shall be given by personal service or certified mail.

f. To the County Planning Board when the application for development involves property adjacent to an existing county road or proposed road as shown on the County Official Map or the County Master Plan, adjoining other county land or situated within two hundred (200) feet of a municipal boundary. Notice shall be given by personal service or certified mail.

g. To the Commissioner of Transportation of the State of New Jersey when the property is adjacent to a state highway. Notice shall be given by personal service or certified mail.

h. To the State Planning Commission when the hearing involves an application for the development of property which exceeds one hundred fifty (150) acres or five hundred (500) dwelling units, in which case the notice shall include a copy of any maps or documents required to be on file with the Municipal Clerk pursuant to this Chapter. Notice shall be given by personal service or certified mail.

i. On applications for approval of a major subdivision or a site plan not defined as a minor site plan to all public utilities, cable television companies or local utilities which possess a right-of-way or easement within the Borough and which have registered
with the Borough in accordance with N.J.S.A. 40:55D-12.1 by (1) serving a copy of the notice on the person whose name appears on the registration form on behalf of the public utility, cable television company or local utility or (2) mailing a copy thereof by certified mail to the person whose name appears on the registration form at the address shown on that form.

3. List of Owners and Others. Upon the written request of an applicant, the Borough tax assessor shall, within seven (7) days, make and certify a list from current tax duplicates of (i) names and address of owners within the Borough to whom the applicant is required to give notice pursuant to this Chapter and the names, addresses and positions of those persons who, not less seven (7) days prior to the date on which the applicant requested the list, have registered to receive notice pursuant to this Chapter. Failure to give notice to any owner, public utility, cable television or local utility not on the list obtained in such manner shall not invalidate any hearing or proceeding. A sum, not to exceed $0.25 per name, or $10.00 per lot, whichever is greater, shall be charged for such list.

4. The applicant shall file an affidavit of proof of service and affidavit of publication with the Board holding the hearing, at least five (5) days prior to the first scheduled hearing. In addition, the applicant shall submit the original white slips bearing the postmark from the post office from where notices were mailed. The list of property owners relied upon by an applicant shall not be more than 60 days old, from the date of mailing.

5. Contents of Notice. The notice shall state the date, time and place of the hearing, the nature of the matters to be considered and an identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the Borough tax assessor's office; and the location and times at which any maps and documents for which approval is sought are available for inspection pursuant to this Chapter.

6. Effect of Mailing. Any notice made by certified mail pursuant to this Chapter shall be deemed complete upon mailing.

D. Registration by Public Utilities, Cable Television Companies and Local Utilities

1. Right to Register. Every public utility, cable television company and local utility which holds a right-of-way or easement in the Borough and which is interested in receiving notice pursuant to this Chapter, may register with the Municipal Clerk to receive such notice. The registration shall remain in effect until revoked by the public utility, cable television company, or local utility or by its successor in interest.

2. Registration Fee. A registration fee of twenty ($20) dollars is required for any public utility, cable television company or local utility, which registers to receive notice pursuant to this Chapter.
section.

E. Conditional Approval

1. In the event that an applicant submits an application proposing a development that is barred or prevented, directly or indirectly by a legal action instituted by any state agency, political subdivision or other party to protect the public health and welfare or by a directive or order issued by any state agency, political subdivision or court of competent jurisdiction to protect the public health and welfare, the Board shall process such application in accordance with this Chapter, and if such application complies with all Borough regulations, the Board shall approve such application conditioned on removal of such legal barrier to development.

2. In the event that development proposed by an application requires an approval by a governmental agency other than the Board, the Board shall, in appropriate instances, condition its approval upon the subsequent approval of such governmental agency. The Board shall make a decision on any application within the time period provided in this Chapter or within an extension of such period as has been agreed to by the applicant, unless the Board is prevented or relieved from so acting by the operation of law.

F. Tolling Of Running Of Approval Period. In the event that, during the period of approval heretofore or hereafter granted to an application, the developer is barred or prevented, directly or indirectly, from proceeding with the development otherwise permitted under such approval by a legal action instituted by any state agency, political subdivision or other party, or by a directive or order issued by any State agency, political subdivision or court of competent jurisdiction, to protect the public health or welfare, and the developer is otherwise ready, willing and able to proceed with said development, the running of the period of approval under this Chapter shall be suspended for the period of time said legal action is pending or such directive or order is in effect.

G. Time Extensions. The Board and an applicant may mutually agree to extend the time limit specified for action. Such extension shall be made in writing or verbally at a public meeting of the Board.

H. Expiration of Variance. Any variance from the terms of this Chapter hereafter granted by either Board permitting the erection or alteration of any structure or permitting a specified use of any premises shall expire by limitation unless such construction or alteration shall have been actually commenced on each and every structure permitted by said variance, or unless such specified use has actually been commenced, within one (1) year from the date of publication of the notice of the decision of the Board granting the variance or unless specifically approved for a larger period of time as permitted by statute, except, however,
that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Board to a court of competent jurisdiction, until the termination in any manner of such appeal or proceeding.

I. Application by Corporation or Partnership

1. Disclosure By Corporate or Partnership Applicant. A corporation or partnership applying to the Planning Board or the Board of Adjustment for permission to subdivide a parcel of land into six (6) or more lots, or applying for a variance to construct a multiple dwelling of twenty-five (25) or more dwelling units or for approval of a site to be used for commercial purposes shall list the names and addresses of all stockholders or individual partners owning at least ten (10) percent of its stock of any class or at least ten (10) percent of the interest in the partnership, as the case may be.

2. Disclosure by Corporation or Partnership Owning Ten Percent or More of Applicant. If a corporation or partnership owns ten (10) percent or more of the stock of a corporation or interest of ten (10) percent or greater in a partnership, either of which is subject to disclosure pursuant to the above paragraph that corporation or partnership shall list the names and addresses of its stockholders holding ten (10) percent or more of its stock or interest of ten (10) percent or greater in the partnership, as the case may be; and this requirement shall be followed by every corporate stockholder or partner in said partnership until the names and addresses of the non-corporate stockholders and individual partners exceeding the ten (10) percent ownership criterion set forth in this section have been listed.

3. No Approval If Disclosure Requirements Not Met. The Board shall not approve the application of any corporation or partnership which does not comply with this section.

4. Penalties. Any corporation or partnership which conceals the names of the stockholders owning ten (10) percent or more of its stock or of the individual partners owning an interest of ten (10) percent or greater in the partnership, as the case may be, shall be subject to a fine of one thousand dollars ($1,000.) to ten thousand dollars ($10,000.), which shall be recovered in the name of the Borough of Tinton Falls in any court of record in the state in a summary manner pursuant to the Penalty Enforcement Law (N.J.S.A. 2A:58-1 et seq.).
ARTICLE III
APPLICATION REQUIREMENTS AND DEVELOPMENT PROCEDURES
BOROUGH OF TINTON FALLS

40-7. FEES
Any applicant to the Planning Board or the Zoning Board of Adjustment shall pay the following to the Borough of Tinton Falls at the time of application.

A. Fee Categories.
   1. An initial application fee to defray the Administrative costs of the Planning and the Zoning Offices. (See Fee Schedule in Subsection B. below).
   2. A publication fee of twenty ($20.00) dollars for each decision rendered by the Planning Board or the Zoning Board of Adjustment to defray the cost(s) of publishing said decision(s).
   3. Escrow moneys to be deposited to pay the cost of any professional fees incurred for the review of a submission for development. Said escrow moneys shall be placed in an escrow account pursuant to §40-8, Escrow Deposits. Additional deposits will be required to be paid into the escrow account in order to cover additional professional reviews and services in the event the initial escrow deposit has been reduced to an insufficient amount to cover anticipated costs. (See Escrow Schedule in §40-8).
   4. Nonrefundable Tax Map Revisions Fee (where applicable) which will be placed in the Borough's Fund for Tax Map Revisions to offset cost of revisions. The Tax Map Revision Fees shall be as follows:
      a. Single Family Lots (min. scale 1" = 100'):
         (1) 1-2 lots $150.00
         (2) 3-10 lots $500.00
         (3) 11-25 lots $750.00
         (4) 26-100 lots $1,500.00
         (5) 101 lots and up $2,500.00
      b. Condominiums and/or Single Family (min. scale 1" = 100'):
         Up to 200 units per sheet $2,500.00 per sheet
      c. Condominiums Only (min. scale 1" = 100'):
         Up to 500 units per sheet $2,500.00 per sheet
      d. Commercial/Industrial:
         (1) Revision to existing sheet $250.00
NOTE: Actual cost for tax map revisions may be reduced if applicant's engineer can furnish data disks of subdivisions which are compatible with the Borough Engineer's computer system.

5. Professional review fees not covered under Escrow Fee Deposits including any and all professional review fees incurred by the Planning Board and the Zoning Board of Adjustment during the application process and attendance of the Attorney, Engineer and Planner at Regular and Work Session meetings.

6. Any and all professional review fees incurred by the Planning Board or the Zoning Board of Adjustment during the application process.

7. Upon the written request of an applicant, the administrative officer shall, within seven (7) days, make and certify from the current tax duplicates a list of the names and addresses of owners to whom the applicant is required to give notice pursuant to N.J.S.A. 40:55D-12(b). In addition, the administrative officer shall include on the list the names, addresses, and positions of those persons who, not less than seven (7) days prior to the date in which the applicant requested the list, have registered to receive notice pursuant to N.J.S.A. 40:55D-12(h). The applicant shall be entitled to rely upon the information contained in such list, and the failure to give notice to any owner or to any public utility, cable television company or local utility not on the list shall not invalidate any hearing or proceeding. The fee for said list shall be ten ($10.00) dollars or twenty-five ($0.25) cents per name, whichever is greater.

B. Amount of Application Fees. No application shall be deemed complete or proceed before the Board, or receive final action on the application, until all fees are paid and the required escrow deposits (see §40-8) are received by the Borough and posted with the Department of Finance. With any application fee amounts over five thousand ($5,000.00) dollars, the Borough reserves the right to retain thirty-three and one-third percent (33 1/3%) of the interest accrued for administrative costs; the balance of the interest shall be paid to the applicant. Escrow moneys that are not allocated for the above will be returned as soon as possible after completion of the application upon written request by the applicant and after payment of all final bills for professional services rendered.

1. SUBDIVISION:
   - Minor: $500.00
   - Preliminary: $500.00 + $50.00 per lot
   - Final: $250.00 + $50.00 per lot
2. **SITE PLAN:**
   - **Residential**
     - Preliminary: $500.00 + $50.00 per dwelling unit
     - Final: 50% of Preliminary
   - **Nonresidential**
     - Preliminary: $1,000.00 plus $50.00 per acre plus $0.05 per square foot of proposed building area
     - Final: 50% of Preliminary
   - **Tax Map (Final Residential/Condo)**: $100.00 + $25.00 per unit

3. **CONDITIONAL USE APPROVAL**
   - $300.00 + fees as designated under Site Plan

4. **GENERAL DEVELOPMENT PLAN:**
   a. Initial submission: $500.00
   b. Administrative change determined to be minor in nature by the Borough Engineer: $150.00
   c. Amendment to previously approved plan: $250.00
   d. Amendment to previously approved timing schedule: $250.00

1. **ARCHITECTURAL REVIEW:**
   a. Residential: $150.00
   b. Nonresidential: $300.00

2. **VARIANCES:**
   a. Appeals to action of an Administrative Officer pursuant to N.J.S.A. 40:55D-70a: $300.00
   b. Interpretation of the Zoning Ordinance or Map and Official Map pursuant to N.J.S.A. 40:55D-70b: $300.00
   c. Hardship Variance(s) pursuant to N.J.S.A. 40:55D-70c (1):
      - Residential: $100.00
      - Nonresidential: $200.00
d. Variance(s) pursuant to 
N.J.S.A. 40:55D-70c(2) and N.J.S.A. 40:55D-60 
$300.00 for 1+ 
$50.00 for each additional variance

e. Use Variance pursuant to N.J.S.A. 40:55D-70d:

Single-Family $300.00 + fees as designated under Site Plan

Multi-Family $600.00 + fees as designated under Site Plan

Nonresidential $600.00 + fees as designated under Site Plan

3. INFORMAL REVIEW:

a. Informal presentation before the appropriate Municipal Agency Pursuant to N.J.S.A. 40:55D-10.1, Informal Review, the amount of any fees for such formal review shall be a credit toward fees for review of the application for development.

b. Capital Review $150.00 per

Any costs incurred by the Borough exceeding the initial fee will be reimbursed by the applicant.

4. AMENDMENT OF APPROVAL:

a. Administrative change $150.00

(a change that is determined to be minor in nature by the engineer) for subdivision or site plan previously approved

b. Amendment of preliminary or final plat or plan previously approved determined to be non-substantial/minor by the Borough Agency $250.00

c. Amendment of preliminary or final plat or Plan previously approved determined to be non-substantial/minor by the Borough Agency Full fee as required by this §40-7 Fees, plus Escrow
be substantial by the Borough Agency Deposits by §40-8, Escrow Deposits
d. Application for extension of time of site $150.00 plus any other costs incurred
plan or subdivision approval pursuant to by the Board during the review
Municipal Land Use Law process (N.J.S.A. 40:55D-1 et seq.)
e. Application for extension of time to meet $150.00 plus any other costs
conditions required in the resolution incurred by the Board during
pursuant to N.J.S.A. 40:55D-53b the review process
f. Application for signs $150.00 plus any other costs
5. APPEALS:
incurred by the Board during
Any appeal if so permitted by ordinance of the review process
actions taken pursuant to the Municipal Land $300.00 plus any other costs
Use Law (N.J.S.A. 40:55D-1 et seq.) incurred during the
6. SPECIAL MEETINGS:
appeal process
Upon the request of an applicant for a $1,750.00 per special meeting
Dedicated special meeting to review the
submission before the appropriate Borough
Agency
7. CERTIFICATE OF NONCONFORMING USE:
a. Certificate of nonconforming use from $10.00
   the Administrative Officer
b. Application or appeal to Zoning Board of
   Adjustment for certificate of nonconforming
   use $250.00
8. CALCULATION OF FEES:
a. Submissions involving more than one (1) use shall pay a fee equaling the sum of the fees
   for the component elements of the plan.
b. Submissions involving a combination of approvals filed concurrently including but not
   limited to subdivision, site plan and/or variance shall pay the highest fee in full, plus one-
   half (1/2) of each other fee applicable for each additional approval required.
c. Submissions involving a combination of approval, not filed concurrently shall pay the full
   fee as imposed herein.
d. Where a submission involves part of unit of measure on which a fee is based, said unit of measure shall be rounded upward to the next whole unit.

9. G.I.S. REVISION FEE:

Each applicant shall be required to pay the following nonrefundable fees to the Planning Board or the Zoning Board of Adjustment in addition to any other fees that would be required:

a. Zoning Board of Adjustment: Variance application (other than variance(s) requests contained in applications for development), thirteen ($13.00) dollars of which three ($3.00) dollars will be placed in a separate escrow account to be utilized for a computerized document management system.

b. Planning Board or Zoning Board of Adjustment: All other applications for development, fifty-six ($56.00) dollars of which six ($6.00) dollars will be placed in a separate escrow account to be utilized for a computerized document management system. Should said application require a variance or variances, then the following nonrefundable fee(s) would be required, thirteen ($13.00) dollars per variance of which three ($3.00) dollars will be placed in an escrow account to be utilized for a computerized document management system.

40-8 ESCROW DEPOSITS

A. The Borough shall make all of the payments to professionals for services rendered to the Borough for review of applications for development, review and preparation of documents, inspection of improvements or other purposes under the provisions of PL 1975, c. 291 (C.40:55D-1 et seq.). If the Borough requires of the applicant a deposit toward anticipated Borough expenses for these professional services, the deposit shall be placed in an escrow account by the Borough Treasurer pursuant to section 1 of PL 1985, c. 315 (C.40:55D-53.1). The amount of the deposit required shall be reasonable in regard to the scale and complexity of the development. All payments charged to the escrow account shall be pursuant to vouchers from the professionals stating the hours spent, the hourly rate, and the expenses incurred. The Borough shall render a written final accounting to the applicant on the uses to which the deposit was put. Thereafter the Borough shall, upon written request, provide copies of the vouchers to the applicant. If the salary, staff support and overhead for a professional are provided by the Borough, the charge of the deposit shall not exceed two hundred percent (200%) of the sum of the products resulting from multiplying (1) the hourly base salary of each of the professionals by (2) the number of hours spent by the respective professional on review of
the application for development or the applicant's improvements, as the case may be. For other professionals the charge to the deposit shall be at the same rate as all other work of the same nature by the professional for the Borough. Services rendered by other Board professionals (landscaping, environmental, and traffic consultants) will be charged to escrow deposits.

B. No submission, including a General Development Plan application, shall be deemed complete and no action to approve or conditionally approve an application shall be taken until such time as the applicant shall have posted with the Borough in cash, certified check, or money order the amount of escrow required to be deposited as calculated from the following schedule. If during the processing of the application the funds remaining in the escrow account are depleted to within five hundred ($500.00) dollars, but in any event not less than ten percent (10%) of the original deposit, the applicant shall deposit additional funds equal to the larger of either five hundred ($500.00) dollars or twenty percent (20%) of the original deposit before the application shall proceed before the Board and prior to action to approve or conditionally approve the application. The Board may dismiss an application in the event the escrow deposit is not initially sufficient, or is not adequately replenished to allow the processing of the application to continue.

<table>
<thead>
<tr>
<th>Application Type</th>
<th>Escrow/Professional Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Subdivision</td>
<td></td>
</tr>
<tr>
<td>Minor</td>
<td>$3,500.00</td>
</tr>
<tr>
<td>Preliminary</td>
<td>$4,000.00 + $100.00 per lot</td>
</tr>
<tr>
<td>Final</td>
<td>$2,500.00 + $75.00 per lot</td>
</tr>
<tr>
<td>Tax Map (Minor &amp; Final)</td>
<td>N.F.</td>
</tr>
<tr>
<td>2. Site Plan</td>
<td></td>
</tr>
<tr>
<td>Residential Preliminary</td>
<td>$100.00 per 100 square foot of land area to be disturbed</td>
</tr>
<tr>
<td>Final</td>
<td>Minimum $5,000.00 - Maximum $10,000.00</td>
</tr>
<tr>
<td>Nonresidential Preliminary</td>
<td>$100.00 per 1,000 square foot of land area to be disturbed</td>
</tr>
</tbody>
</table>
3. **Tax Map (Final Residential/Condo)**
   - N.F.

C. **Reserved.**

D. **Architectural Review:**
   - Escrow to be deposited $250.00 per review required by the Borough Agency of review from each of legal, engineering, environmental, traffic, planning, landscaping, etc. disciplines.

E. **Amendment of Approval:**
   - Escrow to be deposited $250.00 per review required by the Borough Agency of review from each legal, engineering, environmental, traffic, planning, landscaping, etc. disciplines.

F. **Review of Conceptual Presentation by Professional Staff:**
   - Escrow to be deposited $250.00 per review required by the applicant for each of the engineering, planning, environmental, traffic, landscaping, etc. disciplines. Any costs incurred by the Borough exceeding the initial escrow deposit will be reimbursed by the applicant.

G. **The Administrative Officer shall review the submission to determine whether the escrow amount set forth herein and posted by the applicant is adequate to fund the review of the submissions. The Administrative Officer shall consider the following criteria in making such determination.**
   1. Presence or absence of public water and/or public sanitary sewer serving the site.
   2. Environmental consideration including, but not limited to geological, hydrological and ecological factors required to be addressed in an Environmental Impact Report.
   3. Presence of critical areas as identified by the Borough of Tinton Falls Master Plan.
   4. Traffic impact of the proposed development.
   5. Impact of the proposed development on existing aquifers and water and water quality.

The Administrative Officer shall then determine whether the escrow amount specified is sufficient, excessive or insufficient. Such determination shall be filed with the applicable Borough Agency and the applicant. In the event that the amount posted is deemed to be excessive or that no escrow amount is required, same shall be refunded within thirty (30) days. In the event that the additional moneys are required, then the Borough Agency shall make a determination which shall be deemed binding upon the parties.
H. In the event that the applicant disagrees with the determination of the Administrative Officer of the escrow fee amount, then the Board shall make a determination which shall be deemed binding upon the parties.

I. All such escrow funds shall be utilized by the Borough to pay all costs of any professional fees incurred by the Borough for review and/or testimony in connection with the applicant's submission. All sums not actually so expended shall be refunded to the applicant upon applicant's written request for a refund within sixty (60) days after the final determination by the Borough Agency.

J. If additional moneys were expended over the posted escrow amount, the applicant shall pay such moneys within fourteen (14) days of notification. Payment of such moneys shall be a mandatory condition of approval of all action taken by the Borough Agency. No construction permit shall be issued until all such fees are paid. No commencement to build certificate will be issued by the Code Enforcement Officer until all additional expenses in connection with the application are settled and an escrow certificate indicating "paid in full" will be issued by the Borough Finance Department as proof of payment. Any escrow moneys outstanding after the thirty (30) days notification period will be passed to the Borough's Legal Department for collection in the form of a lien on the property, and subject to interest at the rate of one percent (1%) above current prime rate as posted in the Wall Street Journal.

K. Refund.

6. Should an application be withdrawn after commencement of completeness review, the applicant will be responsible for any and all planning and engineering fees accrued to date. Any debit or credit will be settled within thirty (30) days of written withdrawal notice.

7. Escrow Moneys. Applicable to above, will be refunded with interest less any professional fees owing to date within thirty (30) days of written application of withdrawal.

L. Implementation.

8. Submission filed after the effective date of this Chapter shall submit fees and escrow specified herein at the time of filing.

9. Submissions presently filed but without a final determination by the Borough Agency shall submit fees and escrow specified herein based upon accrual of expenditures within thirty (30) days of notification.

M. Modified Fee Schedule for Charitable Organizations. Any charitable, philanthropic, fraternal and religious nonprofit organization, holding a tax exempt status under the
Federal Internal Revenue Code of 1954 [26 U.S.C. 501 (c) or (d)] may apply at the time of its submission of an application for a modification to the fee schedule as set forth herein for development applications involving nonprofit activities. Upon receipt of such a request, the Division of Planning and Zoning shall obtain from the appropriate retained consultants including but not limited to engineering, planning, environmental, traffic, landscaping, and legal of the Borough an estimate of the fees to be charged for the review of the application. The Division of Planning and Zoning shall so notify the applicant and require the applicant to post the estimated fees into an escrow account pursuant to this Chapter which shall be utilized solely for the payment of the Borough's retained consultant for the review of the application. In no event shall the estimate of such fees exceed the fee schedule as contained herein. Appeals to the fees set by the Division of Planning and Zoning shall be heard by the Board. If after the completion of the application, which for this purpose shall be deemed to include satisfaction of all conditions contained in any resolution of approval, such applicant shall apply to the Division of Planning and Zoning for an accounting of the expenditures and the return of any unexpended funds held in trust.

N. The municipality shall exempt a board of education from payment of any fee charged under this act.

40-9 PERMITS

A. No zoning permit, construction permit, or certificate of occupancy shall be issued for any parcel of land or structure which was sold or on which improvements were undertaken in violation of the provisions of this Chapter or for use of a lot which was created by subdivision after the effective date of and not in conformity with the provisions of this Chapter. No site improvements, such as but not limited to excavation or construction of public or private improvements, shall be commenced except in conformance with this Chapter in accordance with plat approvals and the issuance of required permits.

B. A zoning permit shall be required to be issued by the Zoning Officer before the issuance of any construction permit or certificate of occupancy, and before a new use may occupy a building when that use will increase the lot coverage, increase the floor area ratio, or increase the number of dwelling units on-site.

C. It shall be unlawful to use any lot, tract or building or part thereof hereafter created or modified or involving a change in use until a certificate of occupancy shall have been issued by the Construction Official. No certificate shall be issued unless the land, building and
use comply with this Chapter, all matters incorporated on the approved subdivision or site plan shall be completed and certified by the Borough Engineer and the Building and Health Codes are complied with.

D. Each request for a zoning permit and a certificate of occupancy shall be accompanied by a certified check or bank money order payable to the Borough of Tinton Falls in the amount of ten ($10.00) dollars for a zoning permit plus an additional thirteen ($13.00) dollars, ten ($10.00) dollars of which is for G.I.S. and three ($3.00) dollars to be placed in a separate escrow account to be utilized for a computerized document management system; and fifteen ($15.00) dollars per dwelling unit for a certificate of occupancy plus an additional thirteen ($13.00) dollars, ten ($10.00) dollars of which is for G.I.S. and three ($3.00) dollars to be placed in a separate escrow account to be utilized for a computerized document management system and fifty dollars ($50.00) for each one thousand (1,000) square feet of gross floor area of nonresidential use for a certificate of occupancy.

E. Temporary Certificate of Occupancy.

1. Upon written application, the Zoning Officer is hereby empowered to issue a temporary certificate of occupancy for model homes and other purposes as specified in §40-77R for a period not to exceed six (6) months. The temporary certificate of occupancy may be extended by the Zoning Officer, upon written application, for additional periods not to exceed six (6) months each.

2. All applications for temporary certificates of occupancy shall be made to the Zoning Officer. The Zoning Officer, after determining that an application is in proper form, shall have the discretion to transmit a copy of the application and all supporting documents to the Police Chief, the Fire Marshal, all subcode officials, the Board, Engineer and/or the Borough Engineer for their review and recommendations. No temporary certificate of occupancy shall be issued except in compliance with this subsection and in compliance with N.J.S.A. 52:27D-133 and all of the regulations promulgated thereunder.

F. A certificate of occupancy shall be required for the use of any lot, tract or building, or any part thereof, upon any transfer of title, change in occupancy, change in use, or any modification or improvement for which a zoning permit or construction permit is or was required.

**40-10 CONTRIBUTION STATEMENT IN MAJOR VARIANCE APPLICATIONS**

A. Preamble. The Municipal Land Use Law requires that every municipality prepare a Master Plan which is to lay out the long-term development goals for a municipality which is to be carried out through the enactment of local land use ordinances.
Deviations from these local ordinances by way of variances pursuant to N.J.S.A. 40:55D-70c and N.J.S.A. 40:55D-70d as well as exceptions and waivers pursuant to N.J.S.A. 40:55D-51 provide opportunities for significant private gain.

Openness in government and a fair and impartial variance, waiver and exception application process is crucial to assuring the continuing integrity of the municipal Master Plan, its implementing ordinances and the integrity of the variance application process. Disclosure of political contributions by property owners, developers and professionals will enhance the Borough's existing commitment to openness in government and provide further guarantees for a fair and impartial variance, waiver and exception application process. Disclosure of political contributions by property owners, developers and professionals will advance the purposes of the Municipal Land Use Law to promote morals and general welfare.

The policy of the Borough of Tinton Falls will be to enhance the Borough's commitment to openness in government by providing further guarantees for a fair and impartial variance, waiver and exception application process, and in promoting morals and the general welfare through the integrity of the municipal planning process by requiring the supplementation of the municipal application checklist to include a Contribution Disclosure Statement listing any specified political contributions made by property owners, developers and the professionals whose services they use in applications for major variances, waivers and exceptions, pursuant to N.J.S.A. 40:44D-70c, N.J.S.A. 40:55D-70d and N.J.S.A. 40:55D-51.

B. Definitions

1. APPLICATION CHECKLIST — The list of submission requirements adopted by ordinance and provided by the Planning Board to a developer pursuant to N.J.S.A. 40:55D-10.3.
2. DEVELOPER — A developer as defined by N.J.S.A. 40:55D-4, i.e. the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable propriety interest in such lands.
3. PROFESSIONAL — Any person or entity whose principals are required to be licensed by New Jersey Statute and who supply legal representation, expert testimony or written reports in support of an application. Professionals shall include both the individual supplying the representation, testimony or reports and the firm or entity in which said individual practices.
4. CONTRIBUTION — Every loan, gift, subscription, advance or transfer of money or other thing of value, including any item of real property or personal property, tangible or intangible (but not including services provided on behalf of a candidate, committee
or organization), made to or on behalf of any candidate, candidate committee, joint candidate committee, political committee, continuing political committee or political party committee and any pledge, promise or other commitment or assumption of liability to make such transfer. For purposes or reports required under the provisions of the ordinance, any such commitment or assumption shall be deemed to have been a contribution upon the date when such commitment is made or liability assumed.

5. CONTRIBUTION DISCLOSURE STATEMENTS — A list specifying the amount, date and the recipient of any and all contributions made to or on behalf of any candidate, candidate committee, joint candidate committee, political committee, continuing political committee or political committee of, or pertaining to, the Borough of Tinton Falls, made up to one (1) year prior to filing the variance application and/or during the pendency of the application process, and required to be reported pursuant to N.J.S.A. 19-44A-1 et seq.

C. General Requirements

1. Disclosure
   a. Any applicant for a variance pursuant to N.J.S.A. 40:55D-70(d) or a variance pursuant to N.J.S.A. 40:55D-70(c) in conjunction with any application for a major subdivision or a major site plan as well as any major subdivision or a major site plan requiring waivers or exceptions pursuant to N.J.S.A. 40:55D-51 shall include in the application a Contribution Disclosure Statement for all developers, all associates of said developer who would be subject to disclosure pursuant to N.J.S.A. 40:55D-48.1 or N.J.S.A. 40:55D-48.2; and all professionals who apply for or provide testimony, plans or reports in support of said variance and/or waiver and who have an enforceable propriety interest in the property or development which is the subject of the application or whose fee in whole or part is contingent upon the outcome of the application. Regardless of whether the owner or the property which is the subject of the variance application falls in any of the categories established in the preceding sentence, the applicant shall include in the application a Contribution Disclosure Statement for said owner.
   b. During the pendency of the application process until final major subdivision or final major site plan approval is granted, any applicant required to comply with this section shall amend its Contribution Disclosure Statement to include continuing disclosure of all contributions within the scope of disclosure
requirements set forth above

2. Inclusion of Contribution Disclosure Statements on Applicant Checklist.
   a. The Application Checklist, provided by the Borough of Tinton Falls Planning Board or Zoning Board of Adjustment to applicants, shall be amended to provide that an applicant for preliminary major and/or final major subdivision with variance and/or waiver requests, as well as preliminary major and/or final major site plan with variance and/or waiver requests pursuant to N.J.S.A. 40:55D-70(c); N.J.S.A. 40:55D-70(d) or N.J.S.A. 40:55D-51 must file a Contribution Disclosure Statement as part of his application.
   b. An application shall not be deemed complete by the administrative official or accepted for public hearing by the Borough of Tinton Falls Planning Board until the required Contribution Disclosure Statement has been filed.

3. Availability of Disclosure Statement. All Contribution Disclosure Statements shall be available in the office of the secretary to the appropriate board for review by the public.

4. Intent of the Disclosure Statement. It is the intent of this section that the Disclosure Statement shall serve to inform the public and not serve as evidence relevant to the decision criteria for variance or waiver applications pursuant to N.J.S.A. 40:55D-70(c); N.J.S.A. 40:55D-70(d) or N.J.S.A. 40:55D-51.

5. Limits on Contributions. Any developer or professional as defined herein may annually contribute such amounts as are permitted by law to any municipal committee, County committee or political action committee without violating the provisions of this section. However, in the event that any developer contributes a sum in excess of four hundred dollars ($400.) to any candidate or Borough Council or five hundred dollars ($500.) to any municipal party committee, County party committee or political action committee or in the event that any developer contributes in excess of two thousand five hundred dollars ($2,500.) to all municipal candidates and office holders, then in that event any recipient either by way of direct contribution to such individual or to the political party of such individual or the municipal party of such individual, the County party committee of such individual or any political action committee to which the individual may be a participant or recipient be and hereby is disqualified from participating in any way in any application involving said developer.

6. Return of Excess Contributions. A developer or a Borough candidate, office holder or board or committee member or a municipal or a County party committee member
may cure a violation of paragraph (4) hereof if within thirty (30) days of receipt of such contribution the developer or Borough candidate, office holder or board committee member or a municipal or County party committee member and they notify the Borough Council in writing and seeks and receives or pays to as appropriate reimbursement of such excess contribution from such party from such Borough candidate, municipal political committee, County political committee or political action committee or developer.

40-11 COMPLETENESS REQUIREMENTS

A. Content

Each application for approval of a minor subdivision, minor site plan, preliminary major subdivision, preliminary site plan, final major subdivision, final site plan or conditional use, as the case may be, and each application for variance relief, shall include all information and data listed in the appropriate corresponding checklist as set forth in this Chapter.

B. Complete Application

The Planning Board, or Zoning Board, whichever the case may be, shall review all applications and accompanying documents required by this Chapter for the respective Board to determine that the application is complete.

An application for development shall be complete for purposes of commencing the applicable time period for action by a municipal agency when so certified by the respective Board. In the event that the Planning Board or Zoning Board does not certify the application to be complete within forty-five (45) days of the date of its submission, the application shall be deemed complete upon the expiration of the forty-five (45) day period for purposes of commencing the applicable time period unless:

1. The application lacks information indicated on the checklist for such application below, and

2. The Planning Board or Zoning Board has notified the applicant, in writing, of the deficiencies in the application within forty-five (45) days of submission of the application. The applicant may request that one or more submission requirements be waived, in which event the Planning Board or Zoning Board shall refer the request to the appropriate Board within forty-five (45) days.

Nothing herein shall be construed as diminishing the applicant's obligation to prove in the application process that he is entitled to approval of the application.

The Planning Board or Zoning Board may subsequently require correction of any information found to be in error and submission of additional information not specified in the checklist or
any revisions in the accompanying documents, as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the Planning Board or Zoning Board.

C. When Site Plan or Subdivision Approval Required

Except as may be otherwise required or provided for within this Chapter, within the Borough of Tinton Falls, compliance with preliminary and final site plan review will be required for all new construction, all building conversions and alterations and all change in use, with the exception of single family detached dwellings which are part of the total development of three or fewer lots. Review will be conducted prior to any excavation or removal of soil, site improvement, demolition or construction. Without approval, neither building permit nor Certificate of Occupancy will be issued. The site plan approval process should not be eliminated on change of use, even when there are no substantial changes being made to the property, and even though parking requirements are being met, unless the application for development is declared to be exempt by the Site Plan Review Committee. Some parts of the site plan process may be waived on an individual basis, but the review process is important to upgrade properties that are subject to site plan review.

40-12 DEDICATION OF RIGHT-OF-WAY

No subdivision or site plan involving any street(s) requiring additional right-of-way width as specified in the Master Plan or Official Map or the street requirements of this Ordinance shall be approved unless such additional right-of-way, either along one (1) or both sides of said street(s), as applicable, shall be deeded to the Borough or other appropriate governmental agency.

40-13 TRAFFIC IMPACT STATEMENT

A. When Required

The Board may require a traffic impact statement as part of preliminary approval of a major subdivision or site plan if, in the opinion of the Board, the development could have an adverse impact on the road network, ingress/egress or on-site circulation.

B. General Provisions

1. The traffic impact statement shall be prepared by a New Jersey licensed professional engineer having appropriate experience and education.
2. All relevant sources of information used in the preparation of said statement shall be identified.

C. Submission Format

All traffic impact statements shall provide a description of the impact and effect of the proposed land development upon all roads, which are adjacent to or immediately affected by traffic and shall specifically address the following items:

1. Existing conditions in the vicinity of the proposed project including:
   b. Representative traffic counts, not during holiday or summer periods (or with appropriate statistical adjustments for counts during the summer months).
   c. Traffic accident statistics
   d. Availability of public transportation.
   e. Level of Service of adjacent roadways.

2. Traffic generated by the proposed development including:
   a. Trip generation.
   b. Trip distribution.
   c. Modal split.
   d. Level of Service under proposed conditions.

3. Traffic impacts caused by the proposed development as per change in existing conditions.

4. Explanation of Traffic Reduction/Traffic Management Plans necessary pursuant to any current Federal, State or County requirements.

5. Recommendations for alleviating or diminishing any possible congestion or disruption to the established traffic pattern.

6. Any other information requested by the appropriate Board reasonably required to make an informed assessment of potential traffic impacts.

40-14 ENVIRONMENTAL IMPACT STATEMENT

A. When Required

The Board may require an environmental impact statement as part of preliminary approval of a major subdivision or site plan if, in the opinion of the Board, the development could have an adverse impact on the natural environment or critical environmental areas.

B. General Provisions

1. The environmental impact statement shall be prepared by an environmental scientist having appropriate experience and education.
2. All relevant sources of information used in the preparation of said statement shall be identified.

C. Submission Format

All environmental impact statements shall provide a description of the impact and effect of the proposed land development upon the natural environment or critical environmental areas and shall specifically address the following items:

1. Evidence that NJDEP has been requested to issue either a Letter of Interpretation regarding the wetland boundaries and their resource value and permit(s) for averaging or filling, or a letter of exemption that there are no wetlands

2. NJ DEP has been requested to issue either a Stream Encroachment Permit or a waiver.
   a. Any request for waivers from the EIR shall be immediately referred by the administrative officer to the Environmental Commission for a recommendation to the Board.

3. A description of the development specifying what is to be done during construction and operation, how it is to be done, and practical alternate plans to achieve the objective(s).

4. An inventory of the following on-site environmental conditions and an assessment of the probable impact of the development upon them: water supply; water quality; flood plain protection; wetlands and wetland transition areas; sewage disposal; topography, slopes in excess of fifteen percent (15%) and soil erosion; noise characteristics and levels; air quality; existing wooded areas to be protected; significant areas of wildlife habitat; and historic sites. Air and water quality shall be described with reference to standards promulgated by the Department of Environmental Protection of the State of New Jersey, and soils shall be described with reference to Soil Conservation Service categories and characteristics. The standards and guidelines used in this assessment should provide the source(s) on which the author relied.

5. A list and the status of the licenses, permits and approvals needed from Federal, State or County agencies, including any conclusions and comments received from these governmental agencies.

6. An evaluation of any adverse environmental impacts which cannot be avoided. Particular emphasis shall be placed upon air or water pollution, traffic, noise, impact of artificial light on nearby properties, sedimentation and siltation, destruction of significant wildlife habitats, and increases in Borough services or capital needs (such as schools, recreation, emergency services, and public works) and the
consequences to the Borough’s tax structure. The evaluation should include how the
developer can assist in minimizing the adverse impacts by altering design concepts
or by making, or participating in, on-site or off-tract improvements.

7. A description of steps to be taken to avoid or minimize adverse environmental
impacts during construction and operation, including necessary maps, phasing
schedules and other explanatory data to clarify and explain these steps.

8. Notwithstanding the foregoing, the Board may waive the requirement for all or part
of an Environmental Impact Statement if sufficient evidence is submitted to support a
conclusion that the proposed development will have a slight or negligible
environmental impact, or upon a finding that the complete report need not be
prepared in order to evaluate the environmental impact of the development.

9. Hazardous/Toxic Material. The preliminary plat shall be accompanied by data on the
quantity and location of hazardous and toxic materials stored or handled on-site.
This data shall include details on receiving, storing and shipping such materials; how
routine and emergency clean-ups are conducted; whether any special fire
suppression or spill containment is required; and the status of any approvals or
permits required from NJ DEP related to such materials.

40-15 INFORMAL REVIEW
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.

40-16 SUBMISSION OF GENERAL DEVELOPMENT PLAN ("GDP")
A. Eligibility
1. Developers of large tracts of land as set forth in the zoning district where a GDP is permitted
shall be permitted to file a GDP application prior to, or simultaneously with, a preliminary
subdivision or site plan plat provided all the requirements are met for each form of
application.

2. Developers may submit GDP plans for review and approval simultaneously with separate site
plan and/or subdivision applications which may, or may not, contain conditional use and/or
variance requests for any phase of the GDP.
B. Submission Requirements

1. Submission requirements for minor subdivision and site plan approval are provided in the Checklist.

2. The plat and accompanying written and other data, and reports, shall include the following:

   a. As part of the land use plan, the GDP shall set forth the number of dwelling units, the amount of nonresidential floor space, the residential density and the nonresidential floor area ratio for the planned development, in its entirety, and by sections according to any schedule which sets forth the timing of sections of the development. The proposed land use plan shall indicate the total tract area and the general locations of the land uses to be included in the development, including existing and proposed lot lines and the area of each lot. The total number of dwelling units by types and locations and the nonresidential floor area by types and location shall be delineated on the overall plan, and identified according to any proposed sections of development according to a timing schedule. A legend shall identify the land area devoted to each land use type with a calculation of the residential density and the gross floor area within each section and in the overall tract.

   b. A circulation plan showing the general location and types of transportation facilities including pedestrian ways, off-street parking and loading spaces, aisles, driveways, and streets, as well as proposed improvements to the existing transportation and highway system, either on-site or off-tract.

   c. An open space plan showing the proposed area and general location of parks and any other land area to be set aside for open space, wetlands other conservation areas, recreational areas, and buffer areas together with a general description of any improvements proposed to be made thereon, including a plan for the operation and maintenance of these areas.

   d. A utility plan indicating the need for and showing the proposed locations of the sewage collection and treatment system; water supply and distribution system; drainage facilities; gas, CATV, telephone and electric supplies; proposed methods of handling solid waste disposal; the recycling of recyclable materials; and a plan for the operation and maintenance of the proposed utilities.
e. The proposed, schematic stormwater management plan setting forth the proposed method of controlling and managing stormwater on-site and, if appropriate, related off-tract stormwater management facilities.

f. An environmental inventory including a general description of the vegetation and any major wooded areas; soil types; topography; geology; surface hydrology including wetlands and wetland buffer areas, stream corridors, floodways and flood hazard areas; climate; cultural resources of the site; existing and man-made structures or features; and the probable impact of the development on the environmental attributes of the site.

g. A community facility plan indicating the scope and type of supporting community facilities which may include, but not be limited to, educational, cultural, historic, library, hospital, fire house, police station, and recreation uses.

h. A housing plan setting forth the number of housing units to be provided and the extent to which any housing obligation assigned to the Borough under the Fair Housing Act and the rules of the Council on Affordable Housing will be provided by the development.

i. A local service plan indicating those public services which the applicant proposes to provide and which may include, but are not limited to, water service, sewage collection and treatment, cable TV, solid waste collection and disposal, and a plan for separation and recycling of recyclable materials.

j. A fiscal report estimating the demand on municipal services to be generated by the development and any financial impacts to be faced by the Borough or the school district as a result of the development including a projection of tax revenues for the Borough, school district, and County according to a projected timing schedule for completion of the development.

k. A proposed timing schedule including the terms and conditions intended to protect the interests of the public and of the residents and nonresident occupants of any section of the development prior to completion of each section as well as prior to completion of the entire development. Each section of the development shall coordinate the developer's interest with the public interest in such things as the size of each phase, financing costs, bonding and mixed uses with logical infrastructure improvements that function properly at the end of each section. Logical infrastructure shall include, but not be limited to, the water distribution system and fire hydrants, sewage collection and treatment system,
coordinated on-site circulation systems, off-tract road improvements, dedicated open space, stabilized soil, and stormwater control facilities.

1. A written proposed developer’s agreement between the Borough and the developer or its assignees. A draft agreement shall be initiated by the applicant and submitted simultaneously with the GDP application. Any revised draft shall be based upon the approval of the GDP and shall be submitted prior to or as part of a preliminary and/or final subdivision or site plan approval for any phase or section of the development. The final agreement shall be executed following, but as a condition of, final subdivision or site plan approval of any phase or section of the development and shall thereafter be amended, as appropriate, for each subsequent phase or section of the development. The agreement shall specify:

1) The length of time within which the zoning rights are vested, not to exceed the period(s) set forth in the Board’s resolution approving the GDP and in paragraph D(5) of this section.

2) The applicant’s commitments to completing any applicable infrastructure improvements, community facilities, and, if applicable, the method of participating in the Borough’s housing program.

3) Nothing herein shall be construed to lessen the applicant’s obligation to abide by applicable State or Federal laws, ordinances and regulations such as environmental, infrastructure, and housing requirements which changes might require modification to the GDP approvals relating to construction, funding, phasing, and/or site plan design.

4) Subject to the rights of the applicant pursuant to N.J.S.A. 40:55D-45.1a, and as referenced above, the applicant’s obligation to reasonably remedy environmental or infrastructure problems identified by the Borough and required to be remedied as a result in changes in applicable State or Federal laws, ordinances, or regulations.

5) The applicant’s commitment to a phasing or timing schedule that includes updating of traffic, water, sewer and similar facilities as referenced in subparagraphs (n)(2), (3) and (4) above as part of the submission of each preliminary and final plat for each phase or section of the development in order to make any necessary adjustments to the timing schedule and/or on-site or off-tract improvements for the overall GDP based on actual experience rather than initial projections. The
agreement may provide the Board with the right to relieve the applicant of all or portions of this obligation depending on how current the previous submissions and the data have been, how much development has occurred either on-site or in nearby areas, and the degree to which other conditions affecting the issues may have changed.

6) The form of agreement shall contain the right of the Borough to require the developer to provide periodic updating of prior studies at each phase of the development and to pay the costs of increased or decreased fair share of on-site and off-tract improvements which are required by the applicable law governing such improvements based upon the pro-rata share assigned to the developer, in order to deal with the need to accelerate, add, reduce or eliminate, those improvements directly due to the development.

7) The form of agreement shall provide for cooperation in the execution of endorsements relating to permits from Federal, State, County or other governmental agencies, as permitted by law.

C. Board Action.

1. Prior to GDP approval, the Board shall schedule and conduct a public hearing on the matter. Notice shall be in accordance with this chapter.

2. The Board shall approve or deny the GDP within ninety-five (95) days of submitting a complete application, or within such further time as may be consented to by the applicant. Failure of the Board to act within the period prescribed shall constitute GDP approval. A GDP may be granted approval conditioned on necessary County, State, municipal or other approving or licensing agencies acting favorably on, or issuing their permits and/or licenses as may be required.

3. The GDP approval does not authorize the developer to commence either construction or site work. The developer must obtain subdivision and/or site plan approval, as applicable, prior to the commencement of either construction or site work.

D. Effect of Approval

1. The Board shall find the following facts and conclusions as part of a GDP approval:
   a. The departures by the proposed GDP from zoning otherwise applicable to the subject property conform to Zoning Ordinance standards set forth for the GDP planned development for the zone in which the property is located.
b. That the proposals for maintenance and conservation of any common open space are reliable, and the amount, location and purpose of the common open space are adequate.

c. That provisions through the physical design of the proposed GDP for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment are adequate.

d. The proposed GDP will not have an unreasonably adverse impact upon the area in which it is proposed to be established.

e. That a GDP proposed to be constructed over a period of years has adequate terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development.

E. Duration

1. The Board shall establish the term of effect of the GDP. The GDP, once approved, shall vest in the applicant the right to develop the specified number of dwelling units, the amount of nonresidential floor space, the residential density, and the nonresidential floor area ratio, as authorized by and for the term set forth in the GDP. The terms and conditions of the GDP shall also, to the extent specified determine the extent and nature of the applicant’s rights, obligations, and responsibilities with respect to circulation, on- and off-tract improvements, open space, utilities, stormwater management, environmental preservation, community facilities, housing and local services. The term of effect shall not exceed twenty (20) years from the date the developer receives final approval of the first section of the GDP, or such lesser time approved by the Board provided the approval period is at least five (5) years. In making its determination regarding the duration of the term of effect of the GDP approval, the Board shall consider the number of dwelling units or amount of nonresidential floor area to be constructed, prevailing economic conditions, the timing schedule to be followed in completing the development and the likelihood of its fulfillment, the developer’s capability of completing the proposed development, and the contents of the GDP and any conditions the Board attaches to the approval thereof.

F. Modifications to the GDP or its Timing Schedules.

1. If, after approval of a GDP, the applicant wishes to revise the timing schedule, or wishes to make any variation in the location of land uses within the development, or to increase the density of residential development or the floor area ratio of nonresidential
development in any section of the development, the developer shall be required to gain
the prior approval of the Board, except that the developer may reduce the number of
residential units or amount of nonresidential floor space by no more than fifteen percent
(15%), or may reduce the residential density or nonresidential floor area ratio by no more
than fifteen percent (15%), provided, however, that a developer may not reduce the
number of low and moderate income residential units to be provided without prior
approval of the Board, and provided further there shall be no reduction in the level of
improvements, off-tract contributions, or similar conditions of the GDP without prior
approval of the Board.

2. A revision to the timing schedule shall be reviewed by the Board and the granting or
denial of any extensions of time shall be based on the degree to which matters are
judged to be, or to have been, within the reasonable control of the developer, or the
degree to which matters may have been beyond the control of the developer. The
Board shall also consider the items outlined in Subsection D above as part of any revision
to the timing schedule.

3. Upon acquiring a certificate of occupancy for every residential unit and every
nonresidential structure in each section of the development as set forth in the approved
GDP, the developer shall notify the administrative officer, by certified mail, as evidence
that the developer is fulfilling his obligations under the approved GDP. If the Borough
does not receive such notification at the completion of any section of the development,
the Borough shall notify the developer, by certified mail, in order to determine whether or
not the terms of the approved plan are being complied with.

4. If the developer does not complete any section of the development within eight (8)
months of the date provided for in the approved GDP, or if at any time the Borough has
cause to believe that the developer is not fulfilling his obligations pursuant to the
approved GDP, the Borough shall notify the developer, by certified mail, and the
developer shall have ten (10) days within which to give evidence that he is fulfilling his
obligations pursuant to the approved GDP. The Borough thereafter shall conduct a
hearing to determine whether or not the developer is in violation of the approved GDP.
If, after the hearing, the Borough finds good cause to terminate the approval, it shall
provide written notice of same to the developer and the approval shall be terminated
thirty (30) days thereafter.

5. In the event that a developer who has GDP approval does not apply for preliminary plat
approval for the planned development which is the subject of the GDP approval within
five (5) years of the date upon which the GDP has been approved by the Board, the
Borough shall have cause to terminate the approval. For purposes of this Chapter, the application for preliminary approval within the five (5) year period as required herein will be satisfied by submitting one (1) or more applications for one (1) or more sections of a phased developed within this five (5) years period, and will remain in compliance provided subsequent preliminary plat submissions for further sections of the development are submitted in a timely manner consistent with the timing schedule approved as part of the GDP.

6. In the event that a development which is the subject of an approved GDP is completed before the end of the term of the approval, the approval shall terminate and the development shall be considered complete on the date upon which the certificate of occupancy has been issued for the final residential and nonresidential structure in the last section of the development in accordance with the timing schedule set forth in the approved GDP and the developer has fulfilled all his obligations pursuant to the approval.

40-17 MINOR SUBDIVISION AND SITE PLAN REVIEW PROCEDURES

A. Submission Requirements

Submission requirements for minor subdivision and site plan approval are provided in the Minor Subdivision and Site Plan Checklist.

B. Minor Subdivision Classification

1. The Planning Board or Board of Adjustment shall classify the application.

C. Site Plan Classification

1. Classification of applications.

In all situations where site plan review is requested, the application shall be submitted to the Planning Board or Board of Adjustment for classification. The application shall be on forms supplied by the Secretary of the Planning Board for classification purposes. The Planning Board or Board of Adjustment shall classify applications as “nonexempt” unless, in the judgment of the Planning Board or Board of Adjustment, the following conditions are met:

a. Under circumstances where a change in use is contemplated, the superseding use is:

(1) Of the same or lesser intensity than its previously existing use, or the superseding use is of such a character that it will not deleteriously impact on site access and egress, the necessity for on-site parking, internal traffic circulation, etc., and

(2) There are no existing conditions on the site regarding access and egress, internal traffic, circulation, on-site parking, drainage, signage, site lighting, rectification,
buffers, etc., which require modification in the interest of the public health, safety and welfare.

b. In situations where new construction, alterations or conversions are involved, such work is so limited in scope or otherwise of such a nature as it will not have a material deleterious impact on intensity of use of the site, access and egress thereto, the necessity for on-site parking, internal traffic circulation, drainage, etc., and there are no existing conditions on the site regarding internal traffic circulation, on-site parking, drainage, signage, site lighting, landscaping, buffers, etc., which require rectification, amelioration or modification in the interest of the public health, safety and welfare.

4. Preliminary Review
1. Upon receipt of the application and accompanying exhibits, the Board will distribute copies of the application and attached exhibits to the Board Engineer, Board Planner and any other Board Professionals, official or agency that may be affected by the proposed application.

2. Officials and agencies shall forward reviews and recommendations, in writing, to the Board within 30 days of receipt.

5. Board Action
1. Except for applications governed by the time limits, the Board shall approve, conditionally approve, or deny a minor subdivision or site plan within forty-five (45) days of the submission of a complete application, unless the applicant shall extend the period of time within which the Board may act.

2. Failure of the Board to act within the period prescribed shall constitute minor subdivision or site plan approval and a certificate of the Administrative Officer as to the failure of the Board to act shall be issued on request of the applicant. The certificate shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the County Register for purposes of filing subdivision plats or deeds.

6. Effect of Approval
Approval of a minor subdivision or site plan shall be deemed final approval provided that the Board may condition such approval on the provision of improvements as may be required. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision or site plan approval was granted, shall not be changed for a period of two (2) years after the date on which the resolution of approval is adopted provided that the approved minor subdivision shall have been duly recorded in accordance with the Section below.
7. **Expiration of Minor Subdivision**

Approval of a minor subdivision shall expire one hundred ninety (190) days from the date on which the resolution of approval is adopted unless within such period a plat in conformity with such approval and the Map Filing Law, N.J.S.A. 46:23-9.9 et seq., or a deed clearly describing the approved minor subdivision is filed by the developer with the County Register, the Board Engineer and the Borough Tax Assessor. Any such plat or deed accepted for such filing shall have been signed by the Board Chairperson and Secretary. In reviewing the application for development for a proposed minor subdivision, the Board may accept a plat not in conformity with N.J.S.A. 46:23-9.9 et seq.; provided that if the developer chooses to file the minor subdivision as provided herein by plat rather than deed such plat shall conform with the provisions of the said act.

8. **Extensions of Minor Subdivision or Site Plan Approval**

1. The Board may extend the one hundred ninety (190) day period for filing a minor subdivision plat or deed pursuant to this Chapter if the developer proves to the reasonable satisfaction of the Board:
   
a. That the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities; and
   
b. That the developer applied promptly for and diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Board. The developer may apply for the extension either before or after what would otherwise be the expiration date.

2. The Board shall grant an extension of minor subdivision or site plan approval for a period determined by the Board, but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental agencies and that the developer applied promptly for and diligently pursued the required approvals. The developer shall apply for the extension before (a) what would otherwise be the expiration date of minor subdivision approval; or (b) the 91st day after the developer receives the first legally required approval from other governmental entities, whichever occurs later.

9. **Lands Resulting From Minor Subdivision**
Any lands, lots or parcels resulting or remaining from a minor subdivision may not be submitted as a minor subdivision for 24 months from the date of initial approval.

40-18 PRELIMINARY MAJOR SUBDIVISION AND SITE PLAN REVIEW PROCEDURES

A. Submission Requirements
Submission Requirements for preliminary major subdivision and preliminary site plan approval are provided in the Preliminary Major Subdivision and Site Plan Checklist.

B. Preliminary Review
1. Upon receipt of the application and accompanying exhibits, the Planning Board will distribute copies of the application and attached exhibits to the Board Engineer, Board Planner and any other Board Professionals, and any other official or agency that may be affected by the proposed application.
2. Officials and agencies shall forward reviews and recommendations, in writing, to the Planning Board within 30 days of receipt.

C. Board Action
1. Subdivisions.
   a. Except for applications governed by the time limits, the Board shall approve, conditionally approve or deny a preliminary major subdivision application of ten (10) or fewer lots within forty-five (45) days after the submission of a complete application, unless the applicant shall extend the period of time within which the Board may act.
   b. The Board shall approve, conditionally approve or deny a preliminary major subdivision application of more than ten (10) lots within ninety-five (95) days after the submission of a complete application, unless the applicant shall extend the period of time within which the Board may act.
   c. Failure of the Board to act within the time prescribed shall constitute preliminary major subdivision approval and a certificate of the Administrative Officer as to the failure of the Board to act shall be issued on request of the Applicant. Said certificate shall be sufficient in lieu of the written endorsement or other evidence of approval herein required, and shall be accepted by the County Register for purposes of filing subdivision plats.
   d. If the Planning Board required any substantial amendment in the layout of improvements, proposed by the developer, that have been the subject of a hearing, an amended application for development shall be submitted and proceeded upon, as in the case of the original application for development. The Planning Board shall, if
the proposed development complies with the ordinance and the Municipal Land Use Law, grant preliminary approval.

2. Site Plans.
   a. Except for applications governed by the time limits, the Board shall approve, conditionally approve or deny a preliminary major site plan which involves ten (10) acres of land or less, and ten (10) dwelling units or less, within forty-five (45) days after the submission of a complete application unless the applicant shall extend the period of time within which the Board may act.
   b. The Board shall approve, conditionally approve or deny the preliminary major site plan of more than ten (10) acres or more than ten (10) dwelling units within ninety-five (95) days after the application is certified complete unless the applicant shall extend the period of time within which the Board may act.
   c. Failure of the Board to act within the time prescribed shall constitute preliminary major site plan approval and a certificate of the Administrative Officer as to the failure of the Board to act shall be issued on request of the applicant. Said certificate shall be sufficient in lieu of a written endorsement or other evidence of approval herein required.

D. Substantial Modification
   1. If any substantial modification is proposed or required after preliminary approval has been granted, an application for such a modification shall be submitted and proceeded upon as in the case of the original application for development. The applicant may apply for modification approval either independently of or concurrently with an application for final approval. In either case, notice pursuant to this Chapter and N.J.S.A. 40:55D-1 et seq. shall be required and shall state the nature of the proposed modification. A substantial modification shall mean one which (1) increases density of development, (2) increases the square footage of buildings, (3) proposes a different use, (4) would result in increased adverse impact upon properties in the immediate area with respect to factors such as, but not limited to noise, glare, and increased drainage runoff, or (5) materially changes a required element of the development plan. Any modification which decreases the number of proposed lots, dwelling units, number of square feet, density or intensity of use shall not be considered a substantial modification so long as there is no proposed change of use and no additional variances or exceptions are required.
   2. If the Planning Board required any substantial amendment in the layout of improvements, proposed by the developer, that have been the subject of a hearing, an amended
application for development shall be submitted and proceeded upon, as in the case of the original application for development. The Planning Board shall, if the proposed development complies with the ordinance and the Municipal Land Use Law, grant preliminary approval.

E. Effect of Preliminary Approval

Preliminary approval of a major subdivision or site plan, except as provided in this section, shall confer upon the applicant the following rights for a 3-year period from the date on which the resolution granting preliminary approval is adopted.

1. That 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 sizes; yard dimensions and off-tract improvements; and in the case of a site plan, any requirements peculiar to site plan approval pursuant to N.J.S.A. 40:55D-41, except that nothing herein shall be construed to prevent the Borough from modifying by ordinance such general terms and conditions of preliminary approval as related to public health and safety.

2. That 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 subdivision plat or site plan, as the case may be.

3. That the applicant may apply for and the Board may grant extension on such preliminary approval for additional periods of at least one (1) year but not to exceed a total extension of two (2) years, provided that if the design standards have been revised by ordinance, such revised standards may govern.

4. Whenever the Board grants an extension of preliminary approval pursuant to the previous paragraphs above and preliminary approval has expired before the date on which the extension was granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for an extension either before or after what would otherwise be the expiration date.

5. The Board shall grant an extension of preliminary approval for a period determined by the Board but not exceeding one (1) year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the required approvals. The developer shall apply for the extension before (a) what would otherwise be the expiration date of the preliminary approval, or (b) the 91st
day after the developer received the last legally required approval from other governmental entities, whichever is later. An extension granted pursuant to this section shall not preclude the Board from granting an extension pursuant to the previous paragraphs above.

F. Simultaneous Preliminary and Final Site Plan Approval

Combined preliminary and final site plan approval may be granted provided all submission requirements for both applications are met. The time limit within which the Board shall act shall be the longest time permitted for either of the two approvals.

40-19 FINAL APPROVAL OF MAJOR SUBDIVISION AND SITE PLAN REVIEW PROCEDURES

A. Submission Requirements

1. Submission requirements for final major subdivision and site plan approval are provided in the Final Major Subdivision and Final Site Plan Checklist.

B. Preliminary Review

1. Upon receipt of the application and accompanying exhibits, the Planning Board will distribute copies of the application and attached exhibits to the Board Engineer, Board Planner and any other Board Professionals, and any other official or agency who may be affected by the proposed application.

2. Officials and agencies shall forward reviews and recommendations, in writing, to the Planning Board within 30 days of receipt.

C. Board Action

1. The Board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by ordinance for final approval, the conditions for preliminary approval, and, in the case of a major subdivision, the standards prescribed in the "Map Filing Law" P.L. 1960, c. 141.

2. Final approval shall be granted or denied within forty-five (45) days after submission of a complete application or within such further time as may be consented to by the applicant. Failure of the Board to act within the period prescribed shall constitute final approval and a certificate of the Administrative Officer as to the failure of the Board to act shall be issued on request of the applicant. The certificate shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and, in the case of subdivision plans, shall be so accepted by the County Register for purposes of filing.

3. Whenever review or approval of the application by the County Planning Board is required by N.J.S.A. 40:27-6.1 or 40:27-6.6, the Board shall condition its approval upon timely receipt of a favorable report on the application by the County Planning Board or
approval by the County Planning Board by its failure to report thereon within the required time period.

D. Effect of Final Approval

1. The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer, whether conditionally or otherwise, shall not be changed for a period of two (2) years after the date on which the resolution of final approval is adopted; provided that in the case of major subdivision the rights conferred by this section shall expire if the plat has not been duly recorded within the time period provided below. If the developer has followed the standards prescribed for final approval and, in the case of subdivision, has duly recorded the plat with the County Register in accordance below, the Board may extend such period of protection for extensions of one (1) year but not to exceed three (3) extensions. Notwithstanding any other provisions of this Ordinance, the granting of final approval terminates the time period of preliminary approval, for any section of the development which is granted final approval.

2. Whenever the Board grants any extension of final approval pursuant to the preceding paragraph, and final approval has expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for the extension either before or after what would otherwise be the expiration date.

3. The Board shall grant an extension of final approval for a period determined by the Board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued these approvals. A developer shall apply for an extension before (a) what would otherwise be the expiration date of final approval, or (b) the 91st day after the developer receives the last legally required approval from other governmental entities, whichever occurs later. An extension granted pursuant to this section shall not preclude the Board from granting an extension pursuant to the preceding paragraphs.

E. Conditions of Approval

1. Conditions binding. All conditions of preliminary and final approval shall be binding upon the applicant, all present and future owners, tenants, users and occupants of the property and their respective successors and assigns.
2. Failure to maintain. The applicant and any successor in interest shall be responsible for installing and maintaining in good order and condition all required improvements and landscaping, unless such improvements in landscaping are to be installed by, and/or dedicated to and maintained by the Borough, County or another party, under the terms of approval granted by the Board. Such required improvements shall include, but not be limited to, parking improvements, buffer zones, drainage facilities, exterior lighting and landscaping. Failure of any responsible party to install and/or maintain required improvements or landscaping, shall constitute a violation of this Chapter and shall be subject to the enforcement procedures set forth herein.

F. Expiration of Final Major Subdivision Approval
1. Final approval of a major subdivision shall expire ninety-five (95) days from the date of signing of the plat unless within such period the plat shall have been duly filed by the applicant with the County. The Board may for good cause shown extend the period for recording for an additional period not to exceed one hundred ninety (190) days from the date of signing of the plat. The Board may extend the 95-day or 190-day period if the applicant proves to the reasonable satisfaction of the Board (1) that the applicant was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities and (2) that the applicant applied promptly for and diligently pursued required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Board. The developer may apply for an extension either before or after the original expiration date.

2. No subdivision plat shall be accepted for filing by the County until it has been approved by the Board as indicated on the instrument by the signature of the Chairperson and Secretary of the Board. The signatures of the Board Chairperson and Secretary shall not be affixed until the developer has posted the performance guarantees required by this Ordinance and has satisfied all other applicable conditions of final approval. If the County records any plat without such approval, such recording shall be deemed null and void, and upon request of the municipality, the plat shall be expunged from the official records.

40-20 AMENDED SITE PLAN OR SUBDIVISION REVIEW
Applications for amended site plan or subdivision review shall be governed by the same requirements as all other applications for subdivision or site plan approval.
40-21  CONDITIONAL USE APPROVAL
The submission requirements and review process for conditional use applications shall be the same as for a major site plan, except as set forth below.
A. The Board shall grant or deny an application for conditional use approval within ninety-five (95) days of submission of a complete application or within such further time as may be consented to by the applicant. If relief is requested pursuant to N.J.S.A. 40:55D-70d, the Board shall grant or deny within 120 days of submission of a complete application or within such further time as may be consented to by the applicant.
B. The Board shall approve or deny a conditional use application simultaneously with any accompanying subdivision and/or site plan application. The longest time period for action by the Board, whether it be for subdivision, conditional use or site plan approval, shall apply. Whenever approval of a conditional use is requested by the applicant, notice of the hearing on the application shall include reference to the request for conditional use approval.
C. In approving a conditional use, a time limit of one (1) year from the date of the approval shall be set within which the owner shall secure a construction permit; otherwise the approval shall be null and void. The Board may, for good cause shown, extend the period for securing a construction permit for an additional period not exceeding six (6) months.
D. The conditions for approval shall be those specifically listed under the conditional use section of each zoning district as well as the applicable area and yard requirements listed in each zoning district, the parking and buffer requirements listed in the section, and all other applicable design requirements provided in this Chapter.

40-22  COUNTY APPROVAL
A. Whenever review or approval of a development application by the County Planning Board is required by N.J.S.A. 40:27-6.3 or 40:27-6.6, the Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board. The County Planning Board's failure to report thereon within the required time period provided by law shall be considered a favorable response.
B. Whenever County Planning Board review or approval is required, the applicant shall be responsible for filing all necessary applications, plans, reports and other documents directly with the County Planning Board.

40-23  SIGNING AND DISTRIBUTION OF APPROVED PLANS
A. When all conditions of any minor, preliminary or final approval have been met, the applicant shall submit to the Board Secretary eight (8) copies of the approved plan(s) with all revisions
required by the conditions of approval. The approved plan(s) shall be signed by the Board Chairperson and Engineer. Two (2) signed copies shall be returned to the applicant.

B. In addition to the foregoing, whenever any subdivision is to be perfected by the filing of the approval plat with the County Register in conformance with the Map Filing Law, the applicant shall submit to the Board Administrator, simultaneously with the plans described in Paragraph A above, two (2) mylars and at least eight (8) paper prints of the plat intended for recording. Provided that it conforms to the Map Filing Law, the plat intended for recording shall be signed by the Board Chairperson and Engineer simultaneously with the signing of the approved plans submitted pursuant to paragraph A above. After signing, one (1) Mylar and all paper prints of the plat so signed shall be returned to the applicant for recording with the County Register.

C. Following the filing of any approved subdivision plat or minor subdivision deed with the County Register, the applicant shall promptly deliver to the Board Secretary at least six (6) copies of the filed plat or recorded deed, as the case may be. The Board Secretary shall then distribute copies of the same.

D. Whenever any subdivision is to be perfected by the filing of the approved plat with the County Register, and when the engineering review of such subdivision has been performed by the Board Engineer, the plat intended for recording shall be signed by the Board Engineer.

E. The Applicant shall provide on CD one copy of all signed plans to the Borough in PDF format.

40-24 CHECKLISTS AND APPLICATIONS

No application for development shall be deemed complete unless the items, information and documentation listed in the applicable application form and checklist are submitted to the Board. If any required item is not submitted, the applicant must request in writing a waiver and state the reasons supporting each such request.

DEVELOPMENT APPLICATION FORMS See Appendix C
DEVELOPMENT APPLICATION CHECKLIST See Appendix D

<table>
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<tr>
<th>GENERAL REQUIREMENTS</th>
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<tr>
<td>1. The completed Application Form (original and 20 photocopies). If any item is not applicable to the applicant, it should so be indicated on the application form.</td>
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</tbody>
</table>
2. The completed Application Checklist (original and 20 photocopies). If any item is deemed not applicable by the applicant, it should so be indicated on the application checklist and a waiver request should be made.

3. All listed Application Checklist items as required.

4. Statement as to any requirements for which waiver is sought, together with a statement of reasons why waivers should be granted (original and 20 photocopies).

5. Ownership Disclosure Affidavit (original and 4 photocopies). If applicant is not the owner, the applicant’s interest in the land; e.g., tenant, contract/purchaser, lien holder, etc. If a corporation or partnership, list the names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class as required by N.J.S.A. 40:55D-48.1 et seq.

6. Contribution Disclosure Statement pursuant to Borough ordinance NO. 05-1153 (original and 4 photocopies).

7. Tax Collector Certification (original and 4 photocopies).

8. List of witnesses proposed to be presented and their expertise, if any. (original and 4 photocopies).

9. Minimum of four photographs of the site and buildings (original and 20 photocopies). Original photos shall be either 3-1/2 X 5 inches or 4 X 6 inch individual prints and the 20 photocopies shall be four photographs on a single 8-1/2 X 11 inch sheet. Photos shall be taken at various points on the site and show any areas subject to development.

10. Six (6) copies of plans shall be a minimum of sheet size Twenty-two by Thirty-four (22 x 34) inches for professional review. If more than one (1) sheet is required to show the entire subdivision, a separate composite map shall be drawn showing the entire subdivision on one (1) sheet and the sheets on which the various sections are shown.

11. Fourteen (14) copies of reduced sized plans shall be of sheet size eleven by seventeen (11x17) inches for Board review. Board review plans shall be scaled exactly 50% of those plans submitted for professional review to provide reliable scaling. A graphic scale must be included on every drawing. Reduced sized plans...
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<td>12.</td>
<td>Digital copy of final, approved plans submitted for Borough files.</td>
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<tr>
<td>13.</td>
<td>Digital copy of plans shall be submitted as a PowerPoint slides on CD for Board hearing.</td>
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<tr>
<td>14.</td>
<td>Digital copy of all other general requirements as PDF on CD.</td>
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ARTICLE IV
DEVELOPMENT REQUIREMENTS AND STANDARDS
BOROUGH OF TINTON FALLS

40-25 GENERAL DESIGN STANDARDS
In reviewing any application for development, the Board shall consider the following standards. In the case of standards covered by Residential Site Improvement Standards (RSIS), they shall take precedent for residential development, unless specifically discussed in this chapter.

A. Circulation
1. The Board shall consider pedestrian and vehicular traffic movement within and adjacent to a lot or tract with particular emphasis on the provision and layout of parking areas, off-street loading and unloading, movement of people, goods and vehicles from access roads.
2. The Board shall ensure that all parking areas are landscaped and spaces are usable and are safely and conveniently arranged. Access to a lot or tract from adjacent roads shall be designed so as to interfere as little as possible with traffic flow and to permit vehicles a safe ingress and egress to the lot or tract.
3. The circulation plan of each development shall reflect the Master Plan's circulation plan element. The location and provision of bikeways, sidewalks and other pedestrian linkages shall be encouraged and clearly indicated.
4. Access to lots within the Borough shall be from within the Borough as the general rule. Wherever access to a development is required across land in an adjoining community as the exception, the Board may require documentation that such access is legally established and that the access road is adequately improved. New lots shall also use the Borough boundary as the lot line to avoid new lots straddling the boundary.

B. Design and Building Layout
1. The design and layout of buildings and parking areas shall be aesthetically pleasing and provide for efficient arrangement. Particular attention shall be given to energy conservation, safety and fire protection and impact on surrounding development. Architectural design shall be compatible with the environmental and natural characteristics of the tract and the surrounding neighborhood.
2. All new buildings shall strengthen the particular design features of their locale, by, for example, framing scenic views, defining and inviting the use of open spaces, or continuing particular and desirable design features or statements.
3. All building additions shall be designed to reflect the existing building in terms of scale, materials, windows and color. A change in scale may require a transitional design element between the addition and the existing building. Façade renovations should include as few different materials as possible.

4. Where large structures are required, massing and blank walls shall be avoided as much as possible and, where necessary, relieved by variation and architectural relief and details. Excessively expansive blank walls are prohibited. Building offsets shall be provided along each building wall to relieve the visual effect of a single long wall. Roof lines shall also be varied. An individual building may use a combination of story heights to provide further visual relief. Building designs should incorporate details such as masonry chimneys, cupolas, dormers, and similar features for architectural appeal.

5. Roof shape and material shall be architecturally compatible with the rest of the building and shall reflect surrounding patterns. Flat roofs and Mansard roofs are discouraged except to soften or otherwise improve the appearance of a predominantly flat roof. Gable, hip, and gambrel roofs are favored.

6. Materials shall be selected for suitability to the type of buildings and the design in which they are to be used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.

7. Colors shall be selected to be harmonious. Only compatible accent colors shall be used. Accent or complimentary colors, harmonizing with the main color, may be used for trim, awnings and other accents. Metal awnings are prohibited.

8. Façade renovations shall not destroy or cover details on a building of historic or architectural interest.

9. In renovation projects, prevailing natural materials and themes shall be retained. Facades of natural materials such as stone, wood siding and brick shall not be covered with artificial siding or panels except for good cause shown. If an original material is or appears most appropriate on a façade, such material, if available, shall be used for renovations and additions. Roof cornices shall be retained, repaired, replaced or added where appropriate.

C. Environmental Considerations

1. Environmental elements relating to prevention of soil erosion, protection of significant vistas or views, preservation of trees and protection of watercourses, resources, soil and animal life shall be reviewed, and the design of the plan shall minimize any adverse impact on these elements.
2. Land with improper drainage, depth to the seasonal high water table of less than one (1) foot, slopes in excess of fifteen (15%) percent, utility easements, wetlands and their transition areas, stream encroachment, and areas within the 100-year flood plain, shall be restricted from development in accordance with any regulations adopted by Federal, State or County agencies and any regulations contained in this Chapter where Federal, State and County regulations may not apply.

3. Any subdivisions and site plans where there may be improvements proposed in these areas shall not be granted final approval unless the applicant has received the appropriate permits, except that subdivision and site plan applications where requests have been made for the appropriate permits and/or waivers from a Federal, State or County agency having jurisdiction over the matter may be conditionally approved subject to receipt of the Federal, State or County permits and/or waivers.

4. Any development permitted in these environmentally sensitive areas shall have adequate and acceptable designs to minimize the impact of the development by meeting the requirements of this Chapter and the other applicable Federal, State or County regulations.

D. Landscaping

1. Landscaping shall be provided as part of any overall site plan design and integrated into building arrangements, parking and buffering requirements. Landscaping includes trees, bushes, shrubs, ground cover, perennials, annuals, plants, sculpture, art and/or the use of building and paving materials in an imaginative manner.

2. The existing sense and appearance of any natural scenic qualities on a tract shall be retained by the careful placement of buildings and improvements.

E. Buffering

1. Buffering shall be located to minimize headlights of vehicles, noise, light from structures, the movement of people and vehicles and to shield activities from adjacent properties when necessary. Buffering may include but not be limited to fencing, walls, evergreens, shrubs, landscaping, berms, open space, deciduous trees or combinations thereof to achieve the stated objectives.

2. Extensive buffering shall be required where intensive land uses abut less intensive uses. Existing natural vegetation, if appropriate for the above stated purposes, shall be retained.

F. Open Space
1. Open space shall be provided as part of a site plan and shall serve as a buffer and/or help integrate buildings and uses. Undeveloped open space should have as a prime objective the preservation of a tract's natural amenities and vistas.

2. Open spaces shall be so located as to provide for maximum usability and to create a harmonious relationship between buildings.

G. Signs
1. Signs shall be designed so as to be aesthetically pleasing, coordinated with other signs on the site through a master signage plan and located so as to achieve their purpose without constituting hazards to vehicles and pedestrians.

2. There should be a coordinated graphics design theme throughout any site plan. The design theme shall include style and size of lettering, construction materials, colors, location, size and lighting. Color of letters and background should be carefully considered in relation to the color of the material or buildings or where the signs are proposed to be located.

H. Utilities
Particular emphasis shall be given to establishment of drainage rights-of-way, analysis of the adequacy of existing systems and the need for improvements, both on-site and off-site, to adequately control the rate, volume and velocity of storm drainage, provide for treatment of effluent and to maintain an adequate supply of potable water at sufficient pressure.

I. Street Furniture
Street furniture shall be made of the same or similar materials to ensure design continuity and be appropriate to the particular use. These may include, but are not limited to, benches, bike racks, trash receptacles, bus shelters, tree planters and directory signs.

40-26 SPECIFIC DESIGN STANDARDS
In reviewing any application for development, the Board shall consider the following standards.

A. Blocks
Block length and width or acreage within bounding roads shall be such as to accommodate the size of lots required by this chapter and to provide for convenient access, circulation control and safety of street traffic.

B. Lots
1. Insofar as is practical, side lot lines shall be at right angles to straight streets and radial to curved streets.

2. Where extra width has been dedicated for the widening of existing streets, lots shall begin at such extra line and setbacks shall be measured from such line.

3. To the extent possible, lots shall be rectangular or square.
4. Through lots with frontage on two (2) or more streets are prohibited.

5. Flag Lots are prohibited.

6. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as but not limited to wetlands or flood conditions, the Board may withhold approval of such lots.
   a. Any lot(s) or portions of a lot which, in the judgment of the Board, are undevelopable, inconsistent with the requirements of this Chapter, or in some manner may create or generate conditions imimical to the public health, safety, morals or welfare, may be denied either subdivision or site plan approval in whole or in part.
   b. The reason for denying a lot, or a portion of a lot, for development shall be related to the standards in this Chapter governing required street access; street grades, widths, improvements or construction standards; final grading of the land creating improper drainage and soil erosion protection; intrusion onto wetlands, wetland buffers, and flood hazard areas without NJ DEP approval; insufficient lot area, buildable area, lot dimensions, or building setbacks from lot lines or other required setbacks; lack of water or sewer service; insufficient parking or loading; insufficient stormwater control devices; or unsafe conditions related to sight distances, glare, hazardous or toxic materials, noise, and air/water/ground pollution.
   c. Where one (1) or more lots in a subdivision are denied, or where development plans for portion(s) of a lot submitted as part of a subdivision or site plan are denied, those areas shall be redesigned to either serve a permitted activity or use, or be attached to an approvable lot, or be deed restricted to open space until the deficiencies are remedied.

C. Apartments and townhouses

1. Each overall development shall have a compatible architectural and landscaping theme with variations in design to provide attractiveness to the development. Each project shall specify how each of the following considerations has been incorporated into the overall plans: landscaping techniques; building orientation to the site and other structures; topography; and natural features such as wooded areas, drainage courses, soil conditions, and topographic relief. The plans shall also indicate how building design features such as varying unit widths, staggering unit setbacks, providing different exterior materials, changing roof lines and floor designs, altering building heights and changing
types of windows, shutters, doors, porches, colors and vertical or horizontal orientation of the facades, singly or in combination, have been considered and selectively used within the project.

2. No dwelling unit shall have a living area lower than the finished grade along the front of the structure, except that on side hill locations the number of stories above ground on the uphill side shall not exceed two (2), with a third story permitted above ground on the downhill side.

3. All required open space shall be improved for the purposes intended as shown on the plan.

4. The location of recreational facilities shall consider the proximity of structures, type of recreational facility, noise level and evening illumination which may create nuisances for residents, and pedestrian and bicycle traffic across major interior roads or driveways. The periphery of any recreation area shall be no closer to a residential structure than the minimum yard for that structure.

5. Decks and Patios. Every townhouse and apartment development shall include on the plans at least one detail for a patio and one detail for a deck, whether or not the developer plans to construct these accessory structures. These structures shall be designed as open air, non-roofed structures which may have a privacy wall or fence not more than six (6) feet in height located between adjacent patios and decks. The structures shall abut the unit they serve, extend no further than twelve (12) feet from the dwelling unit, be no more than one hundred fifty (150) square feet in area, and may or may not have the outside edge (the edge parallel to the wall of the building) enclosed with a gated wall or railing not more than three (3) feet high and/or with a row of planting(s), but in either case providing access by emergency personnel.

D. Bikeways

1. A ten (10) foot easement for bikeways shall be provided along those street rights-of-way proposed to have a bikeway as shown in the circulation plan adopted as part of the Master Plan.

2. The easement shall be located outside the curbl ine, but within the street right-of-way. Bikeways need not be constructed as part of abutting street improvements, except that where any grading, drainage, curbs, pavement or similar street improvements are required as part of abutting street improvements, the work shall be extended to include the necessary rough grading in the easement for the bikeway.

E. Buffers

1. General.
a. Buffer dimensions shall be measured from property lines.
b. Within any buffer area, utilities, driveways and streets may be permitted to cross at right angles to the buffer.
c. No buildings, signs (other than directional signs), structures, storage of materials or parking shall be permitted within the buffer area.

2. When required; dimensional requirements. All uses other than single-family detached dwellings shall provide buffer areas along all side and rear property lines which abut any residential use. Additionally, commercial uses and other nonresidential uses shall provide buffer areas along all side and rear property lines which abut areas containing or planned for any residential use. The buffer areas shall meet the provisions as follows:
   a. The width of the buffer shall be determined in accordance with the following:
      1) Multifamily dwellings abutting any residential use: 15 feet.
      2) For commercial uses and other nonresidential uses abutting residential uses or zones: 40 feet.
   b. Buffer areas shall be placed with dense evergreen plant materials in an irregular and natural appearing pattern to form a continuous screen from grade level to a height of five feet. Where adequate space is available in buffer areas, the screen plantings should be concentrated in a planting strip approximately 15 feet to 20 feet wide. Additional area within the buffer area should be planted with ornamental trees and shrubs and canopy trees. Where existing vegetation is to be preserved, the same may be incorporated into the buffer and supplemented with additional plantings as required by the Board.
   c. Buffer areas may be located within required setback areas. However, no residential structure may be closer than the distance equal to 10 feet or half its height, whichever is greater, to a buffer line. Additionally, no commercial or other nonresidential structure may be closer than a distance equal to 20 feet or half its height, whichever is greater, to a buffer line.

1. Maintenance. Plantings shall be watered regularly and in a manner appropriate for the specific plant species through the first growing season, and dead or dying plants shall be replaced by the developer during the next planting season. No buildings, structures, storage of materials or parking shall be permitted within the buffer area. Buffer areas shall be maintained and kept free of all debris, rubbish, weeds, and tall grass.

F. Curbs, Gutters and Sidewalks
   1. Monolithic concrete curb and gutter, or concrete curb, as directed by the Board, shall be installed along every street within any new development and along the front and side
of all lots abutting existing roadways where curbing does not exist.

2. Curbs shall be set in accordance with approved lines and grades and radial curbs shall be formed in an arc segment, on a smooth curve. Chord segments are prohibited. Standard curb, or curb and gutter, sections shall be ten (10) feet in length with preformed expansion joint material on not more than twenty-foot centers. The exposed curb face on local roads shall be six (6) inches and on County and State roads shall be the dimension set by the County or State Engineer.

3. Concrete for curbing shall be made with air-entrained cement, Class B, having a compressive strength in twenty-eight (28) days of four thousand five hundred (4,500) pounds per square inch, or better. Ramps for bicycles and/or wheelchairs shall be provided in accordance with the Design Standards for Curb Ramps for the Physically Handicapped, prepared by the New Jersey Department of Transportation.

4. Sidewalks shall be installed along both sides of all residential streets and in other selected locations determined by the Board to be in the interest of public safety and proper pedestrian circulation, considering the probable volume of pedestrian traffic, the adjoining street classification where sidewalks parallel streets, school bus stops, recreation areas, schools, retail centers, jobs, and the general type of improvement intended.

5. Where required, sidewalks shall be at least four (4) feet wide, but may be increased to six (6) feet, eight (8) feet, or ten (10) feet as concentrations of pedestrian activity can be expected to increase.

6. All public sidewalks shall be constructed of concrete, be at least four (4) inches thick except at points of vehicular crossing where they shall be at least six (6) inches thick, of Class B concrete having a twenty-eight (28) day compressive strength of four thousand five hundred (4,500) pounds per square inch, and shall be air-entrained.

7. Sidewalks under the jurisdiction of a homeowners' association may be constructed of concrete or closed-cell pavers. If constructed of concrete, sidewalks shall comply with the public sidewalk criteria above. If constructed of closed-cell pavers, sidewalks shall have a two (2) inch base of crushed stone, two (2) inches of Class B concrete as required above, and paver brick at least one (1) inch in thickness.

8. Where any sidewalk crosses curbs, curb ramps shall be provided as outlined above. Preformed expansion joint material shall be placed on concrete sidewalks at maximum twenty (20) foot intervals and where sidewalks abut either curbing or a structure.

G. Driveways

1. The entrance to the street shall be at an angle of seventy-five degrees (75°) to one
hundred five degrees (105°) with the intersecting street.

2. The portion of the driveway between the street right-of-way and the cartway (including the apron and sidewalk) shall be paved with concrete [4,500 p.s.i. strength and six (6) inches thick].

3. Curbing shall be either depressed at the driveway or have the curbing rounded at the corners with the driveway connected to the street in the same manner as another street.

4. The grade of a driveway shall not exceed ten percent (10%).

5. Driveway pavement widths:

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<th>Minimum (feet)</th>
<th>Maximum (feet)</th>
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<tr>
<td>Industrial</td>
<td>25</td>
<td>40</td>
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<tr>
<td>Commercial</td>
<td>25</td>
<td>40</td>
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<tr>
<td>Multi-family</td>
<td>25</td>
<td>35</td>
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<tr>
<td>Single-Family</td>
<td>10</td>
<td>20</td>
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<tr>
<td>Public &amp; quasi-public</td>
<td>25</td>
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*Exclusive of any parking bay, turnaround, and curb return.

6. Minimum distance to street intersection shall be fifty (50) feet.

7. There shall be a maximum of one (1) driveway per single family lot unless the lot is greater than one hundred fifty (150) feet wide, in which case a single circular driveway with two (2) curb cuts with a minimum distance of fifty (50) feet between them is permitted. Nonresidential uses shall be limited to one (1) driveway per lot unless the lot width is greater than five hundred (500) feet, then a second driveway may be permitted if the driveways are at least two hundred (200) feet apart and the required setbacks from intersecting streets and adjacent property lines can be met.

8. Driveways shall be located the following distances from lot lines other than street rights-of-way, except that where two lots share a driveway, the driveway may either abut or overlap the common lot line.
   a. Single family lots: Five (5) feet
   b. Other residential: twenty (20) feet.
   c. Nonresidential: twenty (20) feet.

9. Driveways shall be a durable, dust free, all weather proof surface, such as concrete, asphalt, or closed cell pavers.

10. Lots with frontage on more than one street shall have driveway access to the street with the lower, or lowest, street function.

H. Easements
1. Easements for a variety of purposes shall be identified on the plat. These may include, but are not limited to, easements for shade trees, wetlands, wetlands transition areas, conservation, cross easements for access, utilities, sight triangles, and stormwater management. Easements must be approved by the appropriate municipal agency.

2. All easements shall be shown on the plat and shall be clearly labeled as to the type of easement. All easements shall be dimensioned as to permit the accurate location of the easement. Each type of easement shall be identified in a note on the plat as to the purposes, restrictions and conditions applicable within the easement, which language shall be placed in each property deed.

3. Where a subdivision is traversed by a watercourse, drainage way and/or stream, there shall be a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width for construction as will be adequate.

4. Sewer easements shall have a minimum width of 15 feet and shall not be within the beds of street pavements but may, if feasible, traverse and encompass any street right-of-way outside of the pavement or curb lines. The land areas contained in such easements shall not be deducted from the total area of the lots on which they are located.

5. Utility and drainage installations not located in public or utility rights-of-way shall have a minimum width of 15 feet and shall be located along side and/or rear lot lines where possible. Utility and drainage installations not located in public or utility rights-of-way shall be located along side and/or rear lot lines where possible.

6. The removal of trees and ground cover shall be prohibited in a conservation easement or flood plains except for the following purposes: The removal of dead or diseased trees; limited thinning of trees and growth to encourage the most desirable growth; and the removal of trees to allow for structures designed to impound water or areas to be flooded as a result of the creation of ponds or lakes.

7. Internal grading of a lot as by swale, berm or other topographical feature designed to intercept or direct waters shall either be designated as an easement on the plat to be filed or be dedicated by recorded instrument in such a way as to give notice of the easement to future owners of said property and ensure continued maintenance of the drainage feature.

I. Fire Protection

1. Provision shall be made for fire hydrants along streets and/or on the walls of nonresidential structures as approved by the Borough Fire Marshal or Borough Engineer and in accordance with the Insurance Service Office of New Jersey. Said fire hydrants shall be installed at locations shown on the approved preliminary plat.
2. Where streams or ponds exist, or are proposed, and there is no central water supply, facilities shall be provided to draft water for fire-fighting purposes, including access suitable for fire-fighting equipment and construction of, or improvements to, ponds, dams or similar on-site or off-site facilities. Such facilities shall be constructed to the satisfaction of the Borough Engineer and Fire Marshal and in accordance with the Insurance Service Office of New Jersey. Their location shall be constructed in locations as shown and approved on the preliminary plat.

J. Fences or Walls
1. The height of any fence or wall shall be measured from the adjacent finished grade.
2. No fence shall exceed six (6) feet in height, except in the front yard where the height shall not exceed four (4) feet and the fence shall be 50% open.
3. Before a fence shall be erected, constructed, relocated, altered, rebuilt, extended or enlarged, a zoning permit shall be obtained from the Zoning Official of the Borough of Tinton Falls.
4. The finished or right side of any fence or wall shall face the adjoining property or street.
5. The Zoning Code Official may deny fence permits on corner lots if he determines that the installation of said fences will adversely affect automobile sight lines, thereby creating a danger to public safety.
6. All fences on a parcel shall be consistent in size, texture and design and shall be compatible with the materials, scale and building arrangement of principal and accessory structures on the site.
7. Chain link fences are not allowed in the front yard except that in neighborhoods where the prevailing lot widths are forty (40) feet, but no greater than eighty (80) feet, a chain link fence is allowed in the front yard on those lots where the lot width is no greater than eight (80) feet. Slats are not allowed in front yard fences.
8. Where a retaining wall of solid masonry construction is required, the retaining wall shall be permitted, provided that the height of the wall does not exceed six (6) inches above the grade of the land.
9. Free-standing walls shall be constructed of brick or decorative stone only. Retaining walls required to implement grading plans approved by the Borough Engineer may be constructed of treated lumber, or synthetic, or masonry products meeting nationally recognized engineering standards for retaining wall purposes.
10. All fences and walls shall be constructed for permanency. No temporary fences or walls are permitted except for construction fences or walls (such as when used as a soil erosion control method), but only with the prior approval of the Board having jurisdiction. Snow
fences are also permitted as a temporary fence with the approval of the Borough Engineer for the safety of, and to promote the general welfare of, the residents of the Borough.

K. Garages

Any residential garage shall match the architectural design of the principal residential structure on the lot in terms of color, roof pitch, cladding material and other details.

L. Lakes

Any artificially created lake shall have a minimum water depth of three (3) feet from May 1 to September 1 and may be required to include aeration and circulation devices to avoid stagnation and algae growth.

M. Landscaping/Shade Trees

A. All areas not occupied by buildings, parking areas, patios, walkways and/or any other impervious surface shall be suitably landscaped. In all single family districts, a minimum of 75% of the front yard area shall be landscaped. No landscaping shall interfere with required sight triangles.

B. Deciduous trees in planting areas shall have at least a 2-1/2 inch caliper and be 8 to 10 feet in height at planting, and evergreen trees shall be at least 6 feet tall. All trees shall be balled and burlapped and be of specimen quality as established by the American Association of Nurserymen.

C. All Shade Trees shall have a minimum diameter of four (4) inches measured six (6) inches above the ground and be of a species approved by the Shade Tree Commission.
   a. Shade trees shall be required on all development applications.
   b. Shade Trees shall be planted approximately 40 feet apart and parallel to and at a distance of twelve and one-half (12.5) feet from the curbline or edge of pavement if no curb is to be installed, and shall be balled and burlapped, nursery grown, free from insects and disease and true to species and variety.
   c. Shade Trees shall be located not closer than 25 feet to any existing or proposed streetlight or street intersection.
   d. No shade tree shall be removed for the construction of any driveway or curb cut without replacement.
   e. In the case of collector, two (2) lane arterial, or local streets, an exclusive shade tree easement (with the exceptions noted below) dedicated to the Borough shall be recorded on the subdivision deed and the final subdivision plat and/or the final site plan. The easement shall be five (5) feet wide for a collector street and a two (2) lane arterial street, and eight (8) feet wide for a local street. The deed or
final plat shall contain a statement that provides for the planting of shade trees within the easement forty (40) feet apart along the right-of-way, that the trees shall be the property of the Borough of Tinton Falls, and the property owner is prohibited from relocating, or purposefully causing damage to, or trimming the trees other than routine maintenance. The statement shall further state that no other easement(s) shall be allowed in the same area except for sight triangle easements and utility easements which must cross the shade tree easement. The shade tree easement may also have improvements within the easement such as driveway crossings and utility services necessary to access and to serve the dwelling or building(s) contained on the lot.

f. Routine maintenance of Shade Trees shall be the responsibility of the property owner and shall commence once the certificate of occupancy has been issued.

g. The developer shall guarantee that each shade tree shall fully survive until such time as the release of the maintenance guarantee. The Borough Engineer shall inspect the shade trees at the time of the request for the release of the performance guarantee and shall require that the dead or dying trees be replaced. Upon request by the developer for the release of the maintenance guarantee the Borough Engineer shall inspect the shade trees and shall require that the dead or dying trees be replaced.

D. Any landscaping which, within two (2) years of planting, dies, for any reason, shall be replaced by the developer(s) or by the current owner at their sole expense.

E. Native species and their cultivars shall be used in all landscape designs. Nonindigenous Plant Species, as identified by the New Jersey Department of Environmental Protection, Natural and Historic Resources Group, Parks and Forestry, Office of Natural Lands Management, Natural Heritage Program 2004 publication “An Overview of Nonindigenous Plant Species in New Jersey”, or any subsequent revision, shall be prohibited.

F. The following principles shall be considered:
   
a. Landscaping shall be located to provide for climate control.
   
b. Landscaping shall be used to accent and complement buildings.
   
c. Landscaping shall be provided in public areas, parking areas, recreation sites and adjacent to buildings.
   
d. Vines and climbing plants may be considered for large expanses of wall.
   
e. Massing trees may be considered at critical points.
   
f. Smaller trees shall be used on narrow streets.
   
g. Ground cover shall be used to prevent erosion.
h. A variety and mixture of landscaping shall be provided. Consideration shall be given to susceptibility to disease, colors, season, textures, shapes, blossom and foliage in selecting species.
i. Local soil conditions and water availability shall be considered in the choice of landscaping.
j. Existing trees located within ten (10) feet of any street right of way shall be maintained unless shown to be removed as part of an approved plan. The existing grade within that space shall not be disturbed without such approval.
k. Entrances to non-residential lots shall be given special landscaping treatment with an entrance feature.
l. The impact of any proposed landscaping plan at various time intervals shall be considered. Shrubs may grow and eventually block sight distances. Foundation plants may block out buildings.
m. Existing large trees (more than 6 inch caliper) shall be saved by not varying the grade around the trees by more than six (6) inches, by construction of tree wells and by erecting protective fences.
n. Landscaping in parking areas shall be provided in accordance with this Article.
o. Impervious materials shall not be used in any landscape area. Weed retardant mulch, porous non-woven synthetic landscape fabric or other materials shall be used.
p. Vegetative ground cover is encouraged.

G. Stripping trees from a lot or filling soil around trees on a lot shall not be permitted unless it can be shown that grading requirements necessitate removal of trees. Dead or dying trees shall be removed and dead limbs trimmed by the developer prior to the issuance of a certificate of occupancy.

H. A landscape plan prepared by a certified landscape architect shall be submitted with every subdivision and site plan showing the proposed grading, plant material and other features such as, but not limited to, street furniture, walkway locations, pavement material, lighting, and any decorative improvements that are located outside parking and loading areas detailed above, including, but not limited to, stormwater management facilities, street trees, park and recreation areas, the yard areas of buildings, and building foundation plantings.

N. Lighting

1. Standards. All outdoor light fixtures installed and thereafter maintained, other than those serving single-family dwellings, shall comply with the following requirements:
   a. Only shielded light fixtures shall be used.
b. Where used for commercial purposes or for sports or recreational facilities, all light fixtures shall be equipped with automatic timing devices and shall comply with the following:
   (1) Light fixtures used to illuminate flags, statues or other objects mounted on a pole, pedestal or platform shall use a narrow column beam of light that will not extend beyond the maximum extensions of the illuminated object.
   (2) Other upward directed architectural, landscape or decorative direct-light emissions shall have at least ninety (90) percent of their total distribution pattern within the profile of the illuminated structure.
   (3) Externally illuminated building identification or other signs shall only use shielded light fixtures mounted on top of the sign structure.

c. The design and installation of outdoor lighting on a site shall be constructed so as to conform to the following standards:
   (1) All outdoor lighting during non-operating hours of the business on site, not necessary for safety and security purposes, shall be reduced, activated by motion-sensor devices or turned off.
   (2) All lighting shall be designed to prevent misdirected or excessive artificial light and to maximize energy efficiency.
   (3) All lighting shall be designed, constructed and maintained in such a manner as not to be a nuisance to surrounding uses.

d. All light fixtures shall be designed, installed and maintained to prevent trespass light.

e. The maximum height of freestanding lights shall not exceed the height of the principal building, or eighteen (18) feet, whichever is less.

f. The style of the light and light standards shall be consistent with the architectural style of the principal building or surrounding area.

g. Freestanding lights shall be so located and protected to avoid being damaged by vehicles.

h. The maximum illumination at property lines shall be one-tenth (0.1) footcandle.

i. All wiring shall be laid underground.

j. For all nonresidential uses, except shopping centers noted below, the light intensity provided at the ground level shall be as follows:

<table>
<thead>
<tr>
<th>Foot-candles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum</td>
</tr>
<tr>
<td>0.5</td>
</tr>
<tr>
<td>Maximum at any location</td>
</tr>
<tr>
<td>4.0</td>
</tr>
</tbody>
</table>
j. For shopping centers the light intensity at ground level may be increased to the following:

<table>
<thead>
<tr>
<th>Foot-candles</th>
<th>Minimum</th>
<th>Maximum at any location</th>
<th>Maximum average entire area</th>
<th>Uniformity ratio - Not greater than</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1.0</td>
<td>8.0</td>
<td>4.0</td>
<td>4:1</td>
</tr>
</tbody>
</table>

O. Modular Homes/Buildings
All modular structures shall be required to be installed upon footings, a foundation or a concrete slab designed according to building codes.

P. Monuments.
Monuments shall be the size and shape required by N.J.S.A. 46:23-9.12 (the Map Filing Law, as amended) and shall be placed in accordance with said statute and indicated on the final plat. All lot corners shall be permanently marked with a metal alloy pin capable of being detected by a metal detector.

Q. Off-street Parking
1. Where applicable, the Residential Site Improvement Standards (RSIS), as amended from time to time, shall apply.
2. Off-street parking and loading areas shall be coordinated with the public street system serving the area in order to avoid conflicts with through traffic, obstruction to pedestrian walkways and vehicular thoroughfares. Shared parking among mixed uses shall be encouraged.
   a. A minimum of 10% of any surface parking facility other than single family homes shall be landscaped and shall include one shade tree for every 5 parking spaces.
   b. All parking and loading areas abutting mixed-use/residential areas shall be buffered about their periphery with landscaping and/or fencing.
   c. Off-street parking spaces shall be ten (10) feet wide in retail commercial sites, except in the HCC Highway/Community Commercial District when associated with a shopping center in which event a parking space may be nine (9) feet wide but only if each space is painted with hairpin striping. All other parking spaces shall be at least nine (9) feet wide.
   d. Parking spaces shall be a minimum of eighteen (18) feet in length. Parking spaces around the perimeter of a parking lot or parking spaces which face an
open space, may be paved sixteen and one-half (16.5) feet in length provided there is a curb at the end of the parking space and at least one and one-half (1.5) feet of open space beyond the curb to allow for the overhang of the vehicle. Said area for vehicle overhang shall not overhang the minimum width of a sidewalk nor shall it be planted with anything other than grass or low ground cover in order to assure the space for the vehicle overhang.

e. Parking for the handicapped shall be provided in number, design and location as required by the Americans with Disabilities Act and New Jersey's Barrier Free Subcode. These wider spaces shall be located in areas conveniently related to major entrances, located so that access does not require wheeling or walking behind parked cars, and be designated as parking for the handicapped.

f. Size of aisles. The width of all aisles providing direct access to individual parking spaces shall be in accordance with the requirements set forth below. Only one-way traffic shall be permitted in aisles serving parking spaces placed at an angle other than 90°.

<table>
<thead>
<tr>
<th>Parking Angle (degrees)</th>
<th>Aisle Width (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 (Parallel)</td>
<td>12</td>
</tr>
<tr>
<td>30</td>
<td>18</td>
</tr>
<tr>
<td>45</td>
<td>18</td>
</tr>
<tr>
<td>60</td>
<td>20</td>
</tr>
<tr>
<td>90 (perpendicular parking)</td>
<td>24</td>
</tr>
</tbody>
</table>

g. All off-street parking areas shall be used solely for the parking of passenger automobiles, and no commercial repair work, service or storage of new or used motor vehicles, materials or merchandise of any kind shall be conducted on such parking area.

h. Sidewalks in parking areas. Sidewalks shall be required between parking areas and principal structures, along aisles and driveways and wherever pedestrian traffic occurs. They shall have a minimum of 4 feet of passable width and shall be raised a maximum of 6 inches above the parking area, except when crossing streets or driveways. Guardrails and wheel stops permanently anchored to the ground shall be provided in appropriate locations. Parked vehicles shall not overhang or extend over sidewalk areas, unless an additional sidewalk width of 2 feet is provided to accommodate such overhang.
i. All landscaping in parking areas shall be carefully located so as not to obstruct sight triangle.

j. All parking and loading areas shall have drainage facilities installed in accordance with good engineering practice as approved by the Board Engineer. Where subbase conditions are wet, springy or of such nature that surfacing would be inadvisable without first treating the subbase, these areas shall be excavated to a depth of at least six (6) to twelve (12) inches below the proposed subgrade and filled with a suitable subbase material as determined by the Board Engineer. Where required by the Board Engineer, a system of porous pipe subsurface drains shall be constructed beneath the surface of the paving and connected to a suitable drain. After the subbase material has been properly placed and compacted, the parking area surfacing material shall be applied.

k. Parking areas, loading areas and driveways, except for single-family residences, shall be curbed and paved. Surfacing shall be approved as part of the plan approval. Areas of ingress and egress, loading and unloading areas, major interior driveways, aisles and other areas shall be paved with not less than four (4) inches of compacted base course of plant-mixed bituminous stabilized base course constructed in layers not more than two (2) inches compacted thickness, or equivalent, and a minimum two (2) inch thick compacted wearing surface of bituminous concrete (FABC), or equivalent. All shall be constructed in accordance with the Standard Specifications of the New Jersey Department of Transportation.

l. The driveway of a single-family residence shall be paved.

m. Off-street parking facilities as accessory to any use permitted in a residential zone shall be provided on the same lot with the permitted principal building.

n. Off-street parking facilities as required by this article in nonresidential zones shall be provided on the same lot as the principal building or use.

o. Access to or egress from any property situated in a nonresidential zone through the use of a driveway located on property in a residential zone is prohibited.

p. There shall be a minimum setback of 5 feet from the property line or driveways in single-family residential zones. In nonresidential zones, the minimum parking setback shall be 10 feet.

R. Off-street Loading
1. The minimum number of off-street loading spaces shall be based on the schedule in this chapter. Those uses not listed shall provide sufficient spaces as determined under site plan review.

2. All loading areas shall be on the same lot as the use which is to be served. Such areas shall be located only in a side or rear yard. Such areas shall not encroach upon any required open space, accessway, off-street parking area or public right-of-way. Where located adjacent to any residential district, they shall be set back a minimum of 15 feet from such property line.

S. Public Utilities.

1. All public services shall either be connected to approved public utilities systems where they exist or be installed in locations to enable future connections with contemplated systems and shall be adequate to handle all present and probable future development.

2. The developer shall arrange with the servicing electric, telephone and cable TV utility for the underground installation of the utility’s distribution supply lines and service connections in accordance with the provisions of the applicable standard terms and conditions incorporated as a part of its tariff as the same are then on file with the State of New Jersey Board of Regulatory Commissioners. In the event existing overhead lines are moved, they shall be installed underground.

3. The developer shall submit to the Board, prior to the granting of final approval, a written instrument from each serving utility which shall evidence full compliance, or intended full compliance, with the provisions of this section. Subdivisions of three (3) or more lots, or developments resulting in more than fifteen thousand (15,000) square feet of new floor area, which developments abut existing overhead electric, telephone, or cable TV distribution supply lines shall have the existing overhead facilities and all service connections from these facilities placed underground.

4. Where natural foliage is not sufficient to provide year-round screening of any utility apparatus appearing above the surface of the ground, other than utility poles, the applicant shall provide sufficient live screening to conceal such apparatus year-round.

5. On any lot where, by reason of soil conditions, wooded area or other special condition of land, the developer deems it a hardship to comply with the provisions of this section, the developer may apply to the Board for an exception from the terms of this section.

6. Any installation under this section to be performed by a servicing utility shall be exempt from the requirement of performance guaranties, but shall be subject to inspection and certification by the Borough Engineer.

T. Screening of Exterior Mechanical Equipment
1. Electrical and mechanical equipment other than those serving single-family residential development shall be located within the interior of a building wherever possible. When an interior location is not practical, such equipment shall be placed in a location where it can be substantially screened from public view. Roof mounted equipment shall be hidden with parapets or screens of materials which are in harmony with the building’s architecture.

2. Ground level utilities in all zones shall be screened so as to be unobtrusive when viewed from the public rights of way and adjacent uses.

U. Sight Triangles

1. Sight triangles shall be required at each quadrant of an intersection of streets and at intersections of streets and driveways.

2. The area within sight triangles shall be either dedicated as part of the street right-of-way or maintained as part of the lot adjoining the street and set aside on any subdivision or site plan as a sight triangle easement.

3. Within a sight triangle, no grading, planting or structure shall be erected or maintained more than twenty four (24) inches above the center line grade of either intersecting street or driveway, or lower than eight (8) feet above the same centerlines, excluding street name signs and official traffic regulation signs.

4. Where any street or driveway intersection involves berms or vegetation, including trees, the developer shall trim such vegetation and trees as well as establish proper excavation and grading to provide the sight triangle.

5. For an intersection which is not controlled by stop signs or traffic signals, the sight triangle is that area bounded by the intersecting street center lines and a straight line which connects sight points located on each of the two (2) intersecting center lines the following distances away from the intersecting center lines:
   a. Arterial streets at three hundred (300) feet,
   b. Collector streets at two hundred (200) feet
   c. Primary and secondary local streets and driveways at ninety (90) feet.

6. Where the intersecting streets are both arterial, both collectors, or one (1) arterial and one (1) collector, two (2) overlapping sight triangles shall be required, formed by connecting the sight points noted above with a sight point ninety (90) feet on the intersecting street.

7. Where there is a traffic signal, no sight triangles are required.

8. Where minor streets or driveways are controlled by a stop sign, then the sight triangle shall be established from a point fifteen (15) feet back from the edge of pavement of the
through street to a point measured to the center of the oncoming traffic lane for a
distance equivalent to ten (10) times the speed limit.

9. Any proposed development requiring site plan approval shall provide sight triangle
easements at each driveway with the driveway classified as a local street for purposes of
establishing distances.

10. The classifications of existing and proposed streets shall be those shown on the adopted
Master Plan or as designated by the Board at the time of the application for approval for
a new street not included on the Master Plan.

11. A sight triangle easement dedication shall be expressed on the plat as follows: “Sight
triangle easement subject to grading, planting and construction restrictions as provided
for in the Tinton Falls Land Use Ordinance.”

12. Portions of a lot set aside for the sight triangle may be calculated in determining the lot
area and may be included in establishing the minimum setbacks required by the zoning
provisions.

V. Storage and Disposal of Waste – Non residential and multifamily development.

1. Outdoor refuse and recycling containers shall be visually screened within a durable
enclosure.

2. No refuse and recycling storage areas shall be permitted in the front yard or between
the street and front of any building.

3. No refuse and recycling storage area shall be located so as to prevent natural runoff
from such areas or impair the existing water quality of any stream, watercourse or
aquifer.

4. All materials or wastes which might cause fumes, dust, odor or which constitute a fire
hazard or which may be edible or otherwise attractive to rodents or insects shall be
stored outdoors only if enclosed in sealed and covered containers which are adequate
to eliminate such hazards.

5. Refuse and recycling collection areas shall be effectively designed to contain all refuse
generated on site and deposited between collections.

6. Refuse and recycling collection enclosures shall be designed of durable materials with
finishes and colors which are unified and harmonious with the overall architectural
theme.

7. Refuse and recycling collection areas shall be located to provide clear and convenient
access to refuse collection vehicles.

8. Medical, hazardous or other regulated waste shall meet the state and federal standards
for such materials.
9. In those cases where the operation of a commercial use requires cooking, baking, frying, steaming and other methods of exhausting from the premises, as well as air conditioners and refrigeration or other mechanical devices usually located outside of a building on the grounds or roof or otherwise appurtenant to the building, the Reviewing Board shall be assured that the exhaust and other mechanical devices are designed, located, oriented, screened and built of such materials, that surrounding residential and nonresidential uses are not impacted by noise, smoke, odors, fumes or other environmentally disturbing attributes.

W. Streets

1. All developments shall be served by paved streets with an all-weather base and pavement with an adequate crown. The arrangement of streets not shown on the Master Plan or Official Map shall be such as to provide for the appropriate extension of existing streets, conform to the topography as far as practicable and allow for continued extension into adjoining undeveloped tracts.

2. When a development adjoins land capable of being developed or subdivided further, or where it would be appropriate to have a connection to be part of a street system shown and discussed in the Circulation Plan of the Master Plan, suitable provisions shall be made for optimum access between the development and the adjoining tract and/or to existing or proposed streets.

3. Local streets shall be designed to discourage through traffic.

4. In all residential zones, development bounded by any arterial or collector street shall control access to said streets by having all driveways intersect local streets. Where the size, shape, location or some other unique circumstance may dictate no other alternative than to have a driveway enter an arterial or collector street, the lot shall provide on-site turnaround facilities so it is not necessary to back any vehicle onto an arterial or collector street, and abutting lots may be required to use abutting driveways with one (1) curb cut.

   a. Street rights-of-way shall be measured from lot line to lot line. The continuation of an existing street shall be at the same width as the existing street unless a greater width may be required in accordance with RSIS standards. Where minor or major collector streets intersect another minor or major collector street, the right-of-way and cartway shall be increased by ten (10) feet on the right side of the street approaching the intersection for a distance of three hundred (300) feet from the
intersection of the center lines. RSIS standards shall apply to all right-of-way and cartway widths.

b. Residential Access and Neighborhood Streets and Reduced Pavement Widths. Before allowing reduced widths for residential access and neighborhood streets, expanded off-street parking shall be required. RSIS standards shall apply to all right-of-way and cartway widths.

c. The reduced pavement widths referenced above are limited to streets with no curbside parking in conjunction with additional off-street parking by either off-street parking lots in townhouse, apartment and other multi-family developments, or by detached single family developments, where each home has at least a two (2) car garage with an apron at least twenty-five (25) feet long approaching the garage doors, plus an area off either one side or the end of the driveway measuring at least eighteen (18) feet by eighteen (18) feet. In multifamily housing developments, at least five-tenths (0.5) space per unit shall be provided as unassigned, common parking area located convenient to groups of units throughout the development.

d. Because a no-parking ordinance will be required for streets proposed for a no-parking design, streets intended for no parking in a public right-of-way will receive conditional preliminary plat approval subject to approval of the no parking ordinance by the governing body prior to final approval.

6. No development showing reserve strips controlling access to streets or another area, either developed or undeveloped, shall be approved except where the control and disposal of land comprising such strips has been given to the governing body.

7. In the event that a development adjoins or includes existing streets that do not conform to widths as shown on either the Master Plan or Official Map or the street width requirements of this Chapter, additional land along both sides of said street sufficient to conform to the right-of-way requirements shall be anticipated in the subdivision design by either dedicating the additional width or creating oversized lots to accommodate the widening at some future date. The additional widening may be offered to the Borough, County or State for the location, installation, repair and maintenance of streets, drainage facilities, utilities and other facilities customarily located in street rights-of-way and shall be expressed on the plat as follows: "Street right-of-way easement granted to the Borough of Tinton Falls (or County or State) to enter upon these lands for the purposes provided for and expressed in the Land Use Ordinance of the Borough of Tinton Falls." This statement on an approved plat shall in no way reduce the subdivider's responsibility
to provide, install, repair or maintain any facilities installed in this dedicated area or as shown on the plat or as provided for by any maintenance or performance guarantees. If the subdivision is along only one (1) side of a street, one-half (1/2) the required extra width shall be anticipated.

8. Longitudinal grades on all local streets shall not exceed ten percent (10%), and on arterial and collector streets shall not exceed four percent (4%). The minimum longitudinal gradient shall be five-tenths percent (0.5%). Maximum gradients of any street within one hundred (100) feet of an intersection shall be four percent (4%).

9. No local street shall be part of a four-way intersection.

10. Intersecting street center lines shall be as nearly at right angles as possible and in no case shall they be less than seventy-five degrees (75°) at the point of intersection.

11. Curblines shall be equal distances from and parallel to the center line.

12. Approaches to all intersections shall follow a straight line for at least one hundred (100) feet measured from the curbline of the intersecting street to the beginning of the curve.

13. No more than two (2) street center lines shall meet or intersect at any one (1) point.

14. Collector and arterial streets intersecting another street from opposite sides shall be either directly opposite each other without offset or have an offset distance between center lines of at least two hundred fifty (250) feet.

15. Any development abutting an existing street which is classified as an arterial or collector street shall be permitted not more than one (1) new street intersection every eight hundred (800) feet on the same side of the street.

16. In the spacing of streets, consideration will be given to the location of existing intersections on both sides of the development.

17. Intersections shall be rounded at the curbline, with the street having the following highest radius requirement determining the minimum standard for all curblines:
   a. arterial at thirty-five (35) feet
   b. collector at twenty-five (25) feet
   c. local streets at twenty (20) feet

18. When connecting street lines deflect in any direction, they shall be connected by a curve with a radius conforming to standard engineering practice so that the minimum sight distance within the curbline shall be one hundred sixty (160) feet for a local street, three hundred (300) feet for a collector street and five hundred fifty (550) feet for an arterial street.

19. All changes in center-line gradient where the algebraic difference (A) exceeds one percent (1%) shall be connected by a vertical curve having a length equal to 30(A) for
minor roadways and 50(A) for collector and arterial roadways. Intersections shall be designed with the least practical gradient with the advice of the Borough Engineer.

20. Cul-de-sacs and Dead-end Streets.
   a. Permanent dead-end streets (cul-de-sacs) shall be avoided wherever practical. The intent is to maximize interconnecting local streets for more efficient and economical public services and to more reasonable assure alternated means of access for emergency vehicles.
   b. Dead-end streets (cul-de-sacs) of a permanent nature, where they might be approved as an exception, shall provide a turnaround at the end with a right-of-way radius of not less than fifty (50) feet and a curbline radius of not less than forty (40) feet. The center point for the radius shall be either on the center line of the associated street or, if offset, be offset to a point where the curbline radius is tangent to one of the curblines of the associated street.
   c. If a dead-end street is of a temporary nature and a turnaround is required, provisions shall be made for removal of the turnaround and reversion of the excess right-of-way to the adjoining properties as an off-tract responsibility of the developer creating the street extension when the street is extended. The reversion of the right-of-way to the abutting lot shall be a condition established in the deed to the lot which will receive the excess right-of-way.
   d. A permanent cul-de-sac, where it may be approved, shall serve no more than twenty (20) single family lots or sixty (60) townhouse or apartment units.

21. No street shall have a name which will duplicate or so nearly duplicate in spelling or phonetic sound the names of existing streets so as to be confusing therewith. The continuation of an existing street shall have the same name. The names of new streets shall be a determination of, and be approved by, the Borough.

22. Streets shall be constructed in accordance with the standard specifications of the New Jersey Department of Transportation.
   a. Pavement thicknesses shall be not less than the following:
      i. Arterial and collector streets: bituminous stabilized base course, six (6) inches compacted thickness; FABC, two-surface course, two (2) inches compacted thickness.
      ii. Local streets: bituminous stabilized base course, five (5) inches compacted thickness; FABC, one-surface course, one and one-half (1 1/2) inches compacted thickness.
b. Where subbase conditions are wet, springy or of such nature that surfacing would be inadvisable without first treating the subbase, these areas shall be excavated to a depth of at least six (6) to twelve (12) inches below the proposed subgrade and filled with a suitable subbase material as determined by the Borough Engineer. Where required by the Engineer, a system of porous pipe, subsurface drains shall be constructed beneath the surface of the paving and connected to a suitable drain. After the subbase material has been properly placed and compacted, the surfacing material shall be applied.

23. Applicants for development of retail and multi-family areas where the general public travels private roads, aisles, and driveways shall consent in writing to the Borough Council to the enforcement of New Jersey Statutes Title 39, Motor Vehicles and Traffic Regulation, on the property which is the subject of the application.

X. Street Lighting

1. Street lighting shall be provided by the developer at street intersections, designated street curves, and other areas determined by the Board to be necessary for vehicular and/or pedestrian safety with the advice of the Borough Police Department's Traffic Safety Officer. Consideration shall be given to driver visibility and sight distance when exiting driveways and entering street intersections.

2. Electrical service for streetlights shall be by underground and streetlights installed as part of development applications shall be at the sole expense of the developer.

3. Numbers, locations and types of street lighting standards and luminaries shall be determined by the Board upon the advice of the Board Engineer and the Tinton Falls Department of Public Safety.

4. The developer shall arrange for the provisions of street lighting, at his expense, under the requirements for "contribution fixtures," pursuant to tariffs for Jersey Central Power and Light Company, as adopted by the New Jersey Board of Public Utilities Commission (BPU) No. 6, Part III, dated August 14, 1987, as may be amended.

5. Upon notification in writing by the developer to the Board and Borough Council of the Borough of Tinton Falls that (1) the street lighting on a dedicated public street has been installed and accepted for service by the public utility, and (2) that certificates of occupancy have been issued for at least fifty percent (50%) of the dwelling units and fifty percent (50%) of the floor area of the nonresidential uses on the dedicated public street or portion thereof indicated by the section of development, the Borough shall, within thirty (30) days following receipt of the notification, make appropriate arrangements with the public utility for, and assume the responsibility of, the costs of the street lighting on the
dedicated public street on a continuing basis. Compliance by the Borough with the provisions of this section shall not be deemed to constitute acceptance of the street by the Borough.

6. Street light and/or Outdoor Lighting Contribution Program. Lights for illuminating streets, parking areas, driveways, walkways and other areas shall be of a type approved by the municipal agency empowered to grant site plan or subdivision approval and the electric utility company. The developer shall pay to the utility or to a Borough reserve fund an amount equal to the per street lighting unit installation charge, and the capital contribution cost for same pursuant to the capital contribution program provided by the Jersey Central Power & Light Company, or such other utility provider, for each street lighting unit or outdoor lighting unit required to be installed or upgraded by the developer either on or off-site along a street, parking area, walkway or other area dedicated or to be dedicated to the Borough or County, pursuant to the approval of the Zoning Board of Adjustment or the Planning Board, as the case may be. The amount of the required payment shall be included in the developer's agreement and shall be paid upon commencement of construction activity by the developer.

7. Operating Costs. Prior to the acceptance of such street lights by the Borough, the developer shall evidence payment of the street light and outdoor lighting operating costs owed to Jersey Central Power & Light Company or other appropriate utility.

40-27 PERFORMANCE STANDARDS

A. General Applications

1. As a condition of approval and the continuance of any use, occupancy of any structure and operation of any process or equipment, the applicant shall certify compliance with the performance standards contained herein. Permits and certificates required by other government agencies shall be submitted to the Board as proof of compliance with applicable codes.

2. The regulations contained in this section shall not apply to single-family dwellings.

B. Regulation of Nuisance Elements

1. The determination of the existence of nuisance elements shall be made to the following locations:

<table>
<thead>
<tr>
<th>Nuisance Characteristic</th>
<th>Location of Test</th>
</tr>
</thead>
<tbody>
<tr>
<td>Smoke</td>
<td>Vent or smokestack</td>
</tr>
<tr>
<td>Air pollution including solid particles or fly ash</td>
<td>Vent or smokestack</td>
</tr>
<tr>
<td>Odors</td>
<td>Property line</td>
</tr>
</tbody>
</table>
2. Continued compliance with the performance standards stated herein shall be a requirement for the continued occupancy of any structure or the operation of any process or equipment.

C. Standards to be Enforced

1. Air pollution.
   a. General. No substance shall be emitted into the atmosphere in quantities which are injurious to human, plant or animal life or to property or which interfere unreasonably with the comfortable enjoyment of life and property anywhere in the Borough. All provisions of Title 7, Chapter 27 of the New Jersey Administrative Code, (N.J.A.C.), or the regulations contained in this section, whichever shall be more stringent, shall apply.
   b. Smoke. In any non-residential zone, no smoke, the shade or appearance of which is darker than No. 1 on the Ringelmann Smoke Chart, shall be emitted into the open air from any fuel-burning equipment; provide, however, that smoke emitted during the cleaning of a firebox or the building of a new fire, the shade or appearance of which is not darker than No. 2 on the Ringelmann Smoke Chart, may be permitted for a period or periods aggregating no more than three (3) minutes in any fifteen (15) consecutive minutes. Smoke emissions from the combustion of fuel and mobile sources and from stationary internal combustion engines shall not exceed the limits set forth in N.J.A.C. 7:27.
   c. No open burning shall be permitted in any district unless approved by the Fire Marshall.

2. Wastes.
   a. Liquid wastes. No liquid waste shall be discharged into any watercourse in the Borough without all necessary permits from the New Jersey Department of Environmental Protection (NJDEP). No liquid waste shall be discharged into the public sewage collection and disposal system unless the appropriate Borough official
shall have first investigated the character and volume of such wastes and shall have certified that the Borough will accept the discharge of such waste material into the system. The applicant shall comply with any requirements of said officials, including the pretreating of such wastes, the installation of processing methods, separation or screening of wastes, control of pH and other methods of improving such wastes prior to discharge, as a condition of approval of such facilities.

b. Solid waste. Each property owner shall be responsible for:

a) Adequate and regular collection and removal of all refuse, except where the Borough assumes such responsibility.
b) Compliance with all applicable provisions of the NJ DEP.
c) Compliance with all provisions of Title 7, Chapter 26, of the N.J.A.C., where applicable.
d) No accumulation on the property of any junk or other objectionable materials except in designated trash receptacles.

3. Noise. All applications shall comply with the provisions of N.J.A.C. 7:29.

4. Vibration. In any zone, vibrations discernible without instruments at the measuring location shall not be permitted.

5. Glare. No single standard for glare is promulgated in this Chapter due to the impracticality of establishing such standards. It is the intent of these performance standards to ensure that both direct and indirect glare, to the extent possible, are eliminated or that activities producing such glare are carried on within a structure. Necessary glare-producing devices such as glazing, roadway and walkway lighting shall be designed, constructed and maintained in such a manner as not to be a nuisance to surrounding uses.

6. Trespass Lighting: All applications shall comply with the provisions of this Article.

7. Temperature change. Any use or process shall not produce a temperature change greater than three degrees Celsius (3° C.) at the measuring location.

8. Fire and explosive hazards. If it appears that any proposed use, structure, process or resulting product or material may constitute a fire or explosion hazard, the Board may require the applicant to supply proof of:

a. Approval of the use, structure, process or resulting product or material from the State Department of Labor indicating that adequate safeguards against fire and explosion have been taken or installed.
b. Approval from the Borough of Tinton Falls Fire Department that the applicant has complied with all applicable Borough fire prevention regulations.
ARTICLE V
ZONING
TINTON FALLS BOROUGH

40-28 ZONING DISTRICTS
A. Establishment of Zones
For the purposes of this Article, the Borough is hereby divided into districts, as follows:
   RA Residential Agricultural
   R-1 Single-Family Residential
   R-2 Single-Family Residential
   R-3 Residential
   R-3-I Residential Inclusionary
   R-4 Residential
   R-4-I Residential Inclusionary
   AR Age Restricted Housing
   CCRC/AH Continuing Care Retirement Community with Affordable Housing
   AH Affordable Housing (Including Age Restricted)
   AARZ Active Adult Redevelopment
   NC Neighborhood Commercial
   HCC Highway/Community Commercial
   IOP Industrial Office Park
   MFG Manufacturing
   MFG2 Manufacturing 2 per 40-36 J)
   OS/GU Open Space/Government Use
   RET Large Scale Planned Retail Overlay Zone in Rehabilitation/Planned Development Overlay Area (Requires certain requirements be met
   Route 66 Redevelopment Area

B. Zoning Map
The location and boundaries of the above districts are hereby established on the Zoning Map of the Borough of Tinton Falls in Monmouth County dated September 2008, which is filed in the office of the Borough Clerk. Said map or maps and all notations, references and designations shown thereon shall be part of this Article as if the same were all fully described and set forth therein.
C. Interpretation of Zone Boundaries
Whenever an uncertainty or ambiguity exists as to the true location of any boundary line of any zone shown on the map, the following rules shall apply:

1. The zone boundary lines are intended generally to follow street center lines, existing lot lines, center lines of railroad right-of-way, waterways, sewer and utility easements or as otherwise indicated on Zoning Map. Where a zone boundary line does not coincide with any such line as above set forth, its location or relation to another boundary line shall be as designated on said Zoning Map by means of figures or dimensions expressing distance in feet from a street side line or other boundary line. In cases of uncertainty or disagreement as to the true location of any zone boundary line, the determination thereof shall be with the Board of Adjustment.

2. In the event that a zone boundary line divides one (1) or more lots, then the zone boundary line shall be considered the lot limit for computing all area, bulk, yard buffer and any other dimension requirements specified in this Article.

D. Schedule of Permitted Uses
The schedule of permitted, conditional and accessory uses is contained in Schedule A and is hereby made part of this Chapter.

E. Schedule of Area, Yard and Building Requirements
The Schedule of Area, Yard and Building Requirements is contained in Schedule B and is hereby made part of this Chapter.

F. Permitted Uses
This Zoning Article shall be viewed as permissive. After the adoption of this Chapter, no uses or structures shall be permitted in the Borough which are not listed as permitted, accessory or conditional uses or unless permitted by the Zoning Board of Adjustment in accordance with applicable State statutes. Permitted uses shall require site plan approval by the appropriate Board.

G. Conditional Uses
Notwithstanding compliance with specific conditional use standards hereinafter set forth, conditional uses shall require site plan approval by the appropriate Board.

40-29 GENERAL REGULATIONS
A. General
1. No building or structure shall be erected and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land or building be designed, used or intended to be used for any purpose or in any manner other than as specified among
the uses listed as permitted, accessory or conditional in the district in which such building or land is located.

2. No building or structure shall be erected, reconstructed or structurally altered to exceed in height the limit designated in the district in which such building or structure is located.

3. No building or structure shall be erected, no existing buildings or structures shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the yard, lot area and building location regulations hereinafter designated for the district in which such building or open space is located.

4. The area or dimension of any lot, yard, parking area or other space shall not be reduced to less than the minimum required by this Article; and if, already less than the minimum required by this Chapter, said area or dimension shall not be further reduced. The provisions and restrictions contained in this Article shall not apply to or be binding upon the Borough of Tinton Falls.

B. Yard Regulations

1. Required Yards.
   a. Every lot shall include front, side and rear yards having the areas and dimensions required within the particular zone in which said lot is located.
   b. No yard or other open space provided for any building for the purpose of complying with the provisions of this Article shall be considered as providing a yard or other open space for any other building on any other lot.
   c. No land in a residential zone shall be used to fulfill open space, minimum areas, minimum yard and setback requirements, parking or other similar requirements for uses in nonresidential zones.

2. Front yards on corner lots. Where a lot is bounded by more than one (1) street and is a corner lot as defined in this Chapter, the front yard setback requirements for the zone shall be satisfied with respect to each abutting street. The remaining yards shall be considered a rear yard. Corner lots shall have two (2) front yards and two (2) rear yards.

3. Front yards on all other lots with multiple frontages. Where a lot is bounded by more than one (1) street and is not a corner lot as defined by this chapter, such as through lots or lots with multiple frontages, the front yard setback requirements for the zone shall be satisfied with respect to each abutting street. The remaining yards abutting adjacent property shall be considered a side yard. Accessory structures in yard areas opposite the front yard as determined by street address shall conform to front yard setback
requirements and be screened by fencing or landscaping in compliance with this chapter.

C. Projections and encroachments. Yards required by this Article shall be free of buildings, structures or parts thereof, and no building or structure shall project into any front, side or rear yard required by this Article, nor shall use be made of such yard, except as follows:
1. Driveways providing access to permitted garages or parking areas; provided, however, that in residential zones driveways used to provide access to private garages shall not be wider than twenty (20) feet and shall be set back a minimum of 5 feet from the property line. If direct access to the garage requires a width greater than 20 feet, then the driveway width may be increased only to accommodate direct access in the garage.
2. Sills, leaders, eaves, soffits and similar ornamental or structural features may project not more than six (6) inches into any required yard.
3. Fences and retaining walls, where specifically permitted in this Chapter.
4. Television antennas and radio aerial masts, children’s playground equipment, outdoor fireplaces and yard clothes lines and posts but must be set back at least ten (10) feet from any property line. Such structures shall not be located in the front yard.
5. Accessory buildings and uses, including swimming pools, where specifically permitted in this Chapter.

D. Critical Environmental Areas
1. The following areas are designated critical environmental areas within the Borough:
   a. All surface water bodies
   b. All wetlands
   c. Slopes in excess of 15%
   d. One Hundred Year Floodplains and Flood Hazard Areas.
2. Critical environmental areas shall be preserved and not built upon. Where a property containing critical environmental areas is proposed for development or other improvements, no proposed structures or fill shall be located within the critical environmental areas.
3. Residential Development - A minimum rear yard area of ten (10) percent of the total lot area, contiguous to the proposed building footprint and unencumbered by critical environmental areas shall be provided. The ratio width to depth for each rear yard area shall not exceed two and one-half to one (2.5 to 1.).
4. Non-Residential Development - Any and all buffer requirements for principal structures, accessory structures, parking spaces and drive aisles shall be measured from critical environmental areas.
5. The one hundred year flood plain shall be at least that area designated on the streams identified on maps prepared by the Federal Emergency Management Agency and the State of New Jersey, or such broader area on those streams as might result from on-site evaluation.

6. On streams not identified by said maps, the one-hundred-year flood plain shall be as delineated by a developer's engineer and approved by the Board Engineer and the State of New Jersey Division of Water Resources. The flood hazard design elevation shall be determined on an individual basis based upon stream encroachment line data from the Division of Water Resources or, in the absence of that data, the flood elevation based on a one-hundred-year storm frequency. One or the other shall be delineated on the plat. In addition, the Board Engineer may, upon receipt of the application and with the consent of the landowner, determine the precise location of the floodway and flood fringe area by close inspection, field survey or other appropriate method and cause the same to be marked on the ground and on the plat, notifying the owner, the New Jersey Department of Environmental Protection, Division of Water Resources, and the Board. Where State or Federal agencies have or will publish any reports which clearly delineate by contours the flood hazard design elevation of a watercourse, said report shall be the officially delineated flood hazard area as if said report were published in this Chapter.

7. Any lot containing a critical environmental area on which it is proposed to regrade and/or construct an improvement shall not be permitted unless the proposed development and use are permitted by this Chapter, plat approval has been granted, and any required permits have been issued by the New Jersey Department of Environmental Protection.

8. No septic systems shall be in critical environmental areas.

9. Permitted uses in critical environmental areas shall be as follows, provided they are permitted uses in the district in which the critical environmental areas is located and provided that none of these uses adversely affect the hydraulic capacity, water surface elevation, water quality and turbidity, erosion potential, wildlife habitat and other environmental impacts of critical environmental areas:
   a. Agriculture: general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
   b. Recreation: golf courses, playing fields, swimming areas, boat launching ramps, picnic and camping, and open space uses such as hiking trails.
   c. Residential: lawns, gardens, and play areas.
10. The applicant shall submit maps, reports and other appropriate documents permitting the Board to evaluate whether the proposal has an inherent low flood damage potential; does not obstruct flood flows or increase flood heights and/or velocities; does not affect adversely the water-carrying capacity of any delineated floodway and/or channel; does not increase local runoff and erosion; does not unduly stress the natural environment or degrade the quality of surface water or the quality and quantity of groundwater; does not require channel modification or relocation; does not require fill or the erection of structures; and does not include the storage of equipment and materials.

E. Conservation Easements
1. The removal of trees and ground cover shall be prohibited in a conservation easement or flood plains except for the following purposes: The removal of dead or diseased trees; limited thinning of trees and growth to encourage the most desirable growth; and the removal of trees to allow for structures designed to impound water or areas to be flooded as a result of the creation of ponds or lakes. Any changes, additions or removals of any materials within a conservation easement shall be subject of a permit from the Administrative Officer or his/her designee.

F. Mining.
1. Purpose. The purpose of this section is to establish guidelines for grading, drainage, erosion control and other provisions of this Chapter for existing sand and gravel operations. These regulations are brought about by numerous old pits that were abandoned without regard for future use, environmental considerations or aesthetic concerns, yet these abandoned operations are now in the path of development. These provisions are intended to guide those existing mines that are permitted to continue, but to establish standards to assure that these mines are operated in a safe, healthful and aesthetic manner, and so that the site is usable subsequent to completion of the excavating process.
2. No new mining sites are permitted.
3. The operating face of an area being mined shall not be closer to any property line or public street right-of-way than one hundred (100) feet, such limit to also extend vertically into the earth for any subterranean excavations.
4. The operator shall maintain a protective buffer zone which shall consist of a strip of land a minimum of fifty (50) feet in width measured from the property lines of adjoining properties. This buffer zone shall be planted and maintained throughout the life of the mining operation. In addition, along the top edge of any mine pit with an operating face higher than twenty (20) feet, the trees, shrubbery and other growth shall be
removed for a distance of not less than forty (40) feet from such edge to permit a clear view of the slope. Appropriate warning signs of a permanent type shall be posted in the vicinity citing the danger.

5. Upon termination of a mining operation, the property shall be left in a condition where no dangerous holes or other hazards exist and where there is proper drainage to prevent the accumulation of stagnant water on the property. The resulting land surface shall be graded and drained so that storm waters will not collect on the property and storm waters draining from the property will not create flooding, erosion, siltation or hazardous conditions on or beyond the properties. All areas where the excavation is completed shall be landscaped with conifers and/or deciduous trees spaced on center no more distant than fifty (50) feet, as well as planted and maintained with perennial rye at a quantity of twenty-five (25) pounds per six thousand (6,000) square feet.

6. Applications, bonds, permits and operations shall be as required by the Freehold Soil Conservation District, in addition to the following:
   a. The name, address, phone number and signature of the owner(s); the applicant, if different from the owner; and the person who will be in charge of the work.
   b. Tax Map sheet, block and lot numbers.
   c. The routes to and from the site over which the transporting of removed soil shall take place.
   d. The location of any streams, flood plain areas or ponds, lakes or other bodies of water within one thousand (1,000) feet of the premises involved.
   e. The area to be disturbed shown in sections of not more than three (3) acres and numbered consecutively indicating the order of sections to be disturbed and graded.
   f. Location of borings, which shall extend not less than four (4) feet below the proposed finished grade and which shall include the soil description and water table so found. Not less than three (3) borings per acre shall be made. The Borough Engineer may require additional borings if, in his opinion, the conditions warrant additional data.
   g. The period for which the permit is sought, together with the proposed timetable covering the entire period and when all work will be completed.
   h. All work shall be accomplished pursuant to the terms of the permit as issued and, in addition, the following regulations shall be strictly adhered to:
(1) The removal of any topsoil from the premises involved is expressly prohibited. All topsoil on premises involved shall be temporarily stored on the premises inside a fenced area during operations, and after grading is completed, the topsoil shall be respread on the premises to a depth of not less than six (6) inches.

(2) Not more than three (3) acres shall be disturbed at any one (1) time.

(3) All trees, stumps and brush shall either be removed from the premises or shall be chipped into mulch and spread on-site to aid in re-establishing top soil. Unchipped material shall not be buried.

(4) Immediately upon completion of the resspreading of the topsoil, the entire area shall be reseeded with grass seed or other cover crop as described in the permit.

(5) No excavation shall be permitted below the grade of any adjoining road unless the beginning of the slope is at least one hundred (100) feet from the road's right-of-way and the slope conforms to paragraph (9) below.

(6) Soil removed or disturbed shall not be deposited or in any way thrown or placed upon adjoining property or roads.

(7) All operations shall be conducted in strict accordance with Federal and State laws, other ordinances of the Borough, and pursuant to the terms of the permit as granted.

(8) All operations shall be conducted so as not to constitute a public or private nuisance or create any dangerous conditions.

(9) No slopes created by any operation shall exceed one to one (1:1) during the course of the operation. Slopes remaining at the completion of the work shall be limited by the type of permanent vegetative cover and the ability to maintain the surface. Maximum final slope shall not exceed one (1) foot vertical per two (2) feet horizontal. In active gravel pits or borrow pits, only the working face may have a slope exceeding one (1) foot vertical per two (2) feet horizontal. The working face slope shall not exceed one to one (1:1).
(10) Hours of operation shall be limited to the following: 7:00 a.m. to 6:00 p.m. (prevailing time), Monday through Saturday. No hours of operation shall be permitted on Sunday.

(11) Failure by a permittee to comply with the provisions of this Chapter or of a permit issued pursuant hereto shall be grounds for the immediate revocation and withdrawal of the permit by the Borough and shall constitute reason for the denial of any future permit to the permittee on the same premises or any other premises.

(12) Acceptance of the permit, when granted, shall constitute the granting of right of entry to Borough officials for the purpose of making inspections of the work.

40-30 LOTS
A. Lot Frontage
   Every principal building shall be built upon a lot with the minimum required frontage upon an approved street, having a right-of-way width of at least fifty (50) feet, which shall be improved in accordance with the street standards established by the Borough of Tinton Falls or the Residential Site Improvement Standards (RSIS), as applicable.

B. Lots with Frontage on More than One (1) Street
   1. Corner lots shall have two (2) front yards and two (2) rear yards.
   2. Any other lot where the lot abuts more than one (1) street shall have a minimum setback from all property lines that abut streets equal to the required front yard

C. Flag Lots and through lots on two (2) or more streets are not permitted

40-31 PRINCIPAL BUILDINGS
A. Only one principal building may be erected on a lot except for related buildings forming one principal use in accordance with an approved plan, and limited to the following:
   1. Public or institutional building complexes.
   2. Office or retail shopping complexes or complexes involving mixed residential, office, retail or industrial uses.
   4. Continuing Care Retirement Communities
B. No new building shall be constructed on or any existing building altered or moved onto any lot for use as a dwelling when there exists on said lot a building which is being used for dwelling purposes.

40-32 PROHIBITED USES

1. Desiring to minimize impacts on nearby residential properties and cognizant of the environmentally sensitive nature of the Shafto Road corridor, this ordinance specifically prohibits Asphalt Manufacturing Plants, Concrete Manufacturing Plants, Resource Recycling Facilities, and Waste Transfer Stations in the MFG Manufacturing zone. Asphalt Manufacturing Plants, Concrete Manufacturing Plants, Resource Recycling Facilities, and Waste Transfer Stations are permitted in the MFG-2 Manufacturing 2 zone, south of State Route 18, north of US Naval Weapon Station Earle and west of Pine Brook Road.

2. No temporary building or structure shall be permitted within any zone in the Borough of Tinton Falls, except those incidental to construction activities taking place on the premises, provided that such shall be removed upon completion or abandonment of the work.

3. The temporary stockpiling or display of merchandise, equipment or inventory is prohibited in any zone except under the following conditions: that such stockpile or display is permitted as to use, and meets all of the requirements for setbacks, screening and the like established for the particular zone in which said activity is conducted.

4. No tourist cabins, tourist camps or trailer camps shall be permitted in any zone within the Borough of Tinton Falls, nor shall any trailer be permitted for residential use within any zone within the Borough of Tinton Falls.

5. No motor vehicle, vehicle, watercraft, trailer, recreational vehicle shall be parked in or on any grassy area that constitutes the front yard of any dwelling within the Borough of Tinton Falls.

6. No portable storage unit (shipping container, trailer, POD, etc.) shall be parked in or on any grassy area that constitutes the front yard of any dwelling within the Borough of Tinton Falls. Parking of the above mentioned classes of storage units shall be confined to a driveway for no longer than 30 days or other approved parking area and shall not interfere with any required parking stall. The use of any class of storage unit shall be subject to the appropriate permitting requirements of the Borough.

7. No temporary garage or similar structure constructed of wood, fiberglass, plastic or metal poles, with or without a foundation or footings, clad in fabric, vinyl or other such material
for the purposes of storing motor vehicles, recreational vehicles, or any household or other goods shall be permitted.

8. No school bus or school vehicles of any type used for the transportation of passengers as defined in N.J.S.A.39:1-1 shall be permitted to park on any street or property within the Borough of Tinton Falls overnight. This section shall not apply to the parking of school buses on school owned lands public or private or on streets contiguous to any school, public or private within the Borough of Tinton Falls during school hours.

40-33 ACCESSORY STRUCTURES AND USES

A. General requirements.
   1. No accessory building or structure shall be constructed on any lot on which there is not a principal building.
   2. Any accessory building attached to the principal building shall be considered part of the principal building.

B. The following requirements shall be complied with in all residential zones:
   1. No accessory building shall be used for human habitation.
   2. Except as specifically permitted elsewhere in this Article, no accessory building shall exceed seventeen and a half (17-1/2) feet in height.
   3. No accessory building shall be located closer than 10 feet to any other building.
   4. No accessory building shall be located closer to a right-of-way line than the principal building. On corner lots, accessory buildings shall not be located closer to a street than the minimum front yard requirements for the district.
   5. There shall not be more than 2 accessory buildings on a lot. One (1) detached garage and associated driveway is permitted provided there is no attached garage. One (1) accessory building for household goods and equipment such as a cabana, barn, tool shed, storage shed, or garden shed, accessory to a detached single-family dwelling is permitted.
   6. No accessory building in a residential district shall have an area greater than 400 square feet.
   7. An accessory building under 150 square feet in floor area shall not be closer than five (5) feet or the height of the accessory building, whichever is greater, to a side or rear lot line.
   8. An accessory building between 150 square feet and 400 square feet in floor area shall meet the setbacks of the principal building.

C. The following requirements shall be complied with in all nonresidential zones:
1. Except as specifically permitted elsewhere in this Article, no accessory building shall exceed fifteen (15) feet or be more than one (1) story in height.

2. No accessory building shall be permitted in any front yard.

3. Accessory buildings built within the side yard must meet all side yard setbacks.

4. Accessory buildings shall not be closer than the height of the accessory building to a rear lot line.

5. No accessory building in a non-residential district shall have an area greater than 500 square feet.

D. Requirements for specific accessory structures and uses.

1. Outdoor Storage.
   a. Outdoor storage of any kind is prohibited within the front yard or in a side yard adjoining a street.
   b. The outdoor storage of any items, materials and equipment, other than those customarily placed in courtyards and yards, incidental to authorized residential use and occupancy, is prohibited in all residential zones.
   c. No flammable or explosive liquids, solids or gases shall be stored above ground unless as otherwise required by applicable federal, state or local regulations. Tanks or drums of fuel directly connecting with heating devices or appliances located on the same premises as the tanks or drums of fuel are excluded from this provision.
   d. No materials or wastes shall be stored on any premises in such form or manner that they may be transferred off such premises by natural causes or forces such as wind or water.
   e. All materials or wastes which might cause fumes or dust or which constitute a fire hazard, or which may be edible by or otherwise attractive to rodents or insects, shall be stored outdoors only in closed containers.
   f. Commercial Outdoor Storage
      (1) All commercial outdoor storage shall be set back from a school or recreation area at least three hundred (300) feet and set back from any residential property line at least one hundred (100) feet.
      (2) All commercial outdoor storage shall be in the rear or side yard and screened from view of all public streets by buildings and/or a 50 foot buffer of dense evergreen plant material and/or fences as deemed necessary by the Board to achieve the intended buffer.
      (3) Retail Wholesale Stores - Outdoor Storage and display of lumber, building supplies, nursery stock, and garden supplies shall be permitted provided the
material is limited to a single area of the site and this area does not exceed ten percent (10%) of the lot area.

(4) Landscaping, Construction, Demolition or other such Contractors - Outdoor Equipment Storage such as construction equipment, trucks, chippers, mulch piles and stockpiles of clean materials shall be permitted, provided the equipment and materials are limited to a single area of the site and this area does not exceed fifty percent (50%) of the lot area. Under no circumstances shall any stored material leave the site by natural causes or forces such as wind or water.

(5) Concrete and Asphalt Manufacturing Plants – Outdoor Equipment Storage such as loaders, trucks, and other such equipment and stockpiles of aggregate materials shall be permitted provided the equipment and materials are limited to a single area of the site and this area does not exceed ten percent (10%) of the lot area. Aggregate materials must be stored in designated bins or other such constructions. Under no circumstances shall any stored material leave the site by natural causes or forces such as wind or water.

(6) All Other Commercial Uses – Outdoor display or storage of any materials are prohibited.

(7) Resource Recycling Facilities are governed by separate ordinance section.

2. Decks and Patios
   a. Any decks or patios above grade shall meet the required yard setbacks for principal buildings.
   b. Decks and patios shall be permitted in the side and rear yard area only.
   c. Second story decks shall be permitted if accessed from the building interior only. No second floor decks shall be permitted on accessory buildings.
   d. Any decks and patios at grade shall be located no closer than ten (10) feet to any property line.
   e. All decks and patios shall be included in the calculation of total lot coverage.
   f. The elevation of the second floor deck shall be no higher than the finished second floor elevation.

3. Swimming pools/hot tubs/spas
   a. Only one pool and one hot tub/spa shall be permitted per single-family residence. No private residential pool/hot tub/spa shall be installed on any lot without a residence.
b. The water edge of the pool and hot tub/spa shall be a minimum of 15 feet from the side and rear lot lines.

c. The water surface of any swimming pool, hot tub or spa shall not be included in the calculation of lot coverage.

d. Safety fencing height shall be four (4) feet.

e. All private swimming pools/hot tubs/spas shall only be located in a rear yard.

f. On any corner lot or through lot, no part of any private swimming pool shall be constructed within the front yard area required to be provided on any street.

g. Artificial lights used or maintained in connection with a private swimming pool shall be so located and shielded that the illumination therefrom is not directed upon any adjacent property.

h. No private swimming pool shall be used other than as an accessory use of the premises whereon it is located.

i. Any buildings or structures erected in conjunction with a swimming pool shall comply with the provisions of accessory structures.

j. Any noise generating equipment shall be located so as to minimize the impact upon adjacent properties.

4. Tennis/Sports Courts

a. Only one tennis/sports court shall be permitted per single-family residence. No tennis/sports court shall be installed on any lot without a residence.

b. Tennis/sports courts shall be a minimum of 20 feet from any property line.

c. Fencing in the front yard shall not be located closer than the front building line or 20 feet from the front property line, whichever is greater. Maximum height shall be ten (10) feet. Fencing shall be coated chain link. Slats are prohibited. Fabric/netting is allowed up to a maximum height of 4 feet.

d. All tennis/sports courts shall only be located in a rear yard.

e. On any corner lot, no part of any tennis/sports court shall be constructed within the front yard area required to be provided on either street.

f. Artificial lights used or maintained in connection with a tennis/sports court shall be so located and shielded that the illumination therefrom is not directed upon any adjacent property. No lighting may remain lit after 10 pm.

g. No tennis/sports court shall be used other than as an accessory use of the premises whereon it is located.

h. Any buildings or structures erected in conjunction with a tennis/sports court shall comply with the provisions of accessory structures.
5. Fences and Walls.
   a. All fences, walls or similar structures shall be considered accessory structures. No fences or walls shall be erected without a principal use.
   b. All fences and walls shall conform to any and all Design Standards as set forth in (40-26 J) of this chapter.
   c. Fences and walls shall not be located in any required sight triangle or in a public right-of-way.
   d. All fences and walls shall be designed and constructed so as not to block the flow of surface water and to permit adequate drainage.
   e. Fences and walls topped with barbed wire, razor wire, broken glass, or similar materials, or that are electrically charged, are prohibited except barbed wire and electrically charged fence may be used on farm qualified properties.
   f. Fences and walls shall not contain signage or other displays unless otherwise permitted herein.
   g. Wire mesh (except when used on farm qualified properties), canvas, cloth, and other similar materials are prohibited as either a fence or wall, or as an attachment to a fence or wall.
   h. Free-standing walls shall be constructed of brick or decorative stone only. Retaining walls required to implement grading plans approved by the Borough/Board Engineer may be constructed of treated lumber, or synthetic, or masonry products meeting nationally recognized engineering standards for retaining wall purposes.
   i. All fences and walls shall be constructed for permanency. No temporary fences or walls are permitted except for construction fences or walls (such as when used as a soil erosion control method), but only with the prior approval of the Board. Snow fences are also permitted as a temporary fence with the approval of the Borough Engineer for the safety of, and to promote the general welfare of, the residents of the Borough.
   j. Fences in the front yard shall not exceed four (4) feet in height (except on farm qualified properties), shall be set back at least ten (10) feet from the edge of property line.
   k. Walls in the front yard shall not exceed two (2) feet in height and shall be set back at least ten (10) feet from the edge of property line.
   l. Fences in the front yard shall be limited to split rail, picket, or decorative metal with an open area of at least fifty (50) percent.
m. Chain link fences are not allowed in the front yard except that in neighborhoods where the prevailing lot widths are forty (40) feet, but no greater than eighty (80) feet, a chain link fence is allowed in the front yard on those lots where the lot width is no greater than eight (80) feet. Slats are not allowed in front yard fences.

n. Fences and walls along side or rear lot lines shall not exceed six (6) feet in height (except on farm qualified properties).

6. Family day care homes. Family day care homes are permitted as an accessory use in all single-family residential zones and shall be licensed by the N.J. Department of Human Services and provided it adheres to the following conditions.
   a. A family day care home operating in a detached single-family dwelling is limited to no more than five (5) children in addition to the children of the residents of the home.
   b. The property shall meet the minimum area and dimensional requirements for the lot in this zone and provides a minimum of four (4) off-street parking spaces and a paved driveway measuring at least eighteen (18) feet wide by forty (40) feet in length.

7. Home Occupation. Home occupations are permitted as an accessory use in all single-family residential zones provided the occupant adhere to the following Conditions.
   a. The Home Occupation shall occupy no more than nine hundred (900) square feet, or the equivalent of twenty-five (25%) percent of the first floor of a residence, whichever is smaller.
   b. A maximum of one (1) room may be used for work purposes.
   c. The activity must be conducted in the primary dwelling unit and not conducted in a garage or other accessory structure.
   d. The remainder of the dwelling unit must meet all other health, safety and related requirements for a dwelling unit.
   e. No more than one (1) full-time or part-time employee may work at the dwelling, other than the resident(s) of the dwelling, provided there is sufficient off-street parking for the employee.
   f. No employee may be dispatched from the site.
   g. No sign shall be visible from the exterior of the dwelling.
   h. No activity shall be visible from a property line or the street.
   i. No change in the exterior of the residential appearance of the dwelling.
   j. There shall be no occupational sound, light, or other nuisance created which would be audible or visible outside the building.
k. There will be no delivery of bulk raw materials to, or shipment of finished goods from, the site and the use does not result in on-site sales or visitations by customers or clients.

l. If these conditions are all met, the use is considered a customary and incidental use of the home for the convenience of the resident occupant and no permit or approval shall be required.

m. If any of the conditions are not met, the function shall not be a permitted use.

8. Non-registered vehicles. No disabled or unregistered vehicles shall be stored in any district except in an enclosed building. A motor vehicle shall be deemed to be stored if it has been on the property for a time period of at least 10 days. No motor vehicle which is on blocks or any type of lifting device shall be left unattended unless housed within a garage. No motor vehicle shall be stored on any surface which is not paved, graveled or stoned unless parked a minimum of 10 feet from any property line.

9. Commercial Vehicle Parking. Any vehicle used for commercial purposes shall not be parked, stored or maintained on any lot in a residential zone except:

a. No more than two (2) motorized vehicles (maximum two (2) vehicles) used for commercial purposes may be parked, stored or maintained on any lot in a residential zone, but only if any such vehicle (i) has a height of eight (8) feet or less (excluding antennas and exhaust stacks), and (ii) has a length of twenty (20) feet or less which length shall be measured as the total overall length but not including removable accessories.

(1) Any vehicle bearing a commercial, tractor, livery, school bus or omnibus motor vehicle registration shall be presumed to be used for commercial purposes.

(2) Notwithstanding any provision in this Chapter to the contrary, garbage trucks, tanker trucks, waste disposal vehicles, buses, tractor trailers or motorized construction vehicles/equipment are expressly prohibited from being parked, stored or maintained in any residential zone.

(3) The owner/operator of any commercial vehicle(s) shall reside on the property on which the vehicle is parked.

b. Vehicles parked on any such lot for making deliveries, or service vehicles providing a service to the dwelling located on any such lot are excepted from this provision for as long as the vehicle is being used to make a delivery or the operator is performing a service.
c. Any vehicle used on a farm as defined in this chapter is expressly exempt from this provision.

10. Recreational Vehicles. The parking of recreational vehicles less than six (6) feet in height shall be confined to the rear yard on a prepared surface, not unlike a driveway, and shall be 15 feet from any property line. All other recreational vehicles shall not be parked, stored, or maintained on any lot.

   a. Permanently installed amateur radio transmitting and receiving antennas and their associated towers, television receiving antennas, and satellite receiving dish receiving antennas are permitted in every zoning district as an accessory to a principal use on the same lot, provided:
      (1) Where practical, wires and cables running between the device and any other structure are installed underground
      (2) There is no advertising attached to the tower or antenna
      (3) The natural grade of the lot shall not be changed to increase the elevation of a tower
      (4) The device shall be colored, constructed, located and screened from view to the maximum extent practicable, so as to minimize the visual impact from adjoining properties and public rights-of-way.
   b. An antenna, tower, and related devices shall be located only on a building or in a side or rear yard. It shall not be located in a front yard.
   c. An antenna, including a tower, if any, shall be set back from the side or rear lot lines a distance at least equal to the toppling distance of the device, but in no instance shall it be closer to a lot line than as follows:
      (5) A residential use next to a residential use: 20 ft
      (6) A nonresidential use next to a nonresidential use: 30 ft
      (7) A nonresidential use next to either a residential use or residential zoning district: 75 ft
   d. Plantings shall be used to minimize visual impact and shall be evergreen trees, placed two (2) feet apart around that portion of the device which can be seen from an adjacent lot or public right-of-way. The plantings shall be such that they will screen the device without interfering with the effectiveness of the antenna.
   e. Where an antenna is mounted on a building the top of the antenna shall not exceed the height of the roof line of the building on which it is located by more than the following:
(8) Dish antennas in a residential zone: 6 ft
(9) Dish antennas in a nonresidential zone: 12 ft
(10) Conventional television antennas: 10 ft
(11) Amateur radio antennas, such as whips and dipoles: 15 ft

f. The maximum height of a ground mounted dish antenna shall be fifteen (15) feet in a residential zone and seventeen (17) feet in a nonresidential zone.
g. The maximum diameter of any dish antenna shall be ten (10) feet for residential uses and twelve (12) feet for commercial or public uses.
h. Notwithstanding the above, a dish antenna that is less than two (2) feet in diameter may be mounted anywhere on a building and need not be screened.
i. The height of a ground mounted antenna tower may not exceed forty (40) feet. An amateur radio type of antenna mounted on such a tower may extend a maximum of fifteen (15) feet above the top of the tower.
j. Portable dish antennas (not permanently mounted on a building or permanently affixed to the ground) are prohibited in all residential zoning districts, except for demonstration purposes only, which may remain on a lot for a period not to exceed forty-eight (48) hours.

   a. Parking Garages are permitted accessory uses to a principal use on the same property. Parking Garages are not to be considered permitted principal uses and may not be located on a lot without a principal use.
   b. No more than four (4) parking levels are permitted and shall not exceed the height of the principal structure.
   c. Parking garages shall be set back from perimeter lot lines and/or lease lines the same as required for principal buildings.
   d. Each parking garage shall have at least one (1) pedestrian exit toward each building it serves and each parking garage having three (3) or four (4) levels shall have at least one (1) covered walkway exiting either the third or fourth level of the garage into each building it serves.

13. Accessory Retail within larger Office and Industrial Facilities
   a. In a single building containing at least one hundred thousand (100,000) square feet of gross floor area
      (1) Accessory convenience services such as, but not limited to, banking services, gift shop, newsstand, office supplies, dry cleaners, travel agent/ticket sales, and pharmacy may be permitted provided these
uses are incidental and subordinate to the principal use, are for the convenience of the employees in the complex, and do not exceed the equivalent of three percent (3%) of the gross floor area of the building or four thousand (4,000) square feet, whichever is less.

(2) These services shall be designed as an integral part of the interior of the building and shall have no separate, exterior means of access for the customers. They may be located throughout the building or in one area, but there shall be no separate structure(s) for retail purposes, including no separate shopping center.

(3) In designing the proposed services, drive-up window services shall not be permitted.

b. Within a complex of one (1) or more principal structures containing more than two hundred thousand (200,000) square feet of gross floor area

(4) Accessory convenience services such as, but not be limited to, a restaurant and/or cafeteria and retail/business services. All of these services shall be designed within the interior of one (1) or more buildings as an accessory use.

(5) Exterior access and drive-up window services are not permitted.

(6) In a development of this size, recreation facilities shall be required such as, but not limited to, indoor exercise facilities, outdoor jogging/walking trails, and/or improved court and field games.

(7) The primary purpose of these services is to provide a convenience to the day-time population generated by the principal permitted use(s).

(8) The floor area devoted to the restaurant, cafeteria, and retail/business service uses shall not exceed three percent (3%) of the gross floor area of the complex, or ten thousand (10,000) square feet of gross floor area, whichever is less.

40-34 SIGNS AND FLAG POLES

1. Permit Procedure

   1. No sign shall be placed, constructed, or erected or modified unless a sign permit shall have been obtained from the Zoning Officer and, where required by the New Jersey Uniform Construction Code, a building permit shall have been obtained from the Construction Official. Signs which are not specifically allowed by this subsection shall be prohibited.

   2. A Master Signage Plan shall accompany:
a. Any application for a sign permit, or

b. Any application for development filed with the Planning Board or the Zoning Board of Adjustment which involves installation or modification of any sign.

1) The Master Signage Plan shall contain the following information for each existing and proposed sign:

a) Size (i.e. length, height, area, thickness, number of faces)

b) Letter style and size

c) Illumination

d) Colors (i.e. letter, background, trim), including PMS color samples

e) Construction materials, structural integrity and installation details.

f) Window size (if applicable)

g) Location (i.e. height above grade, distance from roofline, building width, location from sides.

h) Enumeration of relevant requirements with proposed conditions

3. The Master Signage Plan graphically depicting the sign shall be prepared by the applicant or a sign professional. The Master Sign Plan application shall include a sketch or photograph showing the dimensions of each façade, window and canopy of the building to which a sign is to be attached, in sufficient detail to clearly indicate the location, dimension and area of all existing and proposed permanent signs affixed to the walls, windows and canopies of the building. These dimensions shall either be shown on the sketch or photograph or on an attached table. Samples of construction materials shall be submitted.

4. In the case of a freestanding sign, a plot plan of the lot shall be required as part of the Master Signage Plan, showing the location of buildings, parking lots, driveways, landscaped areas and all other existing and proposed signs.

5. Whenever a Master Signage Plan is filed with the Planning Board or the Zoning Board of Adjustment, a plot plan as described in this section shall be required for all applications, and all plans and drawings which comprise a part of the Master Signage Plan shall be prepared by a licensed architect, engineer and/or land surveyor, as appropriate.
6. The applicant shall provide any additional information which may be deemed necessary to determine whether the signage plan complies with the purpose of the sign regulations.

7. When installation or modification of a sign has been approved by the Planning Board or Zoning Board of Adjustment as part of a development application, the Construction Official shall issue a sign permit only if the proposed sign is consistent with the reviewing board’s approval.

8. Where the sign being requested conforms in every way with the provisions of this Chapter, site plan approval is not required. The Zoning Code Official shall review the application and, if all provisions of the ordinance are met, the Zoning Code Official may issue the permit. In the event the proposed sign does not conform to the provisions of this Chapter, or in the event there is a request for signage that raises questions, interpretation of the ordinance, or similar issues, the Zoning Code Official shall not approve the application, but instead, shall refer the application to the appropriate Board for review and action.

9. Existing Sign Maintenance and Changes to Contents. Preexisting permanent signs may be maintained and the sign lettering and artwork may be changed or altered, provided that no structural changes involving enlargement or change in dimension, material, character, location, or illumination are made and a permit is issued by the Zoning Code Official.

B. Revocation of Permit.

A. A permit to erect or maintain a sign may be revoked by the Zoning Code Official for any one (1) or more of the following causes:
   a. Whenever the application used in obtaining a permit is knowingly false or misleading.
   b. Whenever any of the provisions of §40-35E are violated.
   c. Whenever a licensed structure is not being maintained in a safe, sound, and good condition.

B. No permit will be revoked for any of said causes until a ten (10) day notice has been given the permittee, which ten (10) day notice shall be served either personally or by first class mail. Any permittee will be given a hearing thereon by the Zoning Code Official if promptly requested, in writing, addressed to the Zoning Code Official within five (5) days of notification.
C. As soon as a permit for a sign is revoked, the permittee shall remove the sign, advertising structure or space within ten (10) working days of written notification, unless an appeal is initiated within thirty (30) calendar days.

C. Denial of Permit.

A. A permit to erect or maintain a sign may be denied for any one (1) or more of the following:
   a. If the sign is not permitted in the Zoning District in which it is erected or planned.
   b. If any one (1) or more of the bulk requirements of the zoning requirements have not been met, including but not limited to, size, height, illumination, number of signs, or setback.
   c. In the event that a permit is denied, the applicant may apply to the Board of Adjustment and seek a variance for the sign erection or alteration.

D. Fees. The fees to be paid to the Borough of Tinton Falls for the erection of each new sign shall be:
   1. For new signs regardless of their size: fifty ($50.00) dollars per sign.
   2. For the alteration or relocation of any existing sign, or to change the wording, color, or illumination of an existing sign: fifty ($50.00) dollars per sign.

E. Appeals. If any person, firm or corporation claims a special hardship by reason of any denial, revocation or other ruling which has been or may be imposed by the Zoning Code Official, an appeal may be made to the Board of Adjustment, and its determination shall be final. In the event that the appeal is in conjunction with a revocation of a permit, removal shall not be required unless the Board has upheld the ruling of the Zoning Code Official, in which event removal shall be within ten (10) working days of written notification of the ruling of the Board.

F. Violation and Penalties. Any person, firm or corporation violating any of the provisions of this Chapter shall pay a fine not exceeding five hundred ($500.00) dollars or be imprisoned in the County Jail for a term not exceeding thirty (30) days, or both. Each day that a violation is permitted to exist shall constitute a separate offense.

G. Sign Permit Exemptions. Exemptions shall not be construed as relieving the owner of such signs from the responsibility of complying with applicable provisions of this Chapter. The exemption shall apply to the requirement for sign permit only. No sign permits shall be required for the following signs:
   1. Any public notice or warning required by a valid and applicable federal, state, county or local law, regulation or ordinance.
2. Any sign which is inside a building, not attached to a window or door, and is not readable from a distance of more than three (3) feet beyond the lot line of the lot or parcel nearest to where such sign is located.

3. Holiday lights and decorations with no commercial message.

4. Traffic control signs on private property, the face of which meets the Department of Transportation standard, and which contain no commercial message of any sort.

5. Flags of the United States, New Jersey, the Borough of Tinton Falls, foreign nations having diplomatic relations with the United States, other flags adopted or sanctioned by an elective legislative body of competent jurisdiction and flags flown in conjunction with the flag of the United States. In residential districts the flag pole may not exceed a height of twenty (20) feet with a maximum flag size 3 feet x 5 feet. In nonresidential districts the flag pole may not exceed a height of forty-five (45) feet with a maximum flag size 4 feet x 6 feet. The statutory requirements associated with flags and generally accepted standards of flag display etiquette shall be observed. Setbacks for flagpoles shall be as follows:

<table>
<thead>
<tr>
<th></th>
<th>Residential</th>
<th>Nonresidential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yard setback</td>
<td>20 ft. unless the dwelling is setback less than 20 ft., then the setback may be equal to 1/2 the distance of the actual setback of the dwelling.</td>
<td>1/2 the distance of the front yard setback of the principal building</td>
</tr>
<tr>
<td>Side yard setback</td>
<td>5 ft.</td>
<td>Side yard setback of the principal building</td>
</tr>
<tr>
<td>Rear yard setback</td>
<td>10 ft.</td>
<td>Not permitted</td>
</tr>
</tbody>
</table>

6. Signs or banners advertising Borough sponsored events that are posted with the permission of the Borough Council or of any person to whom the Borough Council has delegated this authority according to guidelines set by the Borough Council.

7. Pump mounted fuel price informational signs subject to the following:
   a. Only one fuel price informational sign shall be permitted per fuel pump.
   b. Fuel price informational signs shall be limited in size to an area of two hundred sixteen (216) square inches in accordance with State and Federal regulations.
   c. Each fuel price informational sign shall be affixed directly and firmly to a fuel pump and shall be stationary.
d. Nothing herein shall be construed to prohibit the advertisement of fuel prices on any other sign meeting the requirements of this section.

e. Non pump mounted pricing signs shall not be exempt.

8. U.S. Postal regulation mailboxes.

H. Measurement of sign area

1. Measurement of area of individual signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, graphic illustration, picture, symbol or other display, together with any material or color forming an integral part of the background of the sign and used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets zoning regulations and is clearly incidental to the sign itself. No sign shall have more than two display faces. The sign area for a sign with two faces shall be computed by adding together the area of all sign faces visible from any one point. When a sign having two faces is such that both faces cannot be viewed from any point at the same time, the sign area shall be computed by the measurement of the larger of the two faces. Signs which are required by county, state or federal agencies are exempt from calculation of permanent and temporary signage up to the minimum size required by such agencies. The area of the sign in excess of the minimum shall be subject to the sign calculation. In the event that no size requirement is imposed by such agency, the sign shall not exceed one square foot.

2. Measurement of height. The height of a freestanding sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding or excavation solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public road or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

I. General regulations
1. Signs shall be in harmony and consistent with the architecture of the building and relate to the features of the building in terms of location, scale, color, lettering, materials, texture and depth. Signs shall not be dominant but shall be proportionate and shall complement the building, existing signs and surroundings.

2. There shall be consistent sign design throughout a particular project. The design elements include style of lettering, construction material, size and illumination.

3. Freestanding signs shall be integrated with the landscaping on site.

4. No signs shall be erected, placed on, or attached to a structure or erected independently for any purpose other than to advertise a permitted business or use conducted on the same premises. Signage for a business or other purpose located off-site is not permitted.

5. Signs shall be considered accessory uses in all zones and shall be subordinate to a use on the same property.

6. No sign except infrastructure and traffic control devices of a duly constituted government shall be erected within the public street right-of-way. No sign shall be placed upon any property without the consent of the property owner.

7. No sign shall be erected so that any part of the sign or its supporting members project over a permitted setback line or height limit.

8. Signs shall be either freestanding or attached to a building in an approved manner. Freestanding signs shall be supported by one (1), but not more than two (2), columns or uprights firmly imbedded in the ground. Exposed guy wires, braces or other connections shall not be permitted.

9. Wall signs shall not obscure, conflict with or cover any architectural element and must be aligned with major building elements such as windows, trim and structure lines.

10. No sign shall extend or project above the highest elevation of the wall to which it is attached or above the lowest part of the roofline of the building, whichever is less. Where signs project beyond a building facade or wall over a pedestrian way, the lowest part of the sign shall be at least eight (8) feet above the walkway.

11. Wall, facia or attached signs shall be firmly attached to the exterior wall of a building and shall not project more than fifteen (15) inches.

12. No electric wiring associated with a sign shall be visible to public view.

13. Illuminated signs

   a. Illuminated signs, except for public-purpose uses, shall not be permitted in residential districts.
b. Illuminated signs shall be arranged to reflect their light and glare away from adjoining streets and property.

c. Signs lit by external sources shall be located in such a manner as to avoid any glare on adjacent property. Sources of sign illumination shall be completely shielded from the view of vehicular traffic using the road or roads abutting the lot on which the sign is located.

d. External lights used for the illumination of any sign on a building whether or not such light fixtures are attached to or separate from the building, shall not extend above the highest elevation of the front wall of the building or more than eighteen (18) feet above the street level of the premises, whichever is less.

e. Temporary signs are not permitted to be directly illuminated either by internal or external light sources.

J. Prohibited signs.

1. No billboards shall be erected, used or maintained within the Borough of Tinton Falls; provided, however, that this regulation shall not apply to temporary signs, otherwise permitted by this subsection, that advertise special events sponsored by nonprofit social, religious, political or cultural organizations or institutions.

2. No signs shall be attached to trees, fence posts, stumps, utility poles, water towers, storage tanks, chimneys, smoke stacks, radio towers, antennae, or similar structures.

3. No roof sign, known also as a “sky sign”, shall be allowed.

4. No sign shall be placed on an accessory building.

5. No sign shall be lighted by means of a flashing light, nor shall any sign utilize red, green, blue or amber illumination in a beam, light, beacon or flashing form resembling an emergency light shall be erected in any location.

6. No sign shall be allowed with optical illusion of movement by means of a design which presents a pattern capable of reverse perspective, giving the illusion of motion or changing of copy. Signs using mechanical or electrical devices to revolve, flash or display movement or the illusion of movement, or to emit a sound, are prohibited, with the exception of signs which alternately show the time of day and temperature by lighted numbers where each sequence remains fixed for at least four (4) seconds.

7. No commercial sign shall be allowed in a window which serves a residential use. Signs such as, but not limited to, various professional services, piano tuning, lawn care, house painting, and home repairs when those signs are located on residential
properties where the sign advertises the occupation of the resident, but the business and/or service is conducted at another location are prohibited.

8. No signs shall be allowed on any street furniture.

9. The use and display of temporary portable signs or windsocks, kites, banners or strings or streamers of flags, pennants or spinners or similar objects and devices across, upon, over or along any premises or building, whether as part of any sign or for advertising or public attraction, or otherwise, is prohibited in any zone, except for:
   a. Temporary displays in business or commercial zones as provided in this section.
   b. Temporary decorations customarily used for holidays, or for special events as may be approved by the Borough Council.

10. The parking of trucks, vans, trailers, and similar vehicles in locations other than the loading or parking spaces intended for those vehicles so that the vehicle and its permanent or temporary signage become an additional form of advertising when regularly parked to be in view of the general public who travels along one or more adjacent streets is prohibited.

11. No sign shall be allowed which obstructs any window or door opening used as a means of egress, interferes with an opening required for legal ventilation, or is attached to or obstructs any standpipe, fire escape or fire hydrant.

12. No sign shall be allowed which obstructs the view (sight triangle) of vehicle operators or pedestrians entering a public roadway from any parking area, service drive, public driveway, alley or other thoroughfare.

13. No trademarks or brand names on any sign (including umbrella signs) shall be allowed when the commodity is not available in the establishment.

14. No sign element shall be interpreted as part of the architectural element of the building.

15. No inflatable signs and tethered balloons shall be allowed, except decorative small balloons.

16. No neon or gas filled decorations which outline façade elements or windows are allowed.

17. Search lights are prohibited.

18. No temporary signs shall be allowed except as detailed below.

19. No sandwich board signs shall be permitted. Freestanding signs not permanently anchored into the ground such as tripods, A-frames, signs on trailers, or similar portable structures used as signs are prohibited.
20. No window signs shall be permitted.

21. Any sign having a message which in and of itself is lewd or licentious, or advocates an act in violation of any municipal, County, State or Federal law, shall be prohibited.

K. Non-conforming Signs

1. No non-conforming signs may be enlarged or altered in a way which would increase its non-conformity. Existing non-conforming permanent signs may continue to exist; however, when the sign is modified either in shape, size, illumination or structure, the sign shall be altered to conform to the provisions of this section.

2. Should any non-conforming sign be damaged by any means to an extent of more than fifty (50) percent of its replacement cost at time of damage, it shall not be reconstructed except in conformity with the provisions of this section.

L. Removal of Certain Signs

1. In the event a business ceases operation for a period of time in excess of sixty (60) days, the sign owner or lessee, or the property owner, shall immediately remove any sign identifying or advertising said business or any product sold thereby. Upon failure of the sign owner or lessee, or property owner to comply with this section, the Zoning Officer shall issue a written notice to the sign owner or any lessee and to the property owner, which notice shall state that such sign shall be removed within the following time period:
   a. Sign face: 60 days
   b. Posts, columns and supporting structures: one year

2. If the sign owner or lessee, or property owner, fails to comply with such written notice to remove, the Zoning Officer is hereby authorized to cause removal of such sign, and any expenses incidental to such removal shall be charged to owner of the property upon which the sign is located and shall constitute a lien upon the property. For the purposes of this section, the work “remove” shall mean:
   a. The sign face, along with posts, columns or supports or freestanding signs, shall be taken down and removed from the property.
   b. The sign face and supporting structures of projecting, roof or wall signs shall be taken down and removed from the property.

M. The following signs and the standards and conditions that govern such signs are set forth below. All other signs are expressly prohibited.

1. Signs in residential districts.
   a. One (1) nameplate sign not to exceed 2 square feet per side, not to be illuminated.
b. Signs advertising a legal nonconforming use, when located on the site where such use is conducted, may be maintained, modernized or replaced without increasing the size, provided that such signs were erected prior to the adoption of this chapter and provided that modernization and replacement comply with the permit requirements and the engineering requirements.

c. One (1) ground sign per development of a residential major subdivision and/or residential major site plan, provided that said sign does not exceed twenty-four (24) square feet in size and the information contained thereon is limited to the name of the development and the name of the developer. Said sign, if permanent, shall be either located on a brick wall and landscaped, or set in a landscaped island.

d. One (1) ground sign per premises for public purpose use provided said sign does not exceed forty-eight (48) square feet in size.

2. Signs for public uses, including libraries, schools, parks, firehouses and uses in all districts.

a. One (1) wall sign not to exceed 24 square feet in size, not to be illuminated.

b. One (1) freestanding or ground sign permitted for each street frontage not to exceed 8 square feet in size and 4 feet in height. The minimum setback shall be one half (½) of the front yard setback. Illumination shall be permitted.

c. Directional signs not to exceed 2 square feet per side and 2 feet in height, not to be illuminated. The minimum setback shall be one half (½) of the front yard setback. Off premises directional signs related to houses of worship shall be permitted but shall not exceed 2 square feet per side.

3. Signs in non-residential districts except the HCC Highway/Community Commercial district.

a. Any sign authorized for permitted uses in the Residential Districts as specified above is permitted in a commercial district.

b. Signs for business office or professional office uses:

1) Wall signs up to 10 square feet per separate office tenant on the premises shall be permitted but total wall signs shall not exceed 25 square feet. Illumination is permitted.
2) Lots having more than two (2) tenants may have tenants' names aggregated into one directory sign located at or near the main entrance into the building and be either attached to the building or be freestanding not more than ten (10) feet from the entrance to the building, provided the resulting directory sign does not exceed two (2) square feet per business or thirty-two (32) square feet in aggregate, whichever is less, and provided further that said sign is not located and designed to be read by drivers traveling the adjacent street.

3) Ground signs, in addition to wall signs, a ground sign which shall not exceed thirty (30) square feet in size, shall be permitted. Ground signs shall be constructed so that no void is present between the sign and the ground. Ground signs shall not exceed 6 feet in height and shall be located a minimum of 20 feet away from all property lines. Illumination is permitted.

4) Freestanding signs, in addition to wall signs and in lieu of a ground sign, a freestanding sign which shall not exceed twenty-five (25) square feet in size, shall be permitted. Freestanding signs shall not exceed 4 feet in height and shall be located a minimum of 10 feet away from all property lines. Illumination is permitted.

c. Signs for retail, commercial and service establishments shall be constructed under the following limitations:

1) Wall signs, one (1) wall sign per wall facing a public street are permitted which shall comply with the following standard.

<table>
<thead>
<tr>
<th>Setback of the Building from the Street Right-of-Way</th>
<th>% of Wall Area</th>
<th>Sign Height</th>
<th>Sign Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Within 50 ft of street right-of-way:</td>
<td>5%</td>
<td>4 ft</td>
<td>40 sf</td>
</tr>
<tr>
<td>51 ft to 100 ft</td>
<td>7%</td>
<td>5 ft</td>
<td>60 sf</td>
</tr>
<tr>
<td>101 ft to 200 ft</td>
<td>9%</td>
<td>6 ft</td>
<td>80 sf</td>
</tr>
<tr>
<td>201 ft to 300 ft</td>
<td>11%</td>
<td>7 ft</td>
<td>100 sf</td>
</tr>
</tbody>
</table>
2) Tenant signs, in addition to wall signs, tenant signs up to six (6) square feet per separate retail or service tenant on the premises shall be permitted. Illumination is permitted.

3) Lots having more than two (2) tenants may have tenants’ names aggregated into one directory sign located at or near the main entrance into the building and be either attached to the building or be freestanding not more than ten (10) feet from the entrance to the building, provided the resulting directory sign does not exceed four (4) square feet per business or thirty-six (36) square feet in aggregate, whichever is less, and provided further that said sign is not located and designed to be read by drivers traveling the adjacent street.

4) Ground signs, in addition to wall signs, a ground sign which shall not exceed fifty (50) square feet in size, shall be permitted. Ground signs shall be constructed so that no void is present between the sign and the ground. Ground signs shall not exceed 6 feet in height and shall be located a minimum of 20 feet away from all property lines. Illumination is permitted.

5) Freestanding signs, in addition to wall signs and in lieu of a ground sign, a freestanding sign which shall not exceed twenty-five (25) square feet in size, shall be permitted. Freestanding signs shall not exceed 4 feet in height and shall be located a minimum of 10 feet away from all property lines. Illumination is permitted.

4. Signs HCC Highway/Community Commercial district.
   a. Freestanding pylon signs, one (1) freestanding pylon sign, which shall not exceed four hundred (400) square feet in size, shall be permitted per major highway on which an access is provided. Freestanding pylon signs shall not exceed thirty-five (35) feet in height and shall be located a minimum of 10 feet away from all property lines. Illumination is permitted.
   b. Wall Signs, shall not to exceed ten percent (10%) of the wall area to which the sign is to be attached. Each such sign shall be attached to the front wall only, except when the building to which it is attached is a corner
building, then the attached sign shall be permitted on the front and side wall (not applicable to a freestanding building). Each wall sign shall be designed so as to be consistent in design with all other wall signs in the shopping center and no wall sign shall have letters larger than twelve (12) feet in height and no wall sign shall have an area exceeding six hundred (600) square feet. Illumination is permitted.

c. Tenant signs, in addition to wall signs, each tenant sign in the shopping center shall be allowed one (1) pedestrian oriented tenant identification sign in addition to an attached fascia sign. Such tenant sign shall be located at the front of the building and be a minimum height of eight (8) feet above the walkway and shall be placed only on or under a canopy or sidewalk cover and shall not exceed six (6) square feet in area. Each tenant in the shopping center shall be allowed one (1) identification sign over its rear entrance or loading bay and shall not exceed two (2) square feet in area. Illumination is permitted.

N. Additional Standards

1. Wall signs shall be located between the top line of windows or doors on the first floor, and the bottom line of the second floor windows, roof, or cornice above, in an area that is uninterrupted by windows, architectural details, or openings.

2. Wall signs shall not project beyond the roof or sides of the building. Wall signs may not project more than 6 inches beyond the front surface of the building.

3. All signs, as part of a complex, shall be designed and constructed in such a way as to be harmonious and compatible with the complex and surrounding area. All signs will be properly located and designed as an integrated signage system.

4. Directional signs in parking areas or for the purpose of directing patrons to correct entrances shall be permitted, in addition to signs otherwise permitted as above, with no more than two such signs permitted, each such directional sign not to exceed 2 square feet.

5. No sign may be located closer to any side of a building than 10% of the linear front footage of the building.

6. Signs in Historic District. In addition to meeting the applicable requirements for signs set forth above, wall mounted signs in a historic district shall be consistent with the architectural features of the building, externally illuminated, and have approved colors for the period. Freestanding signs shall be constructed of wood,
have routed letters, symbols and numbers painted in gold, and be externally illuminated.

O. Temporary signs. Temporary signs may be erected and maintained without either action of the Board or a construction permit, provided that said sign(s) adhere to the applicable regulations of this Chapter.

1. Temporary signs advertising the sale or rental of the premises upon which said sign has been erected or a sign indicating that said premises have been sold or rented, provided that:
   a. Such temporary signs shall be erected only on the premises to which they relate. They shall not be permitted on any other property or within the public right-of-way.
   b. The area of any such temporary sign shall not exceed six (6) square feet and three (3) feet in height.
   c. Not more than one such temporary sign shall be placed on any property held in single and separate ownership.
   d. Such temporary signs shall be removed promptly within ten (10) days after an agreement of sale or rental has been entered into. A “sold” sign may be then located on the site for a period not to exceed fifteen (15) days.

2. Signs advertising political parties, propositions, referendums or candidates for election may be erected and maintained, provided that the size of any such sign is not in excess of six (6) square feet in size and three (3) feet in height. A maximum of one political sign per property are permitted. Political signs may be posted thirty (30) days prior to Election Day and must be removed within seven (7) days after Election Day. All political signs must be located so as not to obstruct sight triangles. Political signs are not permitted on publicly owned property.

3. Grand Opening Signs. A temporary sign announcing the future opening of a shopping center shall be permitted, provided the sign not to exceed three hundred (300) square feet nor shall any portion of the sign be greater than twelve (12) feet in height or closer than ten (10) feet to any property line, for a period not to exceed six (6) months next preceding the opening of the center. Opening of the center, as used herein, shall be deemed the anticipated date of issuance of a certificate of occupancy. No such sign shall be allowed after the issuance of a certificate of occupancy.
4. Special event signs
   a. Not more than one (1) special event sign announcing or advertising an educational, civic or religious special event may be erected or maintained per property.
   b. The sign shall not exceed twenty-four (24) square feet in size.
   c. The sign may be erected for a period not to exceed twenty-one (21) days, either continuously or in aggregate, in any one (1) calendar year.

5. Directional signs. Signs containing street number designations, household nameplates, postal boxes, historical markers, directional signs and advisory signs, such as but not limited to "private property," "no soliciting," "no trespassing," "warning dog," shall be permitted provided that they do not exceed two (2) square feet in size.

6. Contractors performing a service on-site. Contractors performing a service on-site shall be permitted to place a temporary sign on the property during the time their work is actively being performed at the site. Said signs would be contractors such as, but not limited to, painters, carpenters, electricians, remodeling, and roofing. The sign shall not be lighted, shall not exceed sixteen (16) square feet, and shall not be located in a sight triangle or on any part of a public right-of-way.

40-35 CERTAIN PERMITTED USES
A. Childcare Centers. Childcare centers are permitted uses in all non-residential zones and shall be licensed by the N.J. Department of Human Services. The floor area occupied in any building or structure as a child care center shall be excluded in calculating (1) any parking requirement otherwise applicable to that number of units or amount of floor space, as appropriate, under State or local laws or regulations adopted thereunder; and (2) the permitted density allowable for that building or structure. New buildings shall comply with Borough parking standards.
   1. Minimum Off-Street Parking: Four (4) spaces, plus one (1) space for each school vehicle, but in any event not less than either two (2) spaces per teacher and teacher's aide, or two-tenths (0.2) space per student based on the State's approved capacity of the facility, whichever is less.
   2. Minimum Drop-Off Area: An on-site area shall be provided separate from the parking spaces for temporary parking so students leaving vehicles have access to a sidewalk
leading into the school without the child having to cross a street, parking lot, loading area, driveway or aisle.

3. Minimum Recreation Area: All outdoor recreation areas shall be fenced and no closer to any lot line than twenty (20) feet. All recreation areas shall be screened from adjoining lots by massed evergreens spaced so as to provide a dense visual screen to buffer the center's activities from adjacent residences. The amount of outdoor recreation area shall be based on the requirements of the New Jersey Department of Human Services.

B. Essential services. Public utility lines for the transportation, distribution and/or control of water, electricity, gas, oil, and telephone communications, and their supporting members, other than buildings and structures, including pipes, shall not be required to be located on a lot, nor shall this Chapter be interpreted to prohibit the use of a property in any zone for the above uses. For purposes of this provision, wireless communications facilities shall not be deemed an essential service.

C. Temporary offices. Trailers or mobile structures used as temporary offices, workshops or for the storage of equipment and materials in connection with permitted construction of new buildings or structures may be temporarily permitted on the same site during the actual period of construction. The construction official shall issue a temporary permit. Such structure shall not be located so as to be detrimental to any adjoining property, shall be subject to site plan approval and shall be removed from the site prior to the issuance of a Certificate of Occupancy for the permitted construction project or building.

D. Community Residences. Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill and community residences for persons with head injuries shall be permitted in all residential districts and the requirements shall be the same as for single-family dwelling units located within such districts.

E. Sexually Oriented Businesses.

1. No person shall operate a sexually oriented business within one thousand (1,000) feet of any existing sexually oriented business, or any church, synagogue, temple or other place of public worship, or any elementary or secondary school or any school bus stop, or any municipal or County playground or place of public resort and recreation, or any hospital or any child care center, or within one thousand (1,000) feet of any area zoned for residential use. This subsection shall not apply to a sexually oriented business already lawfully operating on the effective date of this paragraph where another sexually oriented business, an elementary or secondary school or school bus stop, or any municipal or County playground or place of public resort and recreation, or any hospital
or any child care center, is subsequently established within one thousand (1,000) feet, or a residential district or residential lot is subsequently established within one thousand (1,000) feet.

2. Every sexually oriented business shall be surrounded by a perimeter buffer of at least fifty (50) feet in width with plantings, fence, or other physical divider along the outside of the perimeter sufficient to impede the view of the interior of the premises in which the business is located. The municipality may, by ordinance, require the perimeter buffer to meet additional requirements or standards. This subsection shall not apply to a sexually oriented business already lawfully operating on March 16, 2004 (Ord. # 04-1114).

3. No sexually oriented business shall display more than two (2) exterior signs, consisting of one (1) identification sign and one (1) sign giving notice that the premises are off limits to minors. The identification sign shall be no more than forty (40) square feet in size.

F. Self Storage Facilities
1. Self Storage Facilities shall have perimeter walls of a finished material (painted or unpainted cinder block or concrete block is not permitted).
2. The perimeter walls and ends of buildings shall have mansard or peaked roof design (interior portions may be flat, or pitched, or any other design).
3. The perimeter walls shall be solid with no means of access (all entrances to the storage areas shall be from the interior of the site).
4. There shall be no driveway around the perimeter of the site running around the outside the buildings, or on the side(s) that abut a residential zoning district.
5. All material being stored shall be stored inside the building(s) including boats, motor vehicles, trailers, bulk items, and any and all other material.
6. All lighting shall be inside the perimeter of the buildings, except wall-mounted, perimeter security lighting may be permitted provided it is shielded from shining outward and is designed and mounted as “up lighting” or “down lighting”.
7. No building shall exceed a height of twelve (12) feet except the perimeter roof design shall not exceed twenty (20) feet.
8. There shall be a minimum seventy-five (75) foot buffer area along any residential zoning district and twenty-five (25) feet elsewhere.

G. Warehouses
1. The maximum lot area shall be ten (10) acres.
2. The maximum percentage of the gross floor area used for warehousing shall be ninety percent (90%) of the first forty thousand (40,000) square feet of gross floor area plus ten percent (10%) of the gross floor area above forty thousand (40,000) square feet.
3. All major access shall be via arterial and collector streets as classified in the Master Plan to avoid truck and employee traffic from filtering through residential neighborhoods, but driveway access to each lot shall be from streets interior to the industrial development and not directly from an arterial or collector street.

40-36 SUPPLEMENTAL STANDARDS
A. Cluster Development and Lot Size Averaging.
   1. The purpose of this section is to provide two (2) methods of preserving land for private open spaces, common property, conservation areas, and flood plains and a variety of public uses such as school sites, recreation areas, parks, and other public purposes. These areas are able to be created by permitting, in cluster developments, a reduction in lot sizes without increasing the permitted number of lots or dwelling units. In lot size averaging, a reduction in the lot size of some lots is permitted provided one (1) or more lot(s) are increased in size so the average lot size is maintained. Under lot size averaging, none of the lots created is intended for common property, but rather one (1) or more of the larger lot(s) are then available for either various open space or public purposes, and/or a mix of lot sizes to serve the permitted uses.
   2. In any development where lot size averaging or cluster design is proposed, the applicant shall first prepare a scaled plan including delineated wetland, wetland buffers, and flood hazard areas that shall be properly buffered in conjunction with a standard subdivision lot design without variance. The number of approvable lots in the standard subdivision design without variance shall then be counted after which the development may be redesigned using the lot size averaging or cluster design so the development contains the same number of lots created in the standard subdivision design. If there is any question as to the suitability of any lot(s), and hence the number of lots in the development, the final number of lots will be based on an approved preliminary plat using the standard design.
   3. Developments using either cluster or lot size averaging may be approved in accordance with the following standards where cluster and lot size averaging are permitted under the zoning regulations:
      a. All uses shall be connected to approved and functioning central water and central sanitary sewer systems.
      b. The maximum number of lots, or dwelling units, or gross floor area shall be as set forth for the zoning district(s) in which the property is located.
c. Where required, the minimum percent of the total tract to be set aside for open space, common property or public areas, excluding street rights-of-way, shall be as set forth in the zoning requirements.

d. Where common property is being created, a homeowners’ association shall be required for the ownership and maintenance of the property.

4. Lands offered to the Borough shall meet the following requirements:
   a. The minimum size shall be three (3) acres of accessible, usable uplands.
   b. It shall be an integral part of the development and located to best suit the purpose(s) for which it is intended.
   c. Every parcel accepted by the Borough shall be conveyed by deed at the time final plat approval is granted.
   d. Lands offered to the Borough shall be subject to approval by the governing body or school board after recommendation by the Board. Neither the governing body nor the school board is obligated to accept any offer to dedicate land. The Board shall be guided by the Master Plan, the ability to assemble and relate such lands to an overall plan, the accessibility and potential utility of such lands to serve the intended purpose and such existing features as topography, soils, wetlands and tree cover as these features may enhance or detract from the intended use of lands. The Board may request an opinion from other agencies or individuals as to the advisability of accepting any lands to be offered.

B. Design Option for Industrial or Office Parks on Tracts of Twenty (20) or More Acres.
1. Any proposal to develop three (3) or more lots or principal uses on a tract of twenty (20) contiguous acres or more may provide a comprehensive plan for the entire tract according to the definition of “industrial/office park”.
2. In such a plan, the permitted lot and/or building coverage and/or floor area ratio may be calculated and applied to the entire park so as to allow individual lots and/or tenant's parcels to exceed the maximum coverage(s) and maximum floor area ratios [but not more than sixty-five percent (65%) lot coverage and not more than a 0.40 floor area ratio in any event], provided that other parcels are either undeveloped, or dedicated to school or other public use, or developed with less than the maximums so that the maximum coverage and/or floor area ratio for the entire tract is not exceeded.
3. Lots or tenant's parcels in such a development shall have a deed restriction indicating the appropriate limitation(s) on lot size, floor area ratio, and/or lot coverage (as appropriate) and the fact that each site was part of a larger, comprehensive
development in which lot sizes and intensities of development were averaged throughout the development with the subject lot designed for the approved size, intensity and coverage as part of the larger plan.

4. For lots less than two (2) acres,
   a. Lot area
      Average     2 acres
      Minimum    1 acre
   b. Minimum lot width and depth     150 feet
   c. Minimum Side and Rear yards    2 times the building height
   d. Minimum Front yard             50 feet
   e. Minimum setback from the centerline of any existing or proposed electric company's transmission/distribution supply line or electric substations shall be two hundred (200) feet. This setback shall not apply to thirteen (13) kv local service lines or service connections into individual buildings.

5. No lots less than the average lot size may be subdivided until a sufficient number of lots exceeding the average lot size have been subdivided in order to maintain the minimum average lot size. In any event, no more than half the total number of resulting lots may be less than the average lot size.

C. Recreation Areas.

1. Any Cluster Development or other Planned Residential or Mixed Use Development subject to GDP approval shall make provision for a dedication of land and improvements for recreation facilities.

2. Recreation Improvements. Recreation facilities shall comply with the following. The primary goal is to develop the recreation areas on-site, but alternative sites may be offered by the developer and accepted by the Borough provided the objectives of this section are met:
   a. Developments located on sites identified for recreation facilities on various plans set forth in the adopted Master Plan shall be designed to implement the Master Plan. Where the developer does not wish to create the recreation area as common property, the developer may use a lot size averaging design and offer the properly sized property to the Borough for public purposes.
   b. The location and type of recreation improvements shall be a determination of the Board based on recommendations by the developer and the Board's consideration of the site's location and size, duplication of nearby recreation
facilities, and the physical features of the land. The location for recreation improvements shall be suitable for the intended purpose(s) considering road access, slope, drainage, proximity to residences, lighting (if any), the size of the total tract, and the size of the recreation site.

c. Active recreation uses shall be planned to avoid the following: land with final grades greater than ten percent (10%) or such lesser slopes that would preclude the installation of the intended facility; storm water detention basins; areas closer than two hundred (200) feet to the centerline of electric poles carrying more than thirteen (13) Kv; and designated wetland or wetland buffer areas except as set forth in Subsection 1c above.

d. The developer shall be responsible for the following: providing the recreation site; grading the recreation site so it has positive drainage, but achieving an appropriate level condition for the activity(s); landscaping the area and providing the required buffer area adjacent to residential development; and installing the appropriate facilities as shown on an approved site plan. Improvements shall be designed to meet regulation size(s) for the designated fields, courts, and other activities, and shall be improved with the appropriate grading, seed or sod, blacktop, fencing, lighting (if any), and related facilities such as, but not limited to, standards and baskets for basketball, nets and fencing for tennis, infield dirt and outfield grass for baseball and softball, turf and goal posts for soccer and football, paved walkways, parking areas, bicycle racks, player benches, and water supply for drinking, sanitary and irrigation purposes.

e. The minimum area required for recreation purposes shall be as follows, except that CCRC and AR zone developments have separate standards:

1. In residential developments the following minimum percentages of the gross tract area shall be dedicated to recreation use, except that no area shall be less than the area set forth in paragraph (e)(2) below:

<table>
<thead>
<tr>
<th>Dwelling Type</th>
<th>Number of Dwelling Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family</td>
<td>20-30 31-100 101+</td>
</tr>
<tr>
<td>Apt, Townhouse &amp; Other Multi-Family</td>
<td>40-60 61-200 201+</td>
</tr>
<tr>
<td>Recreational Requirement</td>
<td>1.5 ac 3.50% 3.25%</td>
</tr>
</tbody>
</table>

R-2 Districts
<table>
<thead>
<tr>
<th>Dwelling Type</th>
<th>Number of Dwelling Units</th>
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<tbody>
<tr>
<td>Single-Family</td>
<td>20-30 31-100 101+</td>
</tr>
<tr>
<td>Apt, Townhouse &amp; Other Multi-Family</td>
<td>40-60 61-200 201+</td>
</tr>
<tr>
<td>Recreational Requirement</td>
<td>1.5 ac 4.50% 4.25%</td>
</tr>
</tbody>
</table>

**R-3 and R-4 Districts**

<table>
<thead>
<tr>
<th>Dwelling Type</th>
<th>Number of Dwelling Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family</td>
<td>20-30 31-100 101+</td>
</tr>
<tr>
<td>Apt, Townhouse &amp; Other Multi-Family</td>
<td>40-60 61-200 201+</td>
</tr>
<tr>
<td>Recreational Requirement</td>
<td>1.5 ac 5.50% 5.25%</td>
</tr>
</tbody>
</table>

2. The minimum tract size for recreation shall be the larger of either 2.0 acres, with no dimension less than two hundred (200) feet, or two (2) times the minimum area required for the standard footprint of the specific recreation facility(s) in order to provide spectator areas, parking areas, and space for foul balls, landscaping, and minimizing nuisances and hazards on adjoining lots and streets. If a site is to be offered to the Borough for a public facility at no cost to the Borough, the minimum size shall be three (3) acres with no dimension less than three hundred (300) feet.

3. Each recreation area shall have its major frontage on a street and shall have no more than one-half (1/2) its perimeter abutting a lot line of a residential use. Where a recreation area abuts residences there shall be a planted buffer area at least twenty-five (25) feet wide, planted consistent with the Borough’s buffer standards. Said buffer area shall not be counted as meeting the minimum acreage required for the recreation area.

f. For purposes of this Chapter, a totlot shall not be permitted as a stand-alone facility, but a totlot may be one of several improvements within, and as part of, a larger facility.

g. The recreational facilities to be provided shall be field and/or court games of such number as appropriate for the size of the development, the size and dimensions of site on which the facilities are to be located, and the proximity of other recreation facilities. In the CCRC or AR zones, the recreation requirement may be met by providing an on-site club house, community building, or similar facility containing rooms for social functions, meetings and the like whether
these are included in a free standing building or as an integral part of the floor plan of an apartment complex.

h. Where swimming pools are constructed, they shall remain a homeowners’ association facility and shall not be offered for dedication to the Borough.

i. The method of preserving the recreation areas for their intended purposes shall be a determination of the Board and may be by easement, deed restriction, dedication to the Borough or other governmental agency, a homeowners' association, or other means of perpetual dedication acceptable to the Board.

D. Variety in Housing Design. There is required variety in the exterior design and appearance of single-family homes. The uniformity in the exterior design and appearance of buildings in the same residential neighborhood affects the desirability of the area for residential purposes. It is the intention of this section to require different styles of housing and/or sufficient modification in the exterior design and/or sting of the same style of single-family home so that monotonous repetition will not occur. Accordingly, no construction permit shall be issued for the erection of any single-family residence unless it significantly differs from any adjoining residence or the residence across the street in at least seven (7) of the following respects:

1. Variation in the architectural style, e.g., Victorian, Colonial, Craftsman, Queen Anne, etc.

2. Variation in building design, such as: two-story, one-story, side-to-side split-level, front-to-rear split-level, etc.

3. Variation in roof designs, e.g., flat, hip, gable, mansard, etc.,

4. Variation in roof pitch.

5. Provision of dormer windows.

6. Variation in the height of eave line and the length of eave projection.

7. Variation in the color and material of the (street) façade.

8. Variation in massing of the (street) facade:
   a. “Projections” such as stairwells, bay windows, balconies, porches, etc.,
   b. “Voids” such as porches, balconies, etc.
   c. Stepped facades

9. Variation in the location of garages, the location of garage doors, and the color and design of garage doors.

10. Variation of the color, design, and materials of the trim and other architectural ornamentation.

11. Variation in the placement, design, and color of windows and doors.
12. Variation in the surface area of all openings (windows and doors), as a percentage of the surface area of the (street) façade.

13. Variation in the height materials used in the treatment of building foundation at the (street) façade.

14. Garages shall be alternated between locations at the front, rear or either side of the building and/or alternate the garage door to face either the side lot line or the rear lot line.

15. Different housing styles, e.g., two-story, one-story, side-to-side split level, front-to-rear split level, etc.

E. Continuing Care Retirement Community (CCRC) Zone development shall meet the following requirements.

1. The Board may require the applicant to provide a list of all certificates, licenses and other types of approvals required to be issued by agencies of the State of New Jersey for the purpose of operating and developing a CCRC, together with periodic updated information on the status of each, and the final certificate of occupancy shall be withheld until the required State approvals are issued.

2. A CCRC facility shall be the place or places in which a person undertakes to provide “continuing care” to an individual. For purposes of this Chapter, “continuing care” means the provision of lodging and nursing, medical or other health related services at the same or another location to an individual pursuant to an agreement effective for the life of the individual or for a period greater than one (1) year, including mutually terminable contracts, and in consideration of the payment of an entrance fee with or without other periodic charges. An individual who is provided continuing care is one who is not related by consanguinity or affinity to the person who provides the care.

3. The minimum age shall be fifty-five (55) for every occupant.

4. The minimum tract size for an overall development shall be one hundred (100) acres, and for a development that is developed in two or more phases, each phase of the development shall contain at least twenty-five (25) acres.

5. The overall development of a CCRC shall include apartment-style, independent living units, and may include buildings connected by covered/enclosed walkways within the areas separating the buildings. The number of independent living units shall number at least one thousand (1,000), with a maximum of two thousand (2,000)
independent living units. A CCRC that is developed in two or more phases shall have at least three hundred seventy-five (375) independent living units in each phase.

6. The CCRC shall include assisted living units containing private bath facilities and providing for congregate care dining facilities. These units may be in addition to the independent living units in paragraph (5) above. A minimum of seventy-five (75) assisted living units shall be included in the first phase of the development.

7. The CCRC shall also include a health care center which shall provide twenty-four (24) hour skilled nursing services and may also include an outpatient clinic, therapy areas, and other medical facilities for the use of residents and employees of the CCRC. These facilities shall be in addition to the independent living units in paragraph five (5) above. A minimum of seventy-five (75) skilled care beds shall be included in, and be completed as part of, and no later than, the end of the second phase of the development. The balance of the skilled care beds shall be completed prior to, or as part of, the completion of the last phase of the development.

8. All facilities on-site shall be for the primary use by residents, their guests, and/or employees.

9. The overall development shall provide at least forty thousand (40,000) square feet of improved, outdoor recreation area in either a single location, or divided into no more than three (3) separate, but smaller areas. At least one-third (1/3) of this space shall be constructed as part of the first phase of the development and the entire requirement shall be completed prior to eighty percent (80%) of the development being completed.

10. The CCRC shall dedicate at least one hundred (100) square feet of interior space per independent living unit for accessory uses, such as, but not limited to, meeting rooms; social rooms; doctors’ offices; indoor and outdoor recreation areas; restaurants, congregate dining facilities, and snack bars; retail and personal services for the convenience of residents, employees and guests; lecture halls; library; places of worship; hobby and various craft, health, exercise or vocational activities; classrooms; post office; banks; news and entertainment centers; and swimming pools as well as facilities related to the operation of the facility such as, but not limited to, administrative offices; food and record storage areas; property maintenance facilities; radio and satellite dish antennas; non-age restricted day care center for relatives of employees; and security operations. Said dedicated space shall not include the corridors in residential areas nor shall it include any garaged parking spaces.
11. Notwithstanding anything contained in this Chapter to the contrary, (a) building alterations, which involve the combination and modification of residential units and do not involve a change in the size of the gross floor area, or the building foundation, or do not require additional parking or additional building area, shall not require site plan approval, (b) six (6) foot high ornamental metal fencing and gates shall be permitted along the front yard, (c) eight (8) foot high chain link fencing shall be permitted along the side and rear lot lines, and, where screened by landscaping or wooded areas, along the front lot line, (d) parking spaces may not be located more than 400' from the entrance of the building which they serve and need not be located on the same lot as the building which they serve, (e) parking stalls 17.5' in length shall be permitted in parking structures, (f) buildings, structures and parking spaces may be located within buffer and critical environmental areas, provided that they comply with applicable NJ DEP regulations pertaining to such areas, and (g) the CCRC shall not be subject to the stormwater management requirements of this Chapter, provided that it complies with all applicable NJ DEP requirements pertaining to stormwater management.

12. The District Bulk Regulations set forth at the end of this Chapter shall govern the density, bulk and yard requirements for the CCRC. In addition, the following shall apply:

<table>
<thead>
<tr>
<th>Minimum Setback from:</th>
<th>Feet</th>
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</thead>
<tbody>
<tr>
<td>Public Right of Way</td>
<td>125</td>
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<tr>
<td>Exterior Perimeter Lot Line</td>
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<td>Internal Phase Lot Line</td>
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<tr>
<td>Wetland Buffer</td>
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<tr>
<td>Slopes &gt;15%</td>
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</tbody>
</table>

F. AARZ Active Adult Redevelopment Zone development shall meet the following requirements.

1. Purpose. The purpose of the Active Adult Redevelopment Zone is to provide for the redevelopment of a former office use to a use that would be less intrusive in terms of height, impervious surface and traffic generation than the current use. The Borough finds it to be in the best interests of the Borough to expand the AARZ Zone to include an adjoining property. The expansion of the zone operates to provide for the potential of a
public dedication of land for municipal uses while providing an enhancement to existing approvals.

2. Permitted Principal Uses (Land and Building).
   a. An active adult community of single-family detached housing and uses incidental and accessory to an active adult use.
   b. On-Site Affordable Housing Units/Structures necessitated by the development not to exceed 4 dwelling units per structure.

   a. Minimum lot area – Five thousand (5,000) square feet.
   b. Minimum lot width – Fifty (50) feet, with the exception of corner lots which shall be a minimum width of seventy-five (75) feet.
   c. Notwithstanding the provisions of Section 40-77H, corner lots in the AARZ Zone shall be considered to have two (2) front yards, a rear yard and a side yard. The rear yard shall be the area of land between the lot line and the architectural rear of the single-family home.
   d. Minimum lot depth – One hundred (100) feet.
   e. Minimum yards:
      (1) Front yard – Twenty-five (25) feet.
      (2) Rear yard – Twenty (20) feet.
      (3) Decks and patios – The rear yard setback of decks and patios shall be ten (10) feet; provided that the rear yard setback of decks and patios that do so exceed three (3) feet in height shall be eight (8) feet.
      (4) Side yard – Six (6) feet each.
      (5) Fireplaces, flues, chases and angled bays, roof, overhangs, leaders, gutters, exterior trim and fascia may extend no more than two and one-half (2.5) feet into the side yard building setback. In no event shall permitted projections into the side yard setback result in any portion of a single-family dwelling to be placed within nine and a half (9.5) feet of another single-family dwelling.
   f. Maximum lot coverage – Sixty five percent (65%).
   g. Maximum building coverage – Forty-eight percent (48%).
   h. Each dwelling unit shall have a two (2) car garage. Such garage shall not be permitted to be converted to living space.
   i. Maximum building height – Forty (40) feet.
   j. All driveways to single-family detached home shall emanate from internal streets.

(1) Each single-family dwelling on a lot (the subject lot), pursuant to approval under this section, shall be substantially different in exterior design and appearance from any existing or proposed neighboring dwellings situated on any lot on the same side of the street or on any lot facing the subject lot on the opposite side of the street.

(2) For a dwelling to be deemed substantially different, the building elevation facing the street line must be different from the street elevations of the neighboring dwellings in at least three (3) of the following categories:
   (a) The relative location of the garage, portico, angled or box bay, or any other such significant structural appurtenance attached to the dwelling.
   (b) The relative location or the size and type of windows and doors.
   (c) The pitch of the roof as determined by its type and angle.
   (d) The type or pattern of siding materials.
   (e) Color of siding materials.

(3) In no event, regardless of the number of different categories that have been met, shall there be more than three (3) consecutive occurrences of the same model of dwelling.

(4) In no event shall there be more than forty percent (40%) of the same model dwelling occurring throughout the development.

4. Tract Standards.
   b. Minimum lot width – Seven hundred (700) feet.
   c. Average tract buffer – Twenty-five (25) feet.
   d. No building shall be located within fifty (50) feet of the Wayside road right-of-way. All buildings along Wayside shall be screened with a landscaped berm found acceptable by the Planning Board.
   e. Maximum density – 4.1 units per acre.
   f. In the event the requisite number of affordable housing units are not constructed as an integral part of an AARZ development, then there may be created a flag lot. A flag lot for the purposes of this section shall contain not less than twice the minimum lot area otherwise required in the zone exclusive of the area contained in the access strip. The flag lot shall have access to an existing public road by way of an access strip which shall be owned in fee rather than served by an
easement or right of way. Such access strip shall have a width of no less than 50 feet fronting upon such road and shall have a width of no less than 50 feet at all other points between the intersection of the access strip with the public road and the rear line of the flag lot created. The flag lot shall be deemed to front upon such access strip and the required lot width at the street line shall be measured along the access strip. All other dimensional requirements applicable to the zone district in which the flag lot is located shall be complied with and shall be measured from and deemed to relate to the access strip.

g. Accessory Structures - Accessory structures and buildings are not permitted on single-family detached lots except for patios and first floor decks. The homeowner’s association shall record a master deed and bylaws with a permanent prohibition on accessory structures and buildings on single-family detached lots except for patios and first floor decks. The community building may have a maximum height of forty (40) feet.

h. Outdoor parking of recreational vehicles (as defined in this Chapter) or boats shall not be permitted anywhere within an age associated community.

i. There shall be within each dwelling unit adequate area for the temporary storage of solid waste and recyclable materials.

j. The entire tract shall be under the control of one (1) ownership and/or contract purchaser for purposes of obtaining all required development approvals and committing the tract to the requirements of an active adult community except as permitted hereafter. The submittal of applications by separate entities for separate Lots shall be permitted provided that the proposed developments are to be developed as one community and all units, including affordable housing units, shall be members of the same association entitled to access and use of all amenities located on either site. Furthermore, the Planning Board shall be permitted to impose single access, supplemental buffers or adequate fencing as conditions to ensure the development of separate parcels as one community. In the event separate applications are filed the provisions of Section 40-91(F) shall apply. Upon approval of the tract for development, no further development will be permitted and appropriate restrictions will be incorporated in the approval.

k. The active adult community shall not gain access to Water Street, except for emergency access.
l. Minimum common open space – Fifteen percent (15%). At least one-third (1/3) of this open space area shall be located outside of wetlands, wetlands buffers, stream corridors, steep slopes, and required perimeter buffers.

m. Parking shall be provided in accordance with the Residential Site Improvement Standards (RSIS).

n. A comprehensive open space and recreation plan shall be prepared and approved by the Planning Board which shall include all proposed passive and active recreational space and facilities. At least one (1) passive and active recreational space and recreation area shall have a minimum contiguous area of not less than one and one-half (1.5) acres. All open space and recreational areas shall be dedicated to a homeowner's association. No more than thirty-five percent (35%) of the housing units within the community shall receive construction permits prior to the active recreation facilities being fully constructed and operational. The facilities shall include:

1. A community clubhouse with a minimum area equal to twelve (12) square feet for each housing unit within the age associated community. Facilities with the clubhouse shall include an all purpose room, commercial style kitchen, restrooms and other such accommodations proposed by the applicant and deemed appropriate by the Planning Board.

2. A swimming pool area of at least twelve (12) square feet for each housing unit. (This shall include any “patio” within the safety fence area)

3. Additional outdoor recreational facilities, such as, for example, a putting green, bocce courts, tennis courts, etc., geared toward active adults shall also be provided. Any recreational facility shall be utilized only by residents of the age associated community or their guest, and shall not be available to the general public.

4. Parking for the above facilities in the amount of one (1) parking space for each two hundred (200) square feet of the community clubhouse building area.

5. The above facilities, except parking lots, shall be located no closer than fifty (50) feet to a residential structure. Parking lots shall in no case be less than 15 feet from a residential structure and provide a vegetative buffer.
o. A homeowner’s association shall be responsible for owning, maintaining, and repairing all common areas in the community. All residents in the community shall be required to be members of the association. This requirement shall be set forth in the contract of sale and deed for each unit as well as in any public offering statement by State law.

p. Landscaping. All lawn areas and planting beds within the front yard shall be serviced by sprinklers. In order to insure the consistent and continued operation of the sprinkler system, the maintenance and cost of the operation (including water) of sprinkler systems shall be borne by the homeowners association. All other landscaping shall conform to the requirements of this Chapter.

q. The applicant shall comply with the Borough’s Housing and Fair Share Plan for the site designated as Block 85, Lots 1, 2, 3.01 and 4, which site shall be considered an inclusionary site for the COAH requirement for that site which shall consist of six (6) COAH units, which units may be constructed on site or, subject to Borough approval, off site. The COAH requirement for the site designated as Block 85, Lot 1.01 (the “CECOM”) property are not modified nor abrogated by this ordinance.

5. ON-SITE AFFORDABLE HOUSING BULK STANDARDS
   a. Minimum lot area – Twenty-thousand (20,000) square feet.
   b. Minimum lot width – Sixty (60) feet.
   c. Minimum lot depth – One hundred (100) feet.
   d. Minimum yards:
      (1) Front yard – Seventy Five (75) feet.
      (2) Rear yard – Fifteen (15) feet.
      (3) Decks and patios – The rear yard setback of decks and patios shall be five (5) feet;
      (4) Side yard – Thirty (30) feet each.
   e. Maximum lot coverage – Sixty five percent (65%).
   f. Maximum building coverage – Forty-eight percent (48%).
   g. Each dwelling unit shall have such on-site surface parking as required by the Residential Site Improvements Standards which may or may not include garages.
   h. Maximum building height – Forty (40) feet.
   i. All driveways to On-Site Affordable Housing shall emanate from internal streets and shall have a width of not less than fifteen feet.
   j. There is no required setback of driveways from property lines.

6. Requirements Related to Separate Parcels/Applications
The submittal of applications by separate entities for separate Lots shall be permitted provided that the proposed developments are to be developed as one community and all units, including affordable housing units, shall be members of the same association, entitled to access and use of all amenities located on either site. Furthermore, the Planning Board shall be permitted to impose single access, supplemental buffers or adequate fencing to ensure the development of the separate parcels as one community, although phasing of improvements shall be permitted. In the event separate applications are filed, the provisions of this Section shall apply. Upon approval of the tract for development, no further development will be permitted and appropriate restrictions will be incorporated in the approval.

a. The Density of the overall development shall be calculated by including all parcels/lots which form the overall development including any lots to be dedicated to the Borough.

b. The Recreation and Open Space requirements shall be calculated by including all parcels/lots which form the overall development.

c. The Provisions of the Critical Areas Ordinance do not apply to the overall development of the AARZ Active Adult Redevelopment Zone.

d. The requirements of the AARZ Active Adult Redevelopment Zone shall be calculated by including all parcels/lots which form the overall development.

e. Notwithstanding any definition of a bulk requirement, all bulk standards shall be measured from the property lines and/or references to measurements related to constrained portions of any property shall be disregarded.

f. Where any provision of this ordinance section conflicts with any other provision of the land use ordinances of the Borough of Tinton Falls, the provisions of this ordinance section shall apply and the conflicting portion shall be deemed inapplicable.

G. Age Restricted (AR) Zone development shall meet the following requirements.

1. Such a community shall be permitted provided that the site is connected to adequate public water and sewer.

2. The minimum age of residents shall be fifty-five (55) years of age consistent with the Fair Housing Act and provided that no children under nineteen (19) years of age are permitted to reside in the community in permanent residence. Appropriate restrictive covenants shall be placed on all deeds to any and all portions of the property to ensure compliance with these age restrictions.

3. The following standards shall apply for an Age Restricted Community:
a. Minimum tract size—50 acres
b. Minimum lot width—1,000 feet
c. Minimum tract perimeter buffer—50 feet
d. Maximum density—3.2 units per acre
e. The entire tract shall be under the ownership of one (1) entity for purposes of obtaining all required development approvals and committing the tract to the requirements of the active adult community option. Upon approval of the tract for development no further development will be permitted and appropriate restrictions will be incorporated in the approval.
f. Permitted Uses:
   (1) Detached single family dwellings pursuant to R-3 zone standards provided the required setbacks are measured from the perimeter buffer.
   (2) Townhouses, duplex and other plex units pursuant to the Conditional Use Standards for Townhouses, duplex and other plex units.
g. Accessory structures and buildings are not permitted on single family lots except for patios and first floor decks which conform to this chapter. The homeowner's association shall record a master deed and bylaws with a permanent prohibition on accessory structures and buildings except for patios and first floor decks.
h. Outdoor parking and storage of recreational vehicles (as defined in this Chapter) or boats shall not be permitted anywhere within an Age Restricted Community.
i. There shall be within each dwelling unit adequate area for the temporary storage of solid waste and recyclable materials.
j. Each dwelling unit shall have a two (2) car garage. Such garage shall not be permitted to be converted to living space.
k. Minimum Open Space—30 percent. At least one-third (1/3) of this open space area shall be located outside of wetlands, wetlands buffers, stream corridors and steep slopes.
l. A comprehensive open space and recreation plan shall be prepared and approved by the Planning Board which shall include all proposed passive and active recreational space and facilities. The open space and recreation areas shall have a minimum contiguous area of not less than 1.5 acres. All open space and recreational areas shall be dedicated to a homeowner's association. No more than thirty-five percent (35%) of the housing units within the active adult
community shall receive construction permits prior to the active recreation facilities being fully constructed and operational. The facilities shall include:

1. A community clubhouse with a minimum area equal to twelve (12) square feet for each housing unit within the Age Restricted Community. Facilities within the clubhouse shall include an all purpose room, a commercial style kitchen, restrooms and other such accommodations proposed by the applicant and deemed appropriate by the Board.

2. A swimming pool of at least twelve (12) square feet for each housing unit.

3. Outdoor recreational facilities such as putting green, bocce courts, tennis courts, etc. geared toward active adults shall also be provided. Any recreational facility shall be utilized only by residents of the Age Restricted Community or their guests, and shall not be available to the general public.

4. Parking for the above facilities in the amount of one (1) parking space for each two hundred (200) square feet of building area.

5. The above facilities shall be located no closer than fifty (50) feet to a residential structure.

m. A homeowner’s association established shall be responsible for owning, maintaining, and repairing all common areas in the community. All residents in the community shall be required to be members of the association. This requirement shall be set forth in the contract of sale and deed for each unit as well as in any public offering statement required by State law.

n. Landscaping. All lawn areas and planting beds shall be served by sprinklers. In order to insure the consistent and continued operation of the sprinkler system, the maintenance and cost of the operation (including water) of sprinkler systems shall be borne by the Homeowners Association. All other landscaping shall conform to the requirements of this Chapter.

o. Low and moderate income housing. A twenty-five percent (25%) set-aside of low and moderate income housing units shall be required.

H. Inclusionary (R-3 or R-4 Inclusionary) Zones development shall meet the following requirements.
1. Excluding any parking requirements specifically required for the community clubhouse, parking shall be governed by the New Jersey Residential Site Improvement Standards (RSIS).

2. Each dwelling unit shall have an adequate area for the indoor storage of solid waste and recyclable materials.

3. All open space and recreational areas shall be owned and managed by a management entity acceptable to the Planning Board. No more than fifty percent (50%) of the housing units within the community shall receive certificates of occupancy prior to the active recreational facilities being fully constructed and operational. The facilities shall include:
   a. A community clubhouse with a minimum area equal to twelve (12) square feet for each housing unit within the community. Facilities within the clubhouse shall include an all purpose room, restrooms and other such accommodations proposed by the applicant and deemed appropriate by the Planning Board.
   b. A swimming pool of at least six (6) square feet for each housing unit.
   c. Additional outdoor recreational facilities may include a putting green, bocce courts and tennis courts, etc. Any recreational facility shall be utilized only by residents of the community or their guests, and shall not be available to the general public.
   d. Parking for the community clubhouse in the amount of one (1) parking space for each three hundred (300) square feet of building area.
   e. The above facilities shall be located no closer than fifty (50) feet to a residential structure.
   f. The management entity shall be responsible for owning, maintaining, and repairing all improvements in the community.
   g. Other applicable design and performance standards, in addition to those noted above, and contained in the Borough's Land Use Ordinance shall apply unless specifically modified by this subsection.

I. Assisted Living Residences shall meet the following requirements.

1. The minimum age shall be sixty-two (62) for every occupant.

2. The building shall provide apartment-style housing and congregate dining and assure that supportive personal and health services are available to residents twenty-four (24)
hours per day. Apartments shall offer, at a minimum, one furnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

3. The applicant shall include with the proposal a listing of all certificates and/or licenses required to be issued by the State of New Jersey, such as, but not limited to, the Department of Community Affairs and the Department of Health, together with the status of each. In the event any State certificates, licenses, or other State approvals have not been received, Borough approval shall be conditioned on the receipt of such State approvals.

4. The maximum density shall be thirty (30) units per acre with the size of the development being at least sixty (60) dwelling units, but not more than one hundred fifty (150) dwelling units.

J. RET ZONE - LARGE SCALE PLANNED RETAIL OVERLAY ZONE

1. Per the Borough of Tinton Falls 2007 Master Plan, “The Rehabilitation/Planned Development overlay is intended to be an option within the area identified on the Land Use Plan map. The primary purpose of this land use category is to encourage the comprehensive replanning and development of the area north and south of Route 18. Currently, the area is a haphazard mix of heavy industrial uses, commercial and residential uses, which is intersected by Route 18, a rail line and Shafto Road. In order to use this option, a minimum of 100 acres would be required. A key component of this option is the relocation of the two heavy industrial uses (i.e. Marpal and the concrete plant) from their existing locations on the north side of Route 18 to an MFG zone (implemented as MFG2 in this ordinance) on the south side of Route 18. Principal permitted uses in this MFG area (implemented as MFG2 in this ordinance) would include asphalt and concrete plants and recycling facilities. The area identified as retail on the concept plan is proposed for large scale planned retail.”

2. Therefore, the RET - Large Scale Planned Retail Overlay Zone shall be in effect when both:

   a. The relocation or ceasing of operation and availability for development of the Marpal Waste Transfer Station (Block 113, Lots 1.01 & 2).

   b. The relocation or ceasing of operation and availability for development of the Clayton Concrete Manufacturing Plant (Block 109, Lots 9.01, 12.01, 13.01, 15, 18, 19, 20, 21, 22, 23, 24, & 29.02)
3. Until such time as both conditions under 40-36J 2a and 2b above are complete, the zoning for the area described Block 113, Lots 1.01 & 2 and Block 109, Lots 9.01, 12.01, 13.01, 15, 18, 19, 20, 21, 22, 23, 24, & 29.02 shall remain IOP.

4. Permitted Use in the RET - Large Scale Planned Retail Overlay Zone shall be Regional Shopping Centers, subject to the bulk and design standards of this Chapter.

40-37 CONDITIONAL USES

A. General. The Planning Board shall not approve a conditional use unless it finds that the use meets all the requirements of this Chapter, does not substantially impair the use and enjoyment of surrounding properties, does not substantially impair the character of the surrounding area and does not have any adverse effect on surrounding properties.

B. Requirements for Specific Uses.

1. Agricultural Uses. The intent of this section is to allow for the continued use of agricultural properties at a scale that is consistent with the minimum standards required for inclusion in NJ Dept. of Agriculture SADC preservation requirements. Agricultural uses, buildings and structures, as defined in this chapter, may be located, when approved as conditional uses, in the zone as specified in Schedule A subject to the following:
   a. The property on which agricultural activities are to take place must contain a minimum of 5 acres if the property does not include a residence and is solely used for agricultural activities.
   b. The property on which agricultural activities are to take place must contain a minimum of 6 acres if the property includes a residence and is solely used for agricultural activities.

2. Churches and places of religious worship. Church uses, buildings and structures, as defined in this chapter, may be located, when approved as conditional uses, in the zone as specified in Schedule A subject to the following:
   a. No parking shall be permitted between the front building line and the street right-of-way.
   b. Parking must be provided on site as required by this Ordinance.
   c. All yard areas shall be attractively landscaped with grass lawns, trees and shrubs or other vegetation or material as the Planning Board may approve or require.
   d. Compliance with all bulk requirements as indicated below:
### Minimum Lot Requirements and Yard Requirements

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Requirements</th>
<th>Minimum Yard Requirements</th>
<th>Maximum Building Height</th>
<th>Minimum Building Separation</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Lot Area</td>
<td>Width</td>
<td>Front</td>
<td>Side</td>
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<tr>
<td>Churches and places of religious worship</td>
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</tbody>
</table>

*With the exception of spires, cupolas or other architectural appurtenances

#### Schools

School uses, either for public, private or parochial instruction, as defined by this chapter, may be located, when approved as conditional uses, in the zone as specified in Schedule A subject to the following:

a. No parking shall be permitted between the front building line and the street right-of-way.

b. Parking must be provided on site as required by this Ordinance.

c. All yard areas shall be attractively landscaped with grass lawns, trees and shrubs or other vegetation or material as the Planning Board may approve or require.

d. Proof of compliance with standards of and accreditation by the NJ State Department of Education

e. Compliance with all bulk requirements as indicated below:

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Requirements</th>
<th>Minimum Yard Requirements</th>
<th>Maximum Building Height</th>
<th>Minimum Building Separation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td>Width</td>
<td>Front</td>
<td>Side</td>
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<td>School uses</td>
<td>3 acres, plus 1 acre per 100 Students</td>
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*With the exception of spires, cupolas or other architectural appurtenances

#### Townhouses, duplexes or other plex units

Townhouses, duplexes or other plex units, as defined in this chapter, may be located, when approved as conditional uses, in the zone as specified in Schedule A subject to the following:

a. No parking shall be permitted between the front building line and the street right-of-way.

b. Parking must be provided on site as required by this Ordinance.
c. All yard areas shall be attractively landscaped with grass lawns, trees and shrubs or other vegetation or material as the Planning Board may approve or require.

d. Compliance with all bulk requirements as indicated below:

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<th>Use</th>
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<th>Minimum Yard Requirements</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Height</th>
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<td></td>
<td>Interior</td>
<td>Corner</td>
<td>One</td>
</tr>
<tr>
<td>Town houses, duplexes or other plex units</td>
<td>6,000 s.f per unit</td>
<td>50 feet per unit</td>
<td>60 feet per unit</td>
<td>45 feet</td>
<td>9 feet interior, 20 feet exterior</td>
</tr>
</tbody>
</table>

5. Garden apartments. Garden apartments, as defined in this chapter, may be located, when approved as conditional uses, in the zone as specified in Schedule A subject to the following:

a. No parking shall be permitted between the front building line and the street right-of-way.

b. Parking must be provided on site as required by this Ordinance.

c. Minimum 20% open space with community amenities.

d. All yard areas shall be attractively landscaped with grass lawns, trees and shrubs or other vegetation or material as the Planning Board may approve or require.

e. Compliance with all bulk requirements as indicated below:

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Requirements</th>
<th>Minimum Yard Requirements</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Height</th>
<th>Maximum Density - Dwelling Units per Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Garden apartments</td>
<td>2 acres and 4,000 s.f per unit</td>
<td>250 feet</td>
<td>280 feet</td>
<td>60 feet</td>
<td>75 feet</td>
</tr>
</tbody>
</table>

6. Automobile Fueling stations. Automobile fueling station, as defined in this chapter, may be located, when approved as conditional uses, in the zone as specified in Schedule A subject to the following: (NOTE: Any and all Automobile Uses may be developed in combination with any other Automobile Use, however the Conditional Use standards for each use are to be considered in combination so that the conditions of all uses are to be met by the individual Automobile Use elements of the property.)
a. No parking shall be permitted between the front building line and the street right-of-way.

b. Parking must be provided on site as required by this Ordinance.

c. A minimum of two (2) Entrance and exit driveways are required. Entrance and exit driveways shall be at least 30 feet in width. There shall be a safety zone of at least 25 feet between driveways, and driveways shall be at least 10 feet from adjoining property lines. Corner lots shall have a curb radius of at least 25 feet, and driveway entrances shall start at least 25 feet from the radius tangent points.

d. Gasoline pumps and other apparatus shall be so located as to permit safe and convenient traffic circulation. Every gasoline or oil tank, pump or other device, appliance or apparatus shall be located at least 50 feet from a street right-of-way line, at least 75 feet from a residential zone boundary and at least 10 feet from any property line.

e. A cantilevered cover or canopy may be permitted to extend into the front yard, provided that it is at least thirty (30) feet from any front property line.

f. No part of any automobile fueling station operation or paved area shall be conducted within 50 feet of a residential zone boundary or use. A six-foot high board on board or similar fence shall be installed along any residential zone boundary or use.

g. No part of any automobile fueling station operation shall be conducted within 1000 feet of any other/existing automobile fueling station.

h. All paved areas within the property shall be at least 10 feet from a property line, 20 feet from a street right-of-way line and 50 feet from a residential zone boundary or use and bounded by concrete curbing at least six inches above the surface.

i. All yard areas shall be attractively landscaped with grass lawns, trees and shrubs or other vegetation or material as the Planning Board may approve or require.

j. There shall be no outdoor storage of supplies, materials or automobile parts, whether for sale, storage or waste, other than display items normally used in their daily operation.

k. All storage tanks shall be installed below ground level per Department of Environmental Protection regulations.

l. No unlicensed motor vehicle or part thereof shall be permitted on the premises.

m. Retail sales of food, beverages, snacks and other convenience items are permitted as a clearly ancillary use to the sale of gasoline. No more than 4,000 square feet may
be dedicated to retail sales. Total retail sales area shall generate on-site parking requirements and comply with all parking standards.

n. The sale or rental of cars, trucks, trailers, boats or any other vehicles on the premises of an automotive fueling stations shall be prohibited.

o. Compliance with all bulk requirements as indicated below:

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Requirements</th>
<th>Minimum Yard Requirements</th>
<th>Maximum Building Height</th>
<th>Maximum FAR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Lot Area</td>
<td>Width</td>
<td>Front</td>
<td>Side</td>
</tr>
<tr>
<td>Automobile Fueling stations</td>
<td>1 acre</td>
<td>150 feet</td>
<td>160 feet</td>
<td>60 feet</td>
</tr>
</tbody>
</table>

7. Automobile Repair Shops. Automobile repair shops, as defined in this chapter, may be located, when approved as conditional uses, in the zone as specified in Schedule A subject to the following: (NOTE: Any and all Automobile Uses may be developed in combination with any other Automobile Use, however the Conditional Use standards for each use are to be considered in combination so that the conditions of all uses are to be met by the individual Automobile Use elements of the property.)

a. No parking shall be permitted between the front building line and the street right-of-way.

b. Parking must be provided on site as required by this Ordinance.

c. No part of any automobile repair shop operation or paved area shall be conducted within 50 feet of a residential zone boundary or use. A six-foot high board on board or similar fence shall be installed along any residential zone boundary or use.

d. All paved areas within the property shall be at least 10 feet from a property line, 20 feet from a street right-of-way line and 50 feet from a residential zone boundary or use and bounded by concrete curbing at least six inches above the surface.

e. All yard areas shall be attractively landscaped with grass lawns, trees and shrubs or other vegetation or material as the Planning Board may approve or require.

f. There shall be no outdoor storage of supplies, materials or automobile parts, whether for sale, storage or waste, other than display items normally used in their daily operation.

g. All storage tanks shall be installed below ground level per Department of Environmental Protection regulations.

h. Repair work, other than incidental minor repair, shall take place within the building, and all repair or service apparatus shall be located within the building.
i. Floor drains shall not be connected to any sanitary sewer system, and they may be connected to the storm sewer system only if an oil separator has been installed prior to the location of the connector.

j. No unlicensed motor vehicle or part thereof shall be permitted on the premises of an automobile repair shop. Moreover, no more than six motor vehicles may be located upon any automobile repair shop premises outside of a closed or roofed building for a period not to exceed seven days.

k. The use and parking of tow trucks shall be limited to three (3) per automobile repair shop.

l. The sale or rental of cars, trucks, trailers, boats or any other vehicles on the premises of an automobile repair shop shall be prohibited.

m. The storage of cars, trucks, trailers, boats or any other vehicles not being serviced or repaired on the premises of an automobile repair shop shall be prohibited.

n. Compliance with all bulk requirements as indicated below:

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Requirements</th>
<th>Minimum Yard Requirements</th>
<th>Maximum Building Height</th>
<th>Maximum FAR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Lot Area</td>
<td>Width</td>
<td>Front</td>
<td>Side</td>
</tr>
<tr>
<td>Automobile Repair Shops</td>
<td>20,000</td>
<td>100</td>
<td>120</td>
<td>60</td>
</tr>
</tbody>
</table>

8. Automobile car wash. Automobile car wash, as defined by this chapter, may be located, when approved as conditional uses, in the zone as specified in Schedule A subject to the following: (NOTE: Any and all Automobile Uses may be developed in combination with any other Automobile Use, however the Conditional Use standards for each use are to be considered in combination so that the conditions of all uses are to be met by the individual Automobile Use elements of the property.)

a. No parking shall be permitted between the front building line and the street right-of-way.

b. Such use shall provide an adequate off-street automobile stacking area which shall not be less than twenty (20) spaces per wash bay. Such stacking system shall in no way hinder or impair normal traffic flow on adjoining property or public rights-of-way. In addition, there shall be an unobstructed by-pass lane and one (1) parking space per employee on the maximum shift shall be required.
c. Areas reserved for the self vacuuming of floor mats and other services shall be separated from and not interfere with traffic circulation in the lanes accessing the automobile car wash.

d. A wash water recycling system is required.

e. No unlicensed motor vehicle or part thereof shall be permitted on the premises of an automobile car wash. Moreover, no more than six motor vehicles may be located upon any automobile car wash premises outside of a closed or roofed building for a period not to exceed seven days.

f. No part of any automobile car wash operation or paved area shall be conducted within 50 feet of a residential zone boundary or use. A six-foot high board on board or similar fence shall be installed along any residential zone boundary or use.

g. All paved areas within the property shall be at least 10 feet from a property line, 20 feet from a street right-of-way line and 50 feet from a residential zone boundary or use and bounded by concrete curbing at least six inches above the surface.

h. All yard areas shall be attractively landscaped with grass lawns, trees and shrubs or other vegetation or material as the Planning Board may approve or require.

i. Approval of the Municipal Engineer regarding utilities and drainage and the Department of Health regarding the performance standards shall be required.

j. Compliance with all bulk requirements as indicated below:

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Requirements</th>
<th>Minimum Yard Requirements</th>
<th>Maximum Building Height</th>
<th>Maximum FAR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Lot Area</td>
<td>Width</td>
<td>Front</td>
<td>Side</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interior</td>
<td>Corner</td>
<td>One</td>
<td>Total</td>
<td></td>
</tr>
<tr>
<td>Automobile Car Wash</td>
<td>1 acre</td>
<td>200 feet</td>
<td>220 feet</td>
<td>60 feet</td>
</tr>
</tbody>
</table>

9. Automobile Oil Change and Lubrication shops. Automobile Oil Change and Lubrication shops, as defined by this chapter, may be located, when approved as conditional uses, in the zone as specified in Schedule A subject to the following: (NOTE: Any and all Automobile Uses may be developed in combination with any other Automobile Use, however the Conditional Use standards for each use are to be considered in combination so that the conditions of all uses are to be met by the individual Automobile Use elements of the property.)

a. No parking shall be permitted between the front building line and the street right-of-way.
b. Such use shall provide an adequate off-street automobile stacking area which shall not be less than six (6) spaces per service bay. Such stacking system shall in no way hinder or impair normal traffic flow on adjoining property or public rights-of-way. In addition, one (1) parking space per employee on the maximum shift shall be required.
c. No part of any automobile Oil Change and Lubrication shop operation or paved area shall be conducted within 50 feet of a residential zone boundary or use. A six-foot high board on board or similar fence shall be installed along any residential zone boundary or use.
d. All paved areas within the property shall be at least 10 feet from a property line, 20 feet from a street right-of-way line and 50 feet from a residential zone boundary or use and bounded by concrete curbing at least six inches above the surface.
e. All yard areas shall be attractively landscaped with grass lawns, trees and shrubs or other vegetation or material as the Planning Board may approve or require.
f. There shall be no outdoor storage of supplies, materials or automobile parts, whether for sale, storage or waste, other than display items normally used in their daily operation.
g. All storage tanks shall be installed below ground level per Department of Environmental Protection regulations.
h. Repair work, other than incidental minor repair, shall take place within the building, and all repair or service apparatus shall be located within the building.
i. Floor drains shall not be connected to any sanitary sewer system, and they may be connected to the storm sewer system only if an oil separator has been installed prior to the location of the connector.
j. No unlicensed motor vehicle or part thereof shall be permitted on the premises of an automobile Oil Change and Lubrication shop. Moreover, no more than six motor vehicles may be located upon any automobile Oil Change and Lubrication shop premises outside of a closed or roofed building for a period not to exceed seven days.
k. The sale or rental of cars, trucks, trailers, boats or any other vehicles on the premises of an automobile Oil Change and Lubrication shop shall be prohibited.
l. The storage of cars, trucks, trailers, boats or any other vehicles not being serviced or repaired on the premises of an automobile Oil Change and Lubrication shop shall be prohibited.
m. Compliance with all bulk requirements as indicated below:
10. Second Floor Residential Units on floors above office or retail uses. Second Floor Residential Units, as defined by this chapter, may be located, when approved as conditional uses, in the zone as specified in Schedule A subject to the following:

a. No parking shall be permitted between the front building line and the street right-of-way.

b. Parking must be provided on site as required by this Ordinance.

c. Second Floor Residential Units are only to be on a second floor, no Second Floor Residential Units shall be built on a first floor or in a one-story building.

d. A minimum of 800 square feet of living area for each Second Floor Residential Unit is required, a maximum of two (2) bedrooms are permitted in each unit.

e. No more than four (4) Second Floor Residential Units per principle lot. Any one (1) Second Floor Residential Unit shall require one (1) Affordable Second Floor Residential Units for the purpose of providing additional opportunities for low- and moderate-income housing in the Borough of Tinton Falls and per the Borough of Tinton Falls Housing Element and Fair Share Plan.

f. A minimum of 600 square feet of lawn area per Second Floor Residential Unit devoted to residential use.

g. Development applications for Second Floor Residential Units shall include:

   (1) Floor Plans for each Accessory Apartment including square footage.

   (2) The number of bedrooms for each unit.

   (3) The location and use of the principal building and all accessory buildings on the applicant's property.

   (4) Location and layout of off-street parking for residential and non-residential uses.
11. Car and Truck Dealer. Car and Truck Dealers, as defined by this chapter, may be located, when approved as conditional uses, in the zone as specified in Schedule A subject to the following:

a. Parking must be provided on site as required by this Ordinance.

b. Parking of for-sale vehicles shall be permitted between the front building line and the street right-of-way.

c. A minimum of two (2) Entrance and exit driveways are required. Entrance and exit driveways shall be at least 30 feet in width. There shall be a safety zone of at least 25 feet between driveways, and driveways shall be at least 10 feet from adjoining property lines. Corner lots shall have a curb radius of at least 25 feet, and driveway entrances shall start at least 25 feet from the radius tangent points.

d. A showroom and office area of no less than 5,000 square feet shall be provided.

e. A service area of no less than 6 repair bays shall be provided.

f. No part of any Car and Truck Dealer operation or paved area shall be conducted within 50 feet of a residential zone boundary or use. A six-foot high board on board or similar fence shall be installed along any residential zone boundary or use.

g. All paved areas within the property shall be at least 10 feet from a property line, 25 feet from a street right-of-way line and 50 feet from a residential zone boundary or use and bounded by concrete curbing at least six inches above the surface.

h. All yard areas shall be attractively landscaped with grass lawns, trees and shrubs or other vegetation or material as the Planning Board may approve or require. A row of low shrubbery planted along the edge of the display or parking area along the street together with grass or vegetative ground cover is required.

i. There shall be no outdoor storage of supplies, materials or automobile parts, whether for sale, storage or waste, other than display items normally used in their daily operation.

j. All storage tanks shall be installed below ground level per Department of Environmental Protection regulations.

k. Repair work, other than incidental minor repair, shall take place within the building, and all repair or service apparatus shall be located within the building.

l. Floor drains shall not be connected to any sanitary sewer system, and they may be connected to the storm sewer system only if an oil separator has been installed prior to the location of the connector.

m. The rental of cars, trucks, trailers, boats or any other vehicles on the premises of a Car and Truck Dealer shall be prohibited.
n. The storage of cars, trucks, trailers, boats or any other vehicles not being serviced or sold on the premises of a Car and Truck Dealer shall be prohibited.

o. Compliance with all bulk requirements as indicated below:

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Requirements</th>
<th>Minimum Yard Requirements</th>
<th>Maximum Building Height</th>
<th>Maximum FAR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Lot Area</td>
<td>Width</td>
<td>Front</td>
<td>Side</td>
</tr>
<tr>
<td>Car and Truck Dealers</td>
<td>3 acres</td>
<td>250 feet</td>
<td>80 feet</td>
<td>60 feet</td>
</tr>
</tbody>
</table>

12. Hotels. Hotels, as defined by this chapter, may be located, when approved as conditional uses, in the zone as specified in Schedule A subject to the following:

a. No parking shall be permitted between the front building line and the street right-of-way.

b. Parking Requirements are as follows:
   (1) One (1) parking space per guest room.
   (2) One (1) parking space for each employee. The shift having the most employees shall be used to calculate employees’ parking needs.
   (3) One (1) parking space for every three (3) seats in the restaurant and lounge and conference/banquet space.
   (4) Reduction of the required number of parking spaces may be permitted by the Board, upon demonstration that shared parking is feasible, likely, and adequate.

c. A minimum of one-hundred (100) guest rooms shall be provided. Guest rooms must average no less than three-hundred (300) square feet in area.

d. A Full Service Restaurant and Lounge shall be provided.

e. Conference/banquet space shall be provided to safely accommodate up to 300 guests.

f. An indoor swimming/lap pool for exclusive use of hotel guests shall be provided.

g. Lockers, showers and toilet areas related to the pool shall be provided.

h. Health club space for exclusive use of hotel guests shall be provided in addition to those facilities related to the pool.

i. Snack bars, gift shops, newsstands, travel agents, ticket sales, banking services, clothing sales, and similar services shall be considered permitted accessory uses and
may be permitted provided these uses are incidental and subordinate to the hotel use, are for the convenience of the guests of the hotel, and do not exceed the equivalent of 10 percent (10%) of the gross floor area of the hotel lobby or four thousand (4,000) square feet, whichever is less. These services shall be designed as an integral part of the lobby area and shall have no separate, exterior means of access for customers.

j. All paved areas within the property shall be at least 10 feet from a property line, 20 feet from a street right-of-way line and 50 feet from a residential zone boundary or use and bounded by concrete curbing at least six inches above the surface.

k. All yard areas shall be attractively landscaped with grass lawns, trees and shrubs or other vegetation or material as the Planning Board may approve or require.

l. Compliance with all bulk requirements as indicated below:

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Requirements</th>
<th>Minimum Yard Requirements</th>
<th>Maximum Building Height</th>
<th>Maximum FAR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Lot Area</td>
<td>Width</td>
<td>Front</td>
<td>Side</td>
</tr>
<tr>
<td>Hotels</td>
<td>3 acres</td>
<td>250 feet</td>
<td>275 feet</td>
<td>100 feet</td>
</tr>
</tbody>
</table>

13. Swim clubs, tennis clubs. Swim Clubs and Tennis Clubs as defined by this chapter, may be located, when approved as conditional uses, in the zone as specified in Schedule A subject to the following:

a. No parking shall be permitted between the front building line and the street right-of-way.

b. Parking must be provided on site as required by this Ordinance.

c. All buildings and structures shall be permanent constructions clad in wood, metal, concrete or vinyl siding and shall not be clad in a flexible membrane or be structures that rely on air, cable tension or other types of non rigid structures for structural support. Neither shall geodesic domes or geodesic structures be allowed for said facility.

d. All yard areas shall be attractively landscaped with grass lawns, trees and shrubs or other vegetation or material as the Planning Board may approve or require.

e. Compliance with all bulk requirements as indicated below:

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Requirements</th>
<th>Minimum Yard Requirements</th>
<th>Maximum Building Height</th>
<th>Maximum FAR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Lot Area</td>
<td>Width</td>
<td>Front</td>
<td>Side</td>
</tr>
<tr>
<td>Hotels</td>
<td>3 acres</td>
<td>250 feet</td>
<td>275 feet</td>
<td>100 feet</td>
</tr>
</tbody>
</table>
14. Golf driving range, miniature golf and par-3 golf course. Golf driving range, miniature golf and par-3 golf courses as defined by this chapter, may be located, when approved as conditional uses, in the zone as specified in Schedule A subject to the following:

a. No parking shall be permitted between the front building line and the street right-of-way.

b. Parking must be provided on site as required by this Ordinance.

c. Exterior lighting for any evening play must be shielded and/or directed to avoid visibility of the light source from adjacent roads and from nearby residences.

d. All par-3 fairways be either angled away from adjacent roads and buildings to be either a minimum of thirty (30°) degrees off parallel or, if parallel to the road or adjacent lot, the edge of the fairway shall be at least fifty (50) yards away from the right-of-way or lot line.

e. Any par-3 courses where a green is located near a road or adjacent lot and players are hitting toward the road or adjacent lot when approaching the green, the design of the hole shall place the closest part of the green at least thirty (30) yards from the right-of-way or the lot line and a double row of evergreens shall be planted between the green and the road or adjacent lot.

f. All yard areas shall be attractively landscaped with grass lawns, trees and shrubs or other vegetation or material as the Planning Board may approve or require.

g. Compliance with all bulk requirements as indicated below:

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Requirements</th>
<th>Minimum Yard Requirements</th>
<th>Maximum Building Height</th>
<th>Maximum FAR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Lot Area</td>
<td>Width</td>
<td>Side</td>
<td>Rear</td>
</tr>
<tr>
<td></td>
<td>Interior</td>
<td>Comer</td>
<td>Front</td>
<td>One</td>
</tr>
<tr>
<td>Golf driving range, miniature golf and par-3 golf course</td>
<td>4 acres</td>
<td>250 feet</td>
<td>275 feet</td>
<td>80 feet</td>
</tr>
</tbody>
</table>
15. Commercial radio and other communications towers. Commercial radio and other communications towers as defined by this chapter, may be located, when approved as conditional uses, in the zone as specified in Schedule A subject to the following:
   c. Towers shall be at least one-quarter mile from a residential zone.
   d. Towers shall be no higher than two hundred fifty (250) feet from its base.
   e. Towers shall have no more than three (3) different services attached.
   f. Towers shall be no closer to another commercial radio or other communications tower than one-half (1/2) mile measured in a straight line.
   g. Towers shall be set back from any public street at least three hundred (300) feet.
   h. Towers shall be set back from any other lot line at least two hundred (200) feet.
   i. Towers shall have no written, symbolic or similar material attached to the tower.

16. Resource Recycling Facility. Resource recycling facilities as defined by this chapter, may be located, when approved as conditional uses, in the zone as specified in Schedule A subject to the following:
   a. Resource Recycling Facilities shall be limited in scope to the following:
      (1) None of the operation shall involve burning or dissolving, nor shall the process involve any chemical process.
      (2) The tract shall have direct access to either a collector or arterial street as classified on the Borough's Master Plan.
      (3) The perceptible noise at the lot line from the operation of equipment shall not exceed the limits established by NJ DEP.
   b. Maximum lot coverage includes storage piles and pavement areas for driveways, aisles, parking and loading areas whether paved with blacktop, concrete, crushed stone, crushed concrete, or similar material.
   c. The minimum setback of any structure from the centerline of any existing or proposed electric company's transmission/distribution supply line or electric substations shall be two hundred (200) feet. This setback shall not apply to local service lines or service connections into individual buildings of thirteen (13) Kv or less.
   d. No structure dedicated to any recycling process shall be closer than six hundred (600) feet to any existing residential use or residential zone boundary line.
   e. No outside storage of any recyclable material shall be closer than five hundred (500) feet to any residential zone boundary line or any existing residential use,
except that office and similar administrative functions may not be closer than one hundred (100) feet to any lot line.

f. Whenever the property of a Resource Recycling Facility shall abut a residential zone boundary line or shall abut an existing residential use and there shall be outdoor storage, there shall be provided a landscaped buffer area of at least, fifty (50) feet wide and may or may not include berms contiguous with the residential use or zone boundary lines. The buffer area shall be designed and planted in accordance with this chapter except that where natural wooded features are on-site and adequately provide the intended buffer, the Board may approve the existing conditions as meeting this requirement, in whole or in part.

g. The processing of aluminum cans, tin cans, glass, plastics and paper shall take place within a completely enclosed building on the premises.

h. The processing of wood, asphalt, concrete, and scrap aluminum and scrap tin (other than aluminum and tin cans) may take place outside of any building so long as the noise level at the property line shall not exceed any New Jersey State, Monmouth County, or Borough laws, rules or regulations, and so long as all storage and processing areas are either paved or of crushed concrete or stone.

i. While materials may be temporarily stored on-site as part of the operation, and while this may result in the accumulation of piles of recyclable materials that are in the process of being recycled, no individual materials brought to the site are permitted to be permanently left on-site. All materials brought to the site shall be separated, ground, pulverized, packaged, and/or handled in such a way as to accomplish the recycling operation so that individual products are shipped off-site as part of a continuing operation. No process is permitted as part of a recycling operation where the material is chemically altered, including the burning or incineration of any materials.

j. No materials shall be permitted to be stored outside of a building if they are capable of eroding, blowing around, or otherwise capable of causing a nuisance or a health or safety hazard by reason of contaminating the soil, the air and/or ground or surface water supply or quality; or blowing around the site; or creating litter, dust, odors, or unhealthy or unsafe conditions; or collecting and retaining water.

k. Materials permitted to be brought on-site and stored in outside piles shall be stored in piles no higher than thirty (30) feet.
1. Hours of Operation. Resource Recycling Facilities shall operate only between the hours of 7:00 a.m. and 8:00 p.m., Monday through Friday; 7:00 a.m. through 3:30 p.m., Saturday local time, and shall not operate on Sundays.

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Requirements</th>
<th>Minimum Yard Requirements</th>
<th>Maximum Building Height</th>
<th>Maximum FAR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Lot Area</td>
<td>Width</td>
<td>Front</td>
<td>Side</td>
</tr>
<tr>
<td>Resource Recycling facility</td>
<td>30 acres</td>
<td>300 feet</td>
<td>750 Feet from an Arterial Road, 100 feet from a Collector or Local Road</td>
<td>100 feet</td>
</tr>
</tbody>
</table>

17. Cemetery, with or without Mausoleum or Crematory. Cemetery, with or without Mausoleum or Crematory, as defined in this chapter, may be located, when approved as conditional uses, in the zone as specified in Schedule A subject to the following:
   a. Mausoleum shall be 400 feet from any property line.
   b. Crematory shall be 100 feet from any property line.
   c. Chapels and committal areas related to the internment, entombment or cremation of human remains on site shall be an accessory use to the principal use.
   d. Parking for all uses on site must be provided on site as required by this Ordinance.
   e. All yard areas shall be attractively landscaped with grass lawns, trees and shrubs or other vegetation or material as the Planning Board may approve or require.
   f. Compliance with all bulk requirements as indicated below:

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Requirements</th>
<th>Minimum Yard Requirements</th>
<th>Maximum Building Height</th>
<th>Minimum Building Separation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Lot Area</td>
<td>Width</td>
<td>Front</td>
<td>Side</td>
</tr>
<tr>
<td>Cemetery, with or without Mausoleum, Mortuary or Crematory</td>
<td>10 Acres</td>
<td>300 feet</td>
<td>100 feet</td>
<td>50</td>
</tr>
</tbody>
</table>

* All other principal structures
** With the exception of spires, cupolas or other architectural appurtenances

40-38 WIRELESS COMMUNICATION EQUIPMENT
A. PURPOSE - The purpose of this section is to provide sound land use policies, procedures and regulations for the location and placement of wireless communication towers and antennas in order to protect the community from visual and other adverse impacts. This
ordinance is intended to meet the mandate of the communication act of 1996.

B. OBJECTIVES. The objectives of this section are to:

1. Protect residential areas and land uses from the potential adverse quality of life impacts of wireless communication towers and antennas;
2. Encourage the location of wireless communication towers on municipal property or in non-residential areas and along major transportation corridors;
3. Minimize the total number of wireless communication towers throughout the community;
4. Encourage the co-location of new antennas on existing wireless communication towers instead of construction of additional single-user towers;
5. Encourage the location of wireless communication towers and antennas in areas where the adverse quality of life impact is minimized;
6. Encourage the location of wireless communication towers and antennas in a way that minimizes their adverse visual impact through careful design, siting, landscaping, screening, and innovative camouflaging;
7. Enhance the ability of the providers of wireless communication to provide such services to the community effectively, and efficiently;

C. USE REQUIREMENTS

1. Wireless communication equipment shall be a permitted principal or second principal (on a permitted accessory) use on a publicly owned, leased or otherwise controlled properties that can provide a 500 foot buffer between the wireless communication equipment and any adjacent or nearby residential property. Publicly owned lands include those lands owned, leased or otherwise controlled by the municipality, board of education, the county, the state, a public utility authority and other such public authorities.

2. Wireless communication antennas installed on or within existing structures (and utilizing fully screened antennas installed on top of or exterior to existing structures) shall be a (permitted accessory) conditional use in the MFG and IOP zones on properties which are developed for industrial uses and subject to the conditional use standards of this chapter. Fully screened shall mean architectural treatment such as parapets, screening panels, faux cornice lines, etc. to fully screen the antennas.

3. Wireless communication towers shall be a conditional use in the IOP and MFG zones subject to the conditional use standards of this chapter.

4. The use of lattice or guyed towers for wireless communication towers shall be prohibited. Towers shall be of monopole design. Lattice towers shall be permitted only at the request of the borough of Tinton Falls Police Department, Fire Department or emergency medical service for the provision of additional communications equipment.
5. No more than one wireless communication tower shall be located on any one property, regardless of zone or ownership.

D. BULK STANDARDS - Wireless communication equipment

Wireless communication equipment shall meet the following bulk standards:

1. Minimum lot size - 2 acres or the zone requirement, whichever is greater
2. Minimum setback of wireless communication tower from:
   a. Any property line - the greater of the zone setback requirement or 1.5 times the tower height
   b. Any residential zone line or residential property - 500 feet
3. Maximum height of tower - 150 feet
4. Maximum height of attached antenna on an existing structure - 10 feet above the roof of the building or structure to which attached.
5. A wireless communication tower and equipment compound(s) shall be designed and constructed so as to accommodate the equipment of at least four wireless communication service providers, where feasible.
6. One improved parking space shall be provided for maintenance vehicles. Said parking space shall be developed per Borough design standards.
7. Driveway access to the wireless communication equipment shall be provided. Said driveway access shall be developed per Borough design standards. Due to the limited number and nature of site visits for this use, the driveway width may be reduced to one-and-two family standards and the driveway surface may be gravel, at approving boards' discretion.
8. One wireless communication compound consisting of not more than 3,600 square feet may be erected in support of the enclosed wireless communication tower and co-location of additional carriers, provided that:
9. The wireless communication compound shall be enclosed within a solid wood or composite wood product fence at least 7 feet and no more than 8 feet high, which shall include a locking security gate.
10. The wireless communication compound shall be 500 feet from any residential zone line or residential property.
11. The maximum height of any structure within a wireless communication equipment compound, with the exception of the tower, shall be 12 feet.
12. The wireless communication compound shall be situated behind existing vegetation, tree cover, structures, buildings, or terrain features which will adequately shield the wireless communication(s) equipment compound from public view; or
13. When a location completely out of public view is not possible, a landscape buffer of 20 feet in width shall be provided outside the equipment compound fence to adequately shield the compound from public view. Landscaping shall include native evergreen and deciduous trees at least 8 feet in height at the time of planting, and the number of trees shall be based on the equivalent of staggered double rows at 15 feet on center.

14. In the case of installation of a wireless communication compound in an existing structure, the equipment cabinets shall be installed within or fully screened on top of the existing building when practical and shall not be permitted in an exterior compound. Any exterior equipment shall be located within an accessory structure subject to the accessory structure provisions of this chapter.

E.  CONDITIONAL USE STANDARDS - Location of Wireless Communication Antennas or Towers.

An applicant desiring to construct wireless communication tower or antennas as a conditional use where permitted must satisfy the following additional standards:

1. Complete compliance with all zone and wireless communication (equipment) bulk standards. Any request for bulk variance relief for the development of wireless communication towers or antennas constitutes non-compliance with conditional use standards.

F.  VISUAL COMPATIBILITY REQUIREMENTS – Wireless communication tower or antennas

1. Wireless communication antennas on existing structures or buildings and wireless communication tower shall be designed, located and screened so as to blend with and into the existing natural or built surroundings so as to eliminate, to the maximum extent practicable, adverse visual impacts through the use of color and camouflaging, architectural treatment, landscaping, and other means.
   a. Permitted tower designs include flag poles with internal mount antennas, monopoles with internal mount antennas color matched to surroundings, flush mounted antennas color matched to surroundings, cluster mounted antennas on armatures of less than eight feet color matched to surroundings, artificial trees, church steeples and clock towers with internal antennae mounts and other similar constructions.
   b. Permitted antenna designs on existing structures include flush mounted, pole mounted or sled mounted antennas that are fully screened by architectural treatments, such as parapets, screening panels, faux cornice lines, etc.

G.  SITE PLAN APPLICATION REQUIREMENTS - Installation of Wireless Communication tower or antennas.
1. All site plan details required by ordinance.
2. A report from a qualified expert certifying that the wireless communication tower comply with the latest structural and wind loading requirements as set forth in the International Building Code and the Electronic Industries Association (EIA) and for the Communication Industry Association (TIA), as it may include a description of the number and type of antennas it is designed to accommodate.
3. A binding, irrevocable commitment by the applicant for itself and its successors and assigns in interest to lease additional space on the monopole to any other potential user at reasonable rates and conditions. The applicant’s counsel shall simultaneously submit a written opinion that the applicant’s commitment is enforceable by the Borough. The commitment shall be recorded prior to issuance of a building permit.
4. A copy of the lease or deed for the property.
5. A Wireless Communication report detailing:
6. The need for wireless communication antennas at the specific location within the Borough.
7. All existing and proposed wireless communication antennas or tower in the Borough, any such antennas or tower in the abutting towns within 2 miles of the proposed location that provide service to areas within the Borough, and any changes known to the applicant to be proposed within the following twelve-month period, including the discontinuance or relocation of existing antennas or tower.
8. Evidence of all alternate designs that would not require the applicant to construct wireless communication antennas or tower at the proposed location.
9. Evidence that the applicant has exercised its best efforts to locate its wireless communication antennas on existing towers, buildings or structures within the applicant's search area. Such evidence should consist of:
10. There is no existing tower, building or structure within the applicant's search area.
11. Existing towers, buildings and structures are not of sufficient height and cannot be made to be of sufficient height to meet the applicant's engineering requirements, or do not have sufficient structural strength to support the applicants proposed antennas and related equipment.
12. The applicant’s proposed antennas would cause interference with an antenna on the existing tower, building or structure, or an antenna on the existing tower, building or structure would not cause interference with the applicant's proposed antennas.
13. There are other limiting factors that render existing towers, buildings and structures unsuitable;
14. If a suitable location on an existing tower, building or other structure is found, but the applicant is unable to secure an agreement to locate its equipment on such tower, building or structure, the applicant shall provide written evidence of its attempt or attempts to so locate.

15. A visual impact analysis of the proposed tower or antennas.

H. ADDITIONAL STANDARDS

1. No signs shall be permitted except for emergency contact information, safety warnings, and safety instructions.

2. No lighting is permitted except for tower lighting as required by Federal or State regulations or lighting that is interior to the communication equipment compound mounted at a height beneath the top of the compound fence.

3. Wireless communication antennas and towers shall be maintained to assure their continued structural integrity.

4. All wireless communication towers shall be designed with anti-climbing devices in order to prevent unauthorized access. Additional safety devices shall be permitted or required, as needed for safety.

5. Wireless communication compound and equipment shall be operated so as not to produce noise in excess of the limits set by Federal regulation, State regulation, or Borough ordinance.

6. Every modification to a wireless communications tower or antennas shall be subject to site plan review and approval. A modification is an increase in the number or size of wireless communication antennas or an alteration in the placement of wireless communication antennas in such a manner as to increase their visibility in any way.

7. Operators of wireless communication tower or antennas shall notify the Borough when the use of such tower or antennas and equipment is discontinued. Towers or antennas that are not in use for wireless communication purposes for 6 months shall be removed by the provider at its cost. This removal shall occur within 90 days of the end of such 6-month period. Upon removal, the site shall be cleared, restored, and re-vegetated to blend with the existing surrounding vegetation at the time of abandonment.

40-39 OFF STREET PARKING

A. Location of Parking and Loading Areas.

1. Parking and loading spaces shall be located on the same lot as the use being served, may abut the building being served rather than requiring a setback from the
building and shall be located to directly serve the building for which the space is being provided. No off-street parking or loading space shall have direct access from a street.

2. No loading and parking spaces shall be located in any required buffer area.

3. Parking spaces located to serve residential uses shall be within one hundred fifty (150) feet of the entrance of the building and within four hundred (400) feet of commercial/industrial uses (parking garages are an exception).

4. Other than driveways for detached single family homes, uses having parking lots for more than six (6) vehicles or having at least one (1) loading space shall have all aisles and spaces set back at least twenty-five (25) feet from any lot line and street right-of-way.

5. Drive-Up Window Services. Any use having drive-up window services shall provide at least one (1) by-pass lane and each window shall have an access lane long enough to accommodate at least six (6) vehicles in addition to the vehicle at the window. These access lanes shall be separate from all interior driveways and aisles serving other on-site circulation and parking areas.

B. Minimum required off-street parking schedule for non-residential uses. The number of off-street parking spaces required for any non-residential use shall be determined by reference to Parking Schedule I below. GFA shall mean Gross Floor Area.

1. Unscheduled uses. Off-street parking requirements for uses not listed in Parking Schedule I shall be established by the Board, based upon accepted industry standards.

2. Combined uses. In the case of a combination of uses, the off-street parking requirement shall consist of the sum of the spaces required for each individual use unless it can be demonstrated that staggered hours would permit modification.

3. Fractional spaces. Whenever the application of Parking Schedule I standards results in the requirements of a major fraction of a space in excess of 0.5, a full space shall be required.

4. Fleet Vehicles. Any non-residential use with vehicles owned or leased and rented to the public or operated by employees must provide additional parking spaces on-site above those required by the schedule below in order to accommodate any and all vehicles within the fleet. This shall include, but not be limited to: car rental, exterminators, cleaning services, realtors, distributors, delivery services, printing houses, etc.

<table>
<thead>
<tr>
<th>Parking Schedule I</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking Requirements for Non-Residential Uses</td>
</tr>
</tbody>
</table>

196
<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Number of Off-Street Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automobile Car Wash</td>
<td>10 spaces/washing lane and 2 spaces/vacuum or similar machine</td>
</tr>
<tr>
<td>Automobile Fueling Stations Any Associated Retail</td>
<td>1 space/fueling pump 4 spaces/1000 sq. ft. GFA</td>
</tr>
<tr>
<td>Automobile Oil Change and Lubrication Shop</td>
<td>8 spaces/service lane and 2 spaces/vacuum or similar machine</td>
</tr>
<tr>
<td>Automobile Repair Shop</td>
<td>4 spaces/service bay</td>
</tr>
<tr>
<td>Assisted Living Residence</td>
<td>0.5 space/unit</td>
</tr>
<tr>
<td>Banks &amp; Fiduciary Institutions</td>
<td>1 space/250 sq. ft. GFA</td>
</tr>
<tr>
<td>Bowling Alley</td>
<td>2 spaces/lane or alley</td>
</tr>
<tr>
<td>Car and Truck Dealers</td>
<td>1 space/300 sq. ft. showroom area, sales area and office area</td>
</tr>
<tr>
<td>Child Care Center</td>
<td>As specified in § 40-35(A)</td>
</tr>
<tr>
<td>Church</td>
<td>1 space/5 seats</td>
</tr>
<tr>
<td>Community Center</td>
<td>1 space/800 sq. ft. GFA</td>
</tr>
<tr>
<td>Communication/Radio Tower</td>
<td>2 spaces minimum</td>
</tr>
<tr>
<td>Continuing Care Retirement Community</td>
<td>0.9 space per independent living unit to be distributed to meet the particular needs of individual buildings on-site.</td>
</tr>
<tr>
<td>Contractors/Landscaping Yards</td>
<td>1 space/300 sq. ft. display area, sales area and office area</td>
</tr>
<tr>
<td>Delicatessens/Specialty Food</td>
<td>1 space/1000 sq. ft. GFA</td>
</tr>
<tr>
<td>Family Day Care Home</td>
<td>2 for the dwelling unit + 2 for clients</td>
</tr>
<tr>
<td>Farm Stand</td>
<td>6 spaces minimum</td>
</tr>
<tr>
<td>Fitness Centers, Weight Rooms, Gyms</td>
<td>1 space/200 sq. ft. GFA</td>
</tr>
<tr>
<td>Flex Space Buildings</td>
<td>1 space/250 sq. ft. GFA</td>
</tr>
<tr>
<td>Golf Course full-size</td>
<td>3 spaces/green 3 spaces/green 2.2 spaces/hole 2.2 spaces/hole 1.4 spaces/tee</td>
</tr>
<tr>
<td>Golf Course par-3 miniature golf pitch and putt driving range</td>
<td></td>
</tr>
<tr>
<td>Home Occupation</td>
<td>3 spaces minimum</td>
</tr>
<tr>
<td>Hospital</td>
<td>1.5 spaces/bed</td>
</tr>
<tr>
<td>Hotel</td>
<td>1 space/guest room 1 space/employee on largest shift</td>
</tr>
<tr>
<td>Restaurant/Lounge/Banquet/Conference</td>
<td>1 space/3 seats in restaurant, lounge &amp; conference/banquet space</td>
</tr>
<tr>
<td>Library</td>
<td>1 space/300 sq. ft. GFA</td>
</tr>
<tr>
<td>Light Industrial/ Fabrication/ Assembly</td>
<td>1 space/800 sq. ft. GFA</td>
</tr>
<tr>
<td>Lumber Yard and Contractor's Yard</td>
<td>1 space/5,000 sq. ft. storage area and 1 space /250 sq. ft. retail GFA</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>1 space/800 sq. ft. GFA</td>
</tr>
<tr>
<td>Mortuary</td>
<td>10 spaces/viewing room and/or chapel</td>
</tr>
<tr>
<td>Use</td>
<td>Spaces/ sq. ft. GFA</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>Office (Non-Medical)</td>
<td>1 space/250 sq. ft. GFA</td>
</tr>
<tr>
<td>Office Park</td>
<td>1 space/300 sq. ft. GFA</td>
</tr>
<tr>
<td>Office (Medical and Dental)</td>
<td></td>
</tr>
<tr>
<td>Less than 5,500 sq. ft. GFA</td>
<td>6 spaces/1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>5,500 sq. ft. to 10,000 sq. ft. GFA</td>
<td>5.5 spaces/1000 sq. ft. GFA</td>
</tr>
<tr>
<td>More than 10,000 sq. ft. GFA</td>
<td>5 spaces/1000 sq. ft. GFA</td>
</tr>
<tr>
<td>Pharmacy</td>
<td>3 spaces/1000 sq. ft. GFA</td>
</tr>
<tr>
<td>Pro Shop</td>
<td>1 space/300 sq. ft. GFA</td>
</tr>
<tr>
<td>Research/Testing/Experimentation</td>
<td>1 space/800 sq. ft. GFA</td>
</tr>
<tr>
<td>Restaurant</td>
<td></td>
</tr>
<tr>
<td>Sit-down</td>
<td>1 space/3 seats</td>
</tr>
<tr>
<td>Take-out</td>
<td>1 space/40 sq. ft. GFA</td>
</tr>
<tr>
<td>Mixed</td>
<td>1 space/3 seats plus 1 space per 40 sq. ft. of floor area</td>
</tr>
<tr>
<td>Retail Sales &amp; Services</td>
<td></td>
</tr>
<tr>
<td>Less than 400,000 sq. ft. GFA</td>
<td>4.0 spaces/1000 sq. ft. GFA</td>
</tr>
<tr>
<td>400,001 to 600,000 sq. ft. GFA</td>
<td>4.5 spaces/1000 sq. ft. GFA</td>
</tr>
<tr>
<td>600,001+ sq. ft. GFA</td>
<td>5.0 spaces/1000 sq. ft. GFA</td>
</tr>
<tr>
<td>Retail Warehouse</td>
<td>5.5 spaces/1000 sq. ft. GFA</td>
</tr>
<tr>
<td>Schools</td>
<td></td>
</tr>
<tr>
<td>Elem. (Pre-K thru 8)</td>
<td>1.2 spaces/classroom; min. 1/staff</td>
</tr>
<tr>
<td>Middle (5-8)</td>
<td>1.2 spaces/classroom; min. 1/staff</td>
</tr>
<tr>
<td>High School (9-12)</td>
<td>2.0 spaces/classroom; min. 2/staff</td>
</tr>
<tr>
<td>Scrap Metal</td>
<td>1 space/employee</td>
</tr>
<tr>
<td>Shipping/Receiving</td>
<td>1 space/5,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Shopping Centers</td>
<td>Same as Retail Sales &amp; Services</td>
</tr>
<tr>
<td>Swim Club</td>
<td>1 space/30 sq. ft. water surface</td>
</tr>
<tr>
<td>Tavern</td>
<td>1 space/2.5 seats</td>
</tr>
<tr>
<td>Tennis Club</td>
<td>2 spaces/court</td>
</tr>
<tr>
<td>Theater</td>
<td>1 space/4 seats</td>
</tr>
<tr>
<td>Training &amp; Instructional Classes, Dance and Rehearsal Studios</td>
<td>1 space/250 sq. ft. GFA</td>
</tr>
<tr>
<td>Veterinary Clinic/Hospital</td>
<td>6 spaces/doctor</td>
</tr>
<tr>
<td>Warehousing</td>
<td>1 space/5,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Wireless Telecommunications Equipment</td>
<td>1 space minimum</td>
</tr>
</tbody>
</table>

All Residential Uses are Subject to RSIS Standards

C. Minimum required off-street parking schedule for residential uses. The number of off-street parking spaces required for residential uses shall be determined pursuant to N.J.A.C. 5:21, as amended.

1. All detached single family homes shall be required to provide an attached or detached garage for the storage of at least one automobile.

2. A one-car garage and driveway combination shall count as two (2) off-street parking spaces, provided the driveway measures a minimum of eighteen (18) feet in length.
between the face of the garage door and the right-of-way. A two-car garage and driveway combination shall count as three and one-half (3.5) off-street parking spaces, provided a minimum parking area width of twenty (20) feet is provided for a minimum length of eighteen (18) feet as specified for a one-car garage and driveway combination.

3. When housing is included in mixed-use development, a shared parking approach to the provision of parking may be permitted.

4. For projects containing dwelling units required by the New Jersey Uniform Construction Code’s Barrier Free Subcode (N.J.A.C. 5:23-7), to be accessible, parking spaces for people with disabilities shall be provided in accordance with the requirements of the Barrier Free Subcode and shall be considered part of the total number of required spaces.

D. Minimum required off-street loading schedule for non-residential uses. The number of off-street loading spaces required for any non-residential use shall be determined by reference to Parking Schedule 2 below.

1. Unscheduled uses. Off-street loading requirements for uses not listed in Loading Schedule 2 shall be established by the Board, based upon accepted industry standards.

2. Combined uses. In the case of a combination of uses, the off-street loading requirement shall consist of the sum of the loading spaces required for each individual use unless it can be demonstrated that staggered hours would permit modification.

3. Fractional spaces. Whenever the application of Loading Schedule 2 standards results in the requirements of a major fraction of a space in excess of 0.5, a full space shall be required.

<table>
<thead>
<tr>
<th>Use</th>
<th>Min. No. Loading Space</th>
<th>At Which 1st Berth Req’d</th>
<th>No. Add’l Sq. ft. for Each Add’l Berth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automobile Car Wash</td>
<td>1</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>Automobile Fueling Stations</td>
<td>1</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>Any Associated Retail</td>
<td>1</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>Automobile Oil Change and Lubrication Shop</td>
<td>1</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>Automobile Repair Shop</td>
<td>1</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>Assisted Living Residence</td>
<td>0</td>
<td>10,000</td>
<td>100,000</td>
</tr>
<tr>
<td>Banks &amp; Fiduciary Institutions</td>
<td>0</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>Bowling Alley</td>
<td>1</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>Category</td>
<td>Count</td>
<td>Minimum Size</td>
<td>Maximum Size</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>-------</td>
<td>--------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Car and Truck Dealers</td>
<td>1</td>
<td>10,000</td>
<td>40,000</td>
</tr>
<tr>
<td>Child Care Center</td>
<td>0</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>Church</td>
<td>0</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>Community Center</td>
<td>0</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>Communication Tower</td>
<td>0</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>Continuing Care Retirement Community</td>
<td>1</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>Contractors/Landscaping Yards</td>
<td>0</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>Delicatessens/ Specialty Food</td>
<td>1</td>
<td>10,000</td>
<td>20,000</td>
</tr>
<tr>
<td>Family Day Care Home</td>
<td>0</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>Farm Stand</td>
<td>1</td>
<td>10,000</td>
<td>-----</td>
</tr>
<tr>
<td>Fitness Centers</td>
<td>1</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>Flex Space Buildings</td>
<td>3</td>
<td>5,000</td>
<td>50,000</td>
</tr>
<tr>
<td>Golf</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>full-size</td>
<td>1</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>par-3</td>
<td>0</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>miniature golf</td>
<td>0</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>pitch and putt</td>
<td>0</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>driving range</td>
<td>0</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>Home Occupation</td>
<td>0</td>
<td>-----</td>
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<tr>
<td>Hospital</td>
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<td>Hotel</td>
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<tr>
<td>Library</td>
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<td>Research/Testing/Experimentation</td>
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<td>Scrap Metal</td>
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<tr>
<td>Shipping/Receiving</td>
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<td>Swim Club</td>
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<tr>
<td>Tavern</td>
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<td>Tennis Club</td>
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<td>Training &amp; Instructional Classes</td>
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40-40 NON-CONFORMING USES, STRUCTURES AND LOTS

A. Continuance of existing non-conforming uses and structures. Any non-conforming use or structure which lawfully existed at the time of the passage of this Article may be continued, and any existing legally non-conforming building or structure may be reconstructed or structurally altered, but only in accordance with the requirements of this Article.

B. Alteration, extension or enlargement of non-conforming use or structure.

1. A non-conforming use of any building, structure or land shall not be increased, enlarged, extended or changed in any manner whatsoever.

2. No building in which a non-conforming use exists shall be enlarged, extended or structurally altered in any manner; provided, however, that:
   a. Nothing herein shall prevent the repair and maintenance of any building wherein there exists a non-conforming use, provided that such maintenance and repair does not in any way constitute or result in a further extension of a non-conforming use.
   b. Minor alterations and improvements which do not constitute or require structural changes may be made in or to a building wherein a non-conforming use exists, provided that such non-conforming use will not be increased, extended or enlarged thereby.
   c. Nothing herein shall prevent the strengthening or restoration to a safe and lawful condition of any part of any building which is non-conforming.

3. Structural alterations, internal rearrangements and renovations may be made in a building or structure which is non-conforming because it fails to comply with height, area, yard, off-street parking or other like requirements of this Article, other than use, so long as the structural alteration or increase, internal rearrangement or renovation does not extend or enlarge the non-conformance of said building or structure.

4. A non-conforming use changed or altered to a conforming use may not thereafter be changed back to a non-conforming use.

C. Any nonconforming use, building or structure, other than a single-family detached dwelling on an undersized lot, which shall be more than 50% damaged by reason of windstorm, fire, explosion or other act of God or man shall be deemed completely destroyed and the use, building or structure may not be reestablished, rebuilt, restored or repaired except in conformity with this chapter. For single-family homes on undersized lots which shall be
destroyed as described above, said structures may be reconstructed, provided that no aspect of the new or rebuilt structure increases any nonconformity of the original structure or causes any new nonconformity with this chapter.

D. Restoration of existing buildings or structures non-conforming for reasons other than use. Whenever a building is non-conforming because it fails to comply with any height, area, yard, off-street parking or requirements of this Article, other than use, and such building is partially destroyed, such building may be restored to its prior condition; provided, however, that such restoration shall not enlarge the previously existing non-conformance.

E. Non-conforming improved lot. When an improved lot in a residential zone exists as a separate isolated lot under separate ownership and does not adjoin any vacant land or vacant lot of the same owner, and which said improved lot is non-conforming due to size, shape, area or setback, any existing residential building or structure on the lot may be further improved, provided that:

1. The number of dwelling units shall not be increased even if such increased number of dwelling units is allowed in the zone, unless approved by the Board of Adjustment.
2. Any existing non-conforming setbacks from streets, side lot lines or rear lot lines shall not be made more non-conforming including any vertical additions of any type.
3. Any existing and proposed improvement on the non-conforming improved lot shall not exceed the percentage of maximum building coverage set forth in Schedule B.
4. Any existing and proposed improvement on the nonconforming improved lot shall conform to all other zone standards including off-street parking.

F. No nonconforming lot shall be made more nonconforming through subdivision, re-subdivision or any such other action. Where two or more contiguous, nonconforming lots are in common ownership, these lots shall be considered combined for the purposes of meeting the requirements of this chapter. Such combined lots shall not be subdivided or resubdivided except in conformance with this chapter.
ARTICLE VI
PERFORMANCE GUARANTEES AND IMPROVEMENT COSTS
TINTON FALLS BOROUGH

40-41 PERFORMANCE GUARANTEES

A. Performance guaranties shall be posted prior to the granting of final developmental approval.

B. Performance guaranties shall be submitted in the form of 10% cash deposited with the Borough Clerk and 90% in a form acceptable to the Borough Solicitor. The amount of guaranty shall be 120% of the approved estimate of the cost of improvements. They may be usable at any point by the Borough for the nonperformance of the subdivider. Such guaranties shall run for a term of 18 months, subject to extension by the Borough Council for an additional period of 18 months.

C. If required improvements have not been installed in accordance with required standards and specifications of the Borough within the time limit or extension, the obligor and surety shall be liable thereon to the Borough for all reasonable costs of improvements not installed, and, upon receipt of the proceeds thereof, the Borough shall install such improvements.

D. Prior to acceptance of a performance bond by the Borough Council, the Council shall receive the following:
   1. A letter from the Borough Engineer stating that the proposed bond covers all items required.
   2. A list of the items covered and their cost.
   3. A letter of approval from the Borough Solicitor as to bond form.
   4. A letter from the Borough Engineer and Planning Board/Zoning Board stating that the plans meet all specifications.

E. Following acceptance of a performance guaranty by the Borough Council, a letter stating shall be sent to the Planning Board/Zoning Board prior to signing of final plats for the development.

F. Prior to release of a performance guaranty in full or part, in accordance with New Jersey law, the Borough Council shall receive the following:
   1. A recommendation from the Board.
   2. As-built plans of all utilities and roads approved by the Borough Engineer.
   3. A statement from the developer or subdivider that there are no liens or other legal encumbrances on any of the improvements or utilities to be deeded.
4. Deeds, free and clear from all encumbrances, for all streets, public easements, drainage easements or other dedicated lands.

5. An acceptable maintenance guaranty.

40-42 MAINTENANCE BOND

All improvements required by the Board shall, prior to the release of performance guaranties, be covered by a maintenance bond running in favor of the Borough in the amount of 15% of the estimated cost of improvements, as determined by the Borough Engineer. Said bond shall run for a period of two years following acceptance by the Borough and shall provide for proper repair and/or replacement during this period. In the event that all improvements have been completed prior to granting of final approval by the Board, the maintenance bond shall be posted before final plat approval. Maintenance bonds will be approved as to form by the Borough Solicitor.

40-43 ACCEPTANCE OF IMPROVEMENTS

A. The Borough Council shall not accept any roadway or other improvement until the maintenance bond has been posted and all deficiencies corrected or repaired. The Borough may, however, agree to perform limited services, if requested in writing by the subdivision developer and if held harmless for any damages resulting from such action.

B. A deed for any roadway or improvement shall be submitted to the Borough Council prior to being recorded, after the twenty-four-month period and upon certification from the Borough Engineer that no further maintenance is required. The deed will be approved by the Borough Solicitor and recorded at the expense of the subdivider.

40-44 OFF-SITE IMPROVEMENTS

A. Any subdivision requiring off-site improvements, as defined below, shall comply with the provisions of this section.

B. Definition. An off-site improvement shall be one or more required improvement(s) necessary for successful completion of a development in the interest of furthering public health, safety and general welfare and located outside the bounds of the owner's or subdivider's property. Off-site improvements shall be required where:

1. The existing service serving the geographic area or subarea is already operating at a deficient level and/or
2. The new development will make such present level of service deficient according to engineering and professional standards.
C. The proportionate contribution of any such off-site improvement to the owner or subdivider shall be reasonably related to the relative benefit or use of the total area served in line with the following formulas:

1. For street widening, alignment, corrections, channelization of intersections, construction of barriers, new or improved traffic signalization, signs, curbs, sidewalks, trees, utility improvements not covered elsewhere, the construction of new streets and other similar street or traffic improvements, the owner's or subdivider's proportionate cost shall be the ratio of the estimated peak-hour traffic generated by the proposed property or properties to the sum of the present deficiency in peak-hour traffic capacity of the present facility and the estimated peak-hour traffic generated by the proposed development. The ratio thus calculated shall be increased by 10% for contingencies.

2. For water distribution facilities, including the installation of new water mains, the extension of existing water mains, the relocation of such facilities and the installation of other appurtenances associated therewith, the owner's or subdivider's proportionate cost shall be the ratio of the estimated daily use of water from the property or properties, in gallons, to the sum of the deficiency, in gallons per day, for the existing system or subsystem and the estimated daily use of water for the proposed development. The ratio thus calculated shall be increased by 10% for contingencies.

3. For sanitary sewage collection facilities, including the installation, relocation or replacement of collector and interceptor sewers and the installation, relocation or replacement of other appurtenances associated therewith, the owner's or subdivider's proportionate cost shall be the ratio of the estimated daily flow, in gallons, to the sum of the present deficient capacity for the existing system or subsystem and the estimated daily flow from the proposed project or development. In the case where the peak flow from the proposed development may occur during the peak-flow period for the existing system, the ratio shall be the estimated peak-flow rate from the proposed development, in gallons per minute, to the sum of the present peak-flow deficiency in the existing system or subsystem and the estimated peak-flow rate from the proposed development. The greater of the two ratios thus calculated shall be increased by 10% for contingencies and shall be the ratio used to determine the cost to the owner or subdivider.
4. Drainage facility improvements shall be based upon the percentage relationship between the subdivision acreage and the total acreage of the drainage basins imparted upon, plus 10% for contingencies.

5. Other facilities or services shall be determined by the Planning Board with advice from the Borough Engineer by the use of equitable formulas.

D. Board determination of required off-site improvements shall be guided by the articles in this chapter dealing with zoning districting and such professional advice as it may deem necessary for the specific project. Once it has determined that one or more off-tract improvements are necessary, the Board shall notify the Borough Council, via resolution, of its findings and shall provide an estimate of cost, a suggested prorated share for the development in question and the suggested means of payment. The Planning Board/Zoning Board shall not take final action on a preliminary subdivision until all aspects of such agreements have been mutually agreed to by the developer or subdivider and the Borough Council has been advised, in writing, by the Board.

E. Implementation. Where a performance or maintenance guaranty is required in connection with an off-site improvement, the procedures outlined in this article shall be followed. Cash contributions, where required by agreement, shall be deposited with the Borough Clerk, who shall place them in an escrow account for the purposes outlined. If improvements are not completed within 10 years, the funds shall be returned to the subdivider or developer under terms outlined by the Borough Solicitor. Cash contributions shall not be required where county or state agencies have jurisdiction over a subject improvement and where those units require a guaranty that would represent a duplication.
ARTICLE VII
ADMINISTRATION AND ENFORCEMENT
TINTON FALLS BOROUGH
40-45 ENFORCEMENT
A. The Borough Zoning Officer shall enforce this Chapter. A zoning permit, or other permit, certificate or authorization as provided in this Chapter and as may be appropriate, shall be required as a condition precedent to the erection, construction, alteration, repair, remodeling, conversion, removal or destruction or re-subdivision or any land. The Zoning Officer, Code Enforcement Officer or such other administrative officer and office shall be responsible for the issuance of such permits, certificates and authorizations upon the submission of such data, materials, plans, plats and information as is authorized under this Chapter and upon the express approval of the appropriate State, County or Borough Agencies. The fees to cover administrative costs for the issuance of such permits, certificates and authorizations are provided in this Chapter.
B. In case any building or structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Chapter, any proper Borough authority of any interested party, in addition to any other remedies, may institute an appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business or use in or about such premises.

40-46 SELLING BEFORE APPROVAL; PENALTY; SUIT BY BOROUGH
A. If, before final subdivision approval has been granted, any person transfers or sells or agrees to transfer or sell, except pursuant to an agreement expressly conditioned on final subdivision approval, as owner or agent, any land which forms a part of a subdivision for which Borough approval is required by ordinance pursuant to this act, such person shall be subject to a penalty not to exceed $1,000.00, and each lot disposition so made may be deemed a separate violation.
B. In addition to the foregoing, the Borough may institute and maintain a civil action:
   1. For injunctive relief; and
   2. To set aside and invalidate any conveyance made pursuant to such a contract of sale if a certificate of compliance has not been issued in accordance with this Chapter.
C. In any such action, the transferee, purchaser or grantee shall be entitled to a lien upon the portion of the land, from which the subdivision was made that remains in the possession of the developer or his assigns or successors, to secure the return of any deposits made or purchase price paid, and also, a reasonable search fee, survey expense and title closing expense, if any. Any such action must be brought within two years after the date of the recording of the instrument of transfer, sale or conveyance of said land or within six years, if unrecorded.

40-47 CERTIFICATES SHOWING APPROVAL; CONTENTS

A. The prospective purchaser, prospective mortgagee, or any other person interested in any land which forms part of a subdivision, or which formed part of such a subdivision three years preceding the effective date of this Act, may apply in writing to the zoning officer for the issuance of a certificate certifying whether or not such subdivision has been approved by the Planning Board. Such application shall contain a diagram showing the location and dimension of the land to be covered by the certificate and the name of the owner thereof.

B. The zoning officer shall make and issue such certificate within 15 days after the receipt of such written application and the fees therefore. Said officer shall keep a duplicate copy of each certificate, consecutively numbered, including a statement of the fee charged, in a binder as a permanent record of his office.

C. Each such certificate shall be designated a “certificate as to approval of subdivision of land,” and shall certify:

1. That there exists in the Borough of duly established planning board and that there is an ordinance controlling subdivision of land adopted under the authority of this Act.

2. Whether the subdivision, as it relates to the land shown in said application, has been approved by the Planning Board, and, if so, the date of such approval and any extensions and terms thereof, showing that subdivision of which the lands are a part is a validly existing subdivision.

3. Whether such subdivision, if the same has not been approved, is statutorily exempt from the requirement of approval as provided in this Act.

40-48 RIGHT OF OWNER OF LAND COVERED BY CERTIFICATE

A. Any person who shall acquire for a valuable consideration an interest in the lands covered by any such certificate of approval of a subdivision in reliance upon the information therein contained shall hold such interest free of any right, remedy or action which could be prosecuted or maintained by the Borough pursuant to the provisions of this Article.
B. If the zoning officer designated to issue any such certificate fails to issue the same within 15 days after receipt of an application and the fees therefore, any person acquiring an interest in the lands described in such application shall hold such interest free of any right, remedy or action which could be prosecuted or maintained by the municipality pursuant to this Article.

C. Any such application addressed to the Borough Clerk shall be deemed to be addressed to the proper designated officer and the municipality shall be bound thereby to the same extent as though the same was addressed to the designated official.

40-49 VIOLATIONS AND PENALTIES

A. Any person who shall violate any of the provisions of this ordinance or fail to comply therewith, or with any of the requirements thereof, or who shall erect, structurally alter, enlarge, rebuild or move any building or buildings or any structure, or who shall put into use any lot or land in violation of any detailed statement, approval or plan submitted hereunder, or who shall refuse reasonable opportunity to inspect any premises shall be liable for a fine of not more than one-thousand ($1,000) or to imprisonment for not more than ninety (90) days, or both such fine and imprisonment. Each and every day such violation continues shall be deemed a separate and distinct violation.

B. The owner of any building or structure, lot or land, or part thereof, where anything in violation of this Chapter shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection thereof and who assists in the commission of such violation shall each be guilty of a separate offense and upon conviction thereof each shall be liable to the fine or imprisonment or both, specified in subsection A. above.

C. Nothing in this Article shall be construed to limit the Borough of Tinton Falls' right to institute and maintain a civil action, from seeking active injunctive relief or to set aside or invalidate any consequence made pursuant to a contract of sale.
ARTICLE VIII
HISTORIC PRESERVATION COMMISSION AND HISTORIC DISTRICT REGULATIONS
TINTON FALLS BOROUGH

40-50 Historic Preservation Commission and Historic District Regulations

A. Historic Preservation Commission. There is hereby created a Historic Preservation Commission which shall consist of five (5) regular members and two (2) alternate members each of whom shall be appointed by the Mayor. Alternate members may participate in discussions during proceedings but may not vote except in the absence or disqualification of a regular member. The Historic Preservation Commission appointed under Chapter III, Section 3-38 is continued with all its powers and duties being transferred without need to reappoint members, as if the appointments had been made pursuant to this Land Use Ordinance.

B. Composition of Historic Preservation Commission. The Historic Preservation Commission shall be composed of members from the following classes:
1. Class A. One (1) person who is knowledgeable in building design and construction or architectural history and who may reside outside the Borough.
2. Class B. One (1) person who is knowledgeable with or a demonstrated interest in local history and who may reside outside the Borough.
3. Class C. Three (3) citizens of the Borough who shall hold no other municipal office, position, or employment except for members on the Planning Board or Zoning Board of Adjustment. Alternate members shall meet the qualifications of Class C membership.

C. Terms of Office.
1. General. The regular members of the Historic Preservation Commission shall serve for a term of four (4) consecutive years and the alternate members shall serve for a term of two (2) consecutive years.
2. Terms of Office of Initial Members. The initial members first appointed to the Historic Preservation Commission shall serve for the following initial terms and thereafter as provided in paragraph C(1) above.
   a. Class A member: One (1) year.
   b. Class B member: Two (2) years.
   c. Class C member: One (1) member for two (2) years; and two (2) members for four (4) years.
   d. Alternate number 1: One (1) year.
e. Alternate number 2: Two (2) years.

3. Vacancy. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term.

4. Exception. Notwithstanding any other provision herein to the contrary, the term of any member common to the Historic Preservation Commission and the Planning Board shall be for the term of the membership on the Planning Board and the term of any member common to the Historic Preservation Commission and the Zoning Board of Adjustment shall be for the term of membership on the Zoning Board of Adjustment, but in no event shall exceed the term for each member created hereby.

D. Organization; Officers; Rule; Meetings.

1. For purposes of administration, staffing and budgeting, other than legal counsel, the Commission is hereby placed within the Department of Administration, Division of Planning and Zoning

2. Legal counsel to the Commission shall be appointed by the Director, Department of Law, and for purposes of budgeting control shall be within the Department of Law.

3. At their first meeting, the appointed members shall elect from among its members a Chairman and Vice-Chairman and shall select a Secretary of the Commission who need not be a member of the Commission, and who may or may not be a Borough employee.

4. The Commission may establish any rules necessary for the orderly conduct of its business. Any matter not covered by its adopted rules shall be governed by Robert’s Rules of Order.

5. There shall be maintained, by the Division of Planning and Zoning, a record, which shall be open to the public, of the Commission’s resolutions, proceedings and actions.

E. Powers and Duties. The Commission shall:

1. Prepare a survey of historic sites, places and resources of historical and architectural significance, based on the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation (Standards and Guidelines for Identification).

2. Make recommendations to the Planning Board on the historic preservation plan element of the Master Plan and on the implications for preservation of historic sites of any other Master Plan elements.

3. Advise the Planning Board on the inclusion of historic sites in the recommended capital improvement program.
4. Advise the Planning Board and Board of Adjustment on applications for development pursuant to Subsection F below.

5. Provide written reports to the Zoning Officer, who shall be the administrative officer for the purposes of this section, on applications for permits pertaining to historic sites or property in historic districts for any changes which were not determined by approval of an application for development by a municipal agency pursuant to Subsection F below.

F. Referral of Applications for Development.

1. All applications for development within the Historic District as defined in this article or on historic sites designated on the Zoning or Official Map or identified in any component element of the Master Plan shall be referred to the Commission for advice concerning historic preservation as to any aspect of any such application for development.

2. The Commission shall submit its report to the Planning Board or Zoning Board of Adjustment, whichever shall be the Board.

3. The referral to the Commission shall be made when the application for development is deemed complete or is scheduled for a hearing, which ever occurs sooner. Failure to refer the application as required shall not invalidate any hearing or proceeding.

4. The Commission shall provide its advice, which shall be conveyed through its delegation of one (1) of its members or staff to testify orally at the hearing of the application and to explain any written report which may have been submitted.

5. Recommendations from the Commission may be incorporated into a resolution of approval of the Planning Board or Zoning Board of Adjustment.

6. Failure of the Commission to report in writing to the Planning Board or Zoning Board of Adjustment shall be deemed to constitute a report in favor of the application and without recommendation or conditions.

G. Referral of Permits.

1. Required. A permit shall be required from the Zoning Officer for any of the following before any work can commence on any site, property, building or landmark within any historic district;

a. Demolition of any building, landmark, place, improvement or structure;

b. Relocation of any building, landmark, place, improvement or structure;

c. Changing the exterior appearance of any building, landmark, place, improvement or structure by addition, alteration, maintenance, reconstruction, rehabilitation, repair, replacement or restoration;

d. Any new construction of a principal or accessory structure.

e. Construction of or changes in existing walls, fences, porches, railings, steps or signs.
2. Permit Not Required. A permit shall not be required for the following:
   a. Changes to the interior of structures.
   b. Repair or exact replacement of any existing improvement provided the work does not alter the exterior appearance of the structure. In the event, however, the previous noncontributing or disharmonious repair is being replaced, such repair or replacement is permitted only if the repair or replacement returns the structure to its original condition. The following are some of the activities which are permitted as repairs:
      (1) Identical replacement of existing windows and doors;
      (2) Repairs of existing windows and doors and the installation of storm windows and doors that do not change their design, scale, or appearance;
      (3) Maintenance and repair of existing roofing materials involving no change in the design, scale, or appearance of the structure;
      (4) Structural repairs that do not alter the exterior appearance of the structure;
      (5) Replacement of existing clapboards, shingles, or other sides with identical materials;
      (6) Maintenance and repair of existing clapboards, shingles, or other siding (including masonry) involving no change in the design, scale, or appearance of the structure;
      (7) Exterior or interior painting of existing structures.

3. Permit Defined. A permit as used herein is required for exterior work to any structure or property in an Historic District, which exterior work will be subject to public view, including, but not limited to a building permit, a demolition permit, a permit to move, convert, relocate or remodel or to change the use of occupancy of any structure or property in an Historic District. Permits shall also be required for all exterior work subject to public view on fences, signs, porches, railings, and steps for any structure or property in an Historic District.

4. The applicant shall submit plans to the Zoning Officer detailing the scope of the proposed project. The plans shall contain sufficient data on the existing and proposed exterior treatment of the structure to demonstrate compliance with all requirements of the design guidelines. If the permit requested was not previously approved by an application for development, and if the scope of the work includes construction or modification of streets, curbs, sidewalks, driveways, parking areas, or drainage or sewerage disposal facilities, the plans shall include these features. In addition, if not previously approved on an application for development, the plan shall be sufficiently
detailed to show the location, size and type of any buffers, wooded areas or landscaping features. Plans which do not contain sufficient data for the Historic Preservation Commission to make appropriate determinations under this section shall be returned to the applicant as an incomplete submission.

5. Review of Applications. The Zoning Official shall refer all applications for permits pertaining to regulated activities of an historic site or within an Historic District to the Commission for a written report on the application of the ordinance provisions concerning historic preservation to any of those aspects of the change proposed which were not determined by the approval of an application for development by either the Planning Board or the Zoning Board of Adjustment. The permit review shall include all relevant aspects of the design criteria and guidelines as they apply to the proposal which aspects were not determined by the Planning Board or Zoning Board of Adjustment in the development application.

6. The Commission shall submit its written report to the Zoning Official as soon as possible but not later than forty-five (45) days of the referral of the application to the Commission. Failure of the Commission to respond to the Zoning Official within forty-five (45) days shall be deemed to constitute a report in favor of issuance of the permit and without the recommendation of conditions to the permit. Nothing herein shall prohibit an extension of time by mutual agreement of the applicant for the permit and the Commission.

7. Appeals. The granting or denial of a permit may be appealed to the Zoning Board of Adjustment in the same manner as an appeal is taken pursuant to N.J.S.A. 40:55D-70(a).

8. In the event of an appeal of a permit to the Zoning Board of Adjustment, if the Zoning Board of Adjustment determines there is error in the decision of the Zoning Officer pursuant to the report of the Commission, the Board of Adjustment shall include the reasons for its determination in the findings of its decision.

H. Enforcement of Historic District Regulations. Notwithstanding the Violations as Penalties Section of the Land Development Ordinance, the following provisions shall apply for the enforcement of historic preservation matters.

1. Any person violating any of the provisions of this section shall upon conviction therefor be liable to the penalties herein.

2. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

3. Any person who shall undertake any activity without approval required by this section, shall be deemed to be in violation of this section.
4. Upon learning of the violation, the Zoning Officer shall personally serve upon the owner of
the property whereon the violation is occurring, a notice describing the violation in detail
and giving the owner ten (10) days to abate the violation by restoring the site or
improvement to the condition which existed prior to the violation. If the owner cannot
be personally served within the Borough with such notice, copies shall be posted on the
site and a copy sent to the owner at his or her last known address.

5. In the event that the violation is not abated within ten (10) days of service or posting on
the site as provided herein, the Zoning Officer shall cause to be instituted any
appropriate action or proceeding to prevent such unlawful activity, to restrain, correct or
abate such violation, to prevent the occupancy of any such building, structure or land,
or to prevent any illegal act, conduct, business or use in or about such premises.

6. If any person shall undertake any activity requiring a permit and report of the
Commission without first having obtained Commission approval, such person shall be
required to immediately stop the activity, apply for approval, and take any necessary
measures to preserve the affected historic site or improvement pending a decision. If the
work is denied, any such person shall immediately restore the affected historic site, or
improvement, to its pre-activity status. The Zoning Officer is hereby authorized to seek
injunctive relief regarding a stop action or restoration in the Superior Court of New Jersey,
Chancery Division, not less than ten (10) days after the delivery of notice pursuant to
paragraph (4) hereof.

7. In addition to the remedies provided above, anyone convicted of a violation of this
Article before a court of competent jurisdiction shall be liable to a penalty as follows:
   a. For each day up to ten (10) days, not more than twenty-five dollars ($25.00) per
day.
   b. For each day between eleven (11) and twenty-five (25) days, not more than fifty
dollars ($50.00) per day.
   c. For each day beyond twenty-five (25) days not more than seventy-five dollars
   ($75.00) per day.
   d. For each day beyond twenty-five (25) days a jail term not to exceed ninety (90)
days may be imposed.

40-51 Historic/Architectural District
A. Purpose. The purpose of this district is to give special recognition to the unique characteristic
of the designated areas as they reflect the history, architecture, land use relationships and
small village way of life. The creation of this district is an attempt to retain and preserve any
structures and sites of historic significance whose age and character both individually and collectively create the tone and character of the designated area. These regulations are intended to prevent any construction, demolition or exterior alteration which would injure, depreciate or conflict with the tone and character of the area.

B. Zoning. Permitted uses, accessory uses, building height, yard requirements, off-street parking, off-street loading and signs shall be as set forth in the zoning district in which the lot is located. The Historic/Architectural District is superimposed over other zoning districts and its regulations are in addition to all other applicable requirements of this Chapter.

C. Historic Districts and Sites

1. Tinton Falls Village Historic District. The Boundary of the Tinton Falls Village Historic District begins at a point in the center of Pine Brook approximately three hundred (300) feet southwest of the center of Tinton Avenue, near its intersection with Sycamore Avenue, being on the dividing line of Tinton Falls Borough and Colts Neck Township. Thence it runs along the boundary line of the Borough of Tinton Falls and Colts Neck northerly to the northwest corner of Lot 18, Block 6.02, and easterly along the northerly boundary of Block 6.02, Lot 18, then proceeding along the northerly boundary of Block 66, Lot 2. It then runs southerly along the northerly boundary line of Block 66, Lot 4 to the centerline of Pine Brook; thence easterly along the northerly line of Block 67.01 to the northerly comer of Block 67.01, Lot 10.05; then southeasterly to Sycamore Avenue (Highway No. 13A); thence following said highway southwesterly to the northeast corner of Lot 3 in Block 69 and along the easterly and southerly lines of Lot 3, extended to and along the easterly and southerly line of Lot 28 in Block 70.02 and extended to the easterly line of Lot 21.01 in Block 70.03; thence westerly along the southerly line of Lot 21.01 in Block 70.03 to centerline of County Highway No. 537; thence along said highway southerly to the northeasterly comer of Lot 1 in Block 73; thence westerly along the southern and western boundary of Block 72 and extended to and along the easterly line of Lot 9, Block 68.01, to the centerline of Pine Brook and northerly along the centerline of Pine Brook to the place of beginning.

2. Pine Brook Cemetery Historic Site. The Pine Brook Cemetery Historic Site shall consist of the property designated as Block 106, Lot 9 on the tax map of Tinton Falls containing approximately one (1) acre as described in the Deed from Lawrence Earle to the Trustees of the A.M.E. Macedonia Zion Church recorded in Book W-5.
D. Design Criteria and Guidelines for Historic Districts and Sites. The following guidelines are intended to suggest methods of approaching projects that the Historic Preservation Commission will find acceptable. The guidelines are based on the Secretary of Interior's Standards for Historic Rehabilitation and apply to buildings within the Tinton Falls Historic District. If a building is classified as “non-contributing” within an historic district, then it is exempt from all of the review requirements which deal with architectural elements of the building itself. In the interest of preserving neighborhood character, non-contributing properties shall comply only with the signage and landscape elements sections of these guidelines. Each of the following details is significant whether taken alone or in combination with the other details of the structure. Any work on one detail shall not jeopardize the details of any other.

1. Exterior Walls and Surface Treatment. The exterior wall surface of a building is one of the most major elements in defining its overall historic character. Retaining, protecting and repairing historic wall surfaces are essential in rehabilitation projects. Wooden siding is the most prevalent exterior surface on Tinton Falls houses. Properly maintained and protected from moisture, wood is a remarkably effective and long-lived siding material. Wood also provides distinctive qualities in texture and shadow lines difficult to replicate in synthetic siding. For these reasons, the Historic Preservation Commission discourages replacement or covering of wood siding with substitute materials. If a wall surface or siding material is too deteriorated to repair, it shall be replaced with material of like construction and dimension.

2. Acceptable Alteration of Siding. The Historic Preservation Commission may find such an alteration of siding acceptable, providing certain conditions are met. These include: replicating the form and dimensions of the original materials; maintaining trim at proper dimensions, including sill boards, corner boards, comices, crown moldings on windows, and other trim; and maintaining a relationship between siding and projection of such elements as window surrounds. The Commission will not find acceptable the replacement of wooden clapboard with synthetic clapboard of an inappropriate width, using synthetic siding with molded-in wood graining, shingles or board and batten with clapboard, especially on the street facade, or removing or cutting trim, or flattening it by placing synthetic materials over it, using other synthetic materials such as artificial stone (“Permastone”), artificial brick veneer (“brick face”) or asbestos or asphalt shingles.

3. Painting. When removing the deteriorated paint from wood siding, the recommended methods are hand scraping, hand sanding, and electric hot-air guns. Destructive removal methods such as sandblasting and water blasting shall not be used. Historically
painted wood siding shall not be stripped and stained to create a “natural” effect. Repainting a building does not require a permit and, therefore, is not within the purview of the Historic Preservation Commission. The Commission may, however, provide general information on historical paint colors and sources of help for choosing colors.

4. Masonry. Maintain the original color and texture of masonry walls. Stucco or paint shall not be removed from historically painted or stuccoed masonry walls. Likewise, paint or stucco shall not be applied to historically unpainted or unstuccoed masonry walls. Clean mortar and masonry only when necessary to halt deterioration or to remove heavy soiling, using the gentlest method possible, such as low pressure brushes. Sandblasting, caustic solutions, and high-pressure water blasting shall not be used. These methods erode the surface and accelerate deterioration. Repoint masonry walls when there is evidence of disintegrating mortar, cracks in mortar joints, loose bricks, or moisture retention in the walls. The new mortar shall duplicate the old mortar in composition, bonding strength, profile, color and texture.

5. Roofs.
   a. The roof, its shape, functional and decorative features, and construction materials, is an important identifying element of a building’s historic character. A sound roof is also essential to maintaining the soundness of the entire structure, so the protection and repair of the roof are fundamental to rehabilitation projects.
   b. Most roofs on buildings in the Tinton Falls Historic District and on other, individual historic buildings in the Borough, originally were clad with wood shingles or slate. Few original wood shingle roofs survive. Slate, on the other hand, if well maintained, can last for seventy-five (75) to one hundred (100) years or more. Owners with slate roofs shall therefore consider repair rather than replacement unless a roofer experienced in the repair and replacement of slate finds the roof too deteriorated. Slate repairs shall always employ copper nails and flashing strips, because iron will rust and expand, causing the slates to slip and crumble.
   c. The Historic Preservation Commission recognizes that excessive cost prevents most owners from choosing slate as a replacement material. Wood shingle is also generally not feasible because unless specially treated, it may pose a fire hazard. The board therefore will accept
substitute materials that respect the texture, pattern and color of the original roofing materials.

d. The key elements in roof rehabilitation are as follows:

1) Retain the original shape (pitch, configuration) of the roof.

2) Preserve the functional and decorative features of the roof, such as eaves, comices, chimneys, dormers, cupolas, gutters and flashing. If a particular feature is too deteriorated to repair, replacement shall be of like construction, matching as near as possible in material, size, shape, texture and color.

3) Retain the original roofing material unless it is deteriorated. When partially re-roofing, deteriorated roof covering shall be replaced whenever possible with new materials that match the original roofing in composition, size, shape and texture. When entirely re-roofing, new materials need not replicate the old, especially when using the same kind of materials is not economically feasible. The substitute materials, however, shall be compatible. Mineral fiber roofing resembling slate and asphalt single in appropriate colors is acceptable. Rolled roofing and asphalt shingle in inappropriate colors such as white are not acceptable.

4) Additions to roofs such as dormers, skylights, solar collectors, mechanical and service equipment shall be placed so that they are inconspicuous from the public view. Roof additions shall not damage or obscure the historic character of the roof.

6. Gutters and Down Spouts. Originally, many 19th century houses did not have gutters, depending on steep roof slopes and wide overhangs to keep water away from walls and foundations. Others had box gutters. These were sunken behind eaves and therefore concealed. Where box gutters exist, it is preferable to maintain them, rather than install hanging gutters, which may interfere with brackets or other eaves trim. Acceptable gutter and down spout materials include: wood, copper, aluminum or galvanized metal painted to match the trim. Acceptable shapes are half-round gutters and round leaders. Not acceptable are polyvinylchloride materials and K-gutter and rectangular leader profiles.

7. Porches and Entrances.
a. Entrances and porches are often the central focus of historic buildings. Each house style has a distinguishable type of entryway that related directly to the overall building design. Because the form of most of the historic buildings in Tinton Falls is quite simple, the porches often represent the chief stylistic and character-defining imagery, and are irreplaceable elements of the community's historical character.

b. Porches which are appropriate to the building shall not be removed. Retention of original porches and replacement of deteriorated elements in identical materials and dimensions is always acceptable. Alterations or additions shall be appropriate to the style of the building. The enclosure of porches, especially on the street front, is not acceptable. Screened or glassed-in rear or side porches may be acceptable of well detailed and well proportioned.

c. Maintain the size, shape, and location of door openings and porches. Primary entrances shall not be moved. New entrances shall not be added to the main elevation. Do not block down entryways to reduce the size of the door opening or to fit modern stock door sizes. Any door replacement shall be appropriate to the historic period of the house.

d. Acceptable storm and screen doors have plain metal or wood surrounds, or may be wooden Victorian-style decorative doors, if stylistically appropriate. Colonial-style doors with scalloped upper panels and cross-buck lower panels are inappropriate.

e. Retain the original features of entrances and porches whenever possible. These include doors, fanlights and lights, sidelights, pilasters, entablatures, hardware, columns, balustrades and steps. Do not discard elements if they can be repaired and re-used. Simplified version of original features (such as porch posts) may be acceptable as long as they are of the same size and proportion.

f. Some later doorways and porches may have acquired significance in their own right, such as Colonial Revival elements on older houses, and shall be respected because they are evidence of the building's history.

g. The following guidelines apply to various elements of porches:

1) Piers: Brick or stone, with or without wood lattice screening. Cement block is not acceptable.
2) Floors: Tongue and groove, or other forms of board flooring. Wolmanized wood decking and cement or brick flooring are not acceptable.

3) Post, Columns and Trim: Wood, shingles, stucco, depending on style of building. Minimum dimension of four inches by four inches (4'' x 4'') for post, shaped as appropriate for style of building. Brick, concrete, cast or wrought iron and aluminum are not acceptable materials.

4) Ceilings: Tongue and groove, or other forms of boarding, painted blue, oiled or varnished. Sheet rock or vinyl are not acceptable substitutes.

5) Railings: Molded and shaped rails, turned or jigsawn balusters, square two inch by two inch (2'' x 2'') balusters set four (4'') inches on center, and iron pipe on certain early 20th century buildings are acceptable. Railings of stock lumber (2'' x 4'' boards), thin rectangular balusters, balusters placed in front of or behind rails, and cast iron or aluminum railings are not acceptable.

8. Decorative Trim.
   a. Trim refers to the ornamental details applied to a building such as cornices, brackets, pilasters, railings, corner boards, finials, bargeboard and window and door casings. Architectural trim elements are indicators of a building's historic period and style, and may exemplify skilled craftsmanship which cannot be duplicated today.
   
   b. The Historic Preservation Commission strongly encourages the preservation of wooden trim and its repair where deterioration has occurred. It is usually possible to remove pieces, duplicate them by using sound pieces as patterns, and attach the replacement pieces to the surviving trim. Synthetic or substitute materials may be used in some instances where they are compatible, such as fiberglass replacement pieces manufactured from "Fypon."
   
   c. The Commission encourages the retention and repair of existing trim or the replication of original trim. Where severe deterioration has occurred, or trim has been previously removed, application of simplified trim appropriate to the style of the building may be acceptable. Removal of trim without replacement; application of trim inappropriate to the style of the building; and wrapping trim in vinyl in a manner that obscures its form, are all unacceptable.

a. Windows are a major feature of the building exterior and vary with each building style. Windows have a proportional relationship to the structure as a whole, and they also have a decorative function. The shape and glazing pattern for windows on a building may be one of the principal characteristics in identifying its historic period and style. Thus, if original windows are removed and replaced with incompatible modern windows, the basic character of the building will be altered substantially or even disfigured.

b. The number, size and locations of existing window openings shall be retained. Do not block-in windows to reduce the size of the window opening or to fit stock window sizes. Maintain the size, shape and glazing pattern of the original windows. New window openings shall not be added on elevations which are subject to view from a public street. New windows or bays must be appropriate in form, style and rhythm.

c. Retain and repair window frames, sash, decorative glass, panes, sills, window heads, hoodmolds, moldings, and exterior shutters and blinds whenever possible. If replacement of any window part is necessary due to deterioration, the replacement shall duplicate the material and design of the older window. Replacement sash of wooden windows, for example, shall be wooden. If duplication of the original window or window part is not technically or economically feasible, a simplified version of the original may be acceptable as long as it has the same size and proportion.

d. Modern window types which are inappropriate include large picture windows, casement, and bow windows unless they are original to the building.

e. Replacement shutters of blinds shall be sized to cover the entire window when closed. In other words, the shutter shall measure the full height of the window and half its width. The shutters shall be at least one (1") inch thick, and fastened to the window frame, not to the siding. Thin aluminum or vinyl shutters are not acceptable.

f. Inappropriate modern window features such as plastic and metal awnings or fake, non-operable, synthetic shutters and blinds, distract from the historic appearance of a building and shall not be used.

g. Storm windows shall have wooden frames or, if metal, shall be anodized or painted with the trim. Interior storm windows are acceptable. Exterior storm windows must follow the shape of the window with the meeting rail in the same
position as that of the window. Stock size storm windows that require blocking down of openings are not acceptable.

10. Signage.
   a. Appropriately designed signs enhance the building facade while contributing to the visual harmony of the overall street scene. They also play a crucial role in advertising and attracting business. On the other hand, poor signage detracts from even the most attractive storefront or business and diminishes the historic character of the building and its surroundings. The size, placement and materials of signs are regulated by the Borough of Tinton Falls Zoning Ordinance.
   b. The size, shape, materials, and placement of signs shall complement the composition and design of the building and neighboring buildings. Signs shall not conceal important architectural detail, overpower or clutter the facade, or otherwise distract from the historic character of the building.
   c. In general, painted wooden signs with raised letters look best on 19th century commercial buildings. Other suitable materials include metal or plywood, prepared and painted. Lettered signs painted on the window glass of the storefront also are acceptable. Plastic signs and internally-lighted glass signs are not allowed. However, signs can be illuminated from an indirect light source.
   d. Signs shall also fit within the features of the facade. On most late 19th and early 20th century commercial buildings, the lintel above the storefront itself created natural frames for the placement of signs. A sign placed on a lintel over a store window shall not be higher or wider than the lintel. Lettering and colors shall be appropriate to the style of the building on which the sign is placed.
   e. New signage shall also take into consideration any supplemental historic design graphic standards that may be developed by the Commission.

   a. Front yards were often surrounded by fences of wood, or occasionally, cast iron. Low in height and open in character, these were intended to define private open space, rather than to separate it visually from the street. Low fences with heights not exceeding three (3') feet are acceptable in front yards; higher fences are acceptable for rear yards. Wooden picket or Victorian-style cast iron are appropriate materials, depending on the style of the house; masonry walls, post-and-rail, vertical board, chain link, stockade fencing or modern wrought iron are all unacceptable.
b. Historic fencing shall be retained and repaired, rather than replaced, whenever possible. Replacement of deteriorated fencing shall be of similar materials, matching the original as near as possible in size, shape, texture and color.

c. Retain bluestone, slate and other historic types of walkways whenever possible.

12. Streetscapes.

a. Much of the character of a district is derived from the number and arrangement of trees and shrubs in relation to the existing structures. Property owners shall preserve existing shade trees according to Chapter XVII, Trees of the Revised General Ordinance of the Borough of Tinton Falls, which regulates tree removal. When considering the removal of any trees within the Historic District, additional consideration shall be given to the visual impact of any proposed removal on the surrounding streetscape, and to the potential significance of individual specimen trees. Existing road widths and curves throughout the Historic District shall be retained. Exterior lighting shall be compatible with the historic character of the district, both with regard to intensity and fixture design.

b. Vistas, or views, within the Historic District which are currently unobstructed shall remain so. These views form an important and unique visual quality of the District, and must be considered during the planning process.


a. The guidelines for new construction are general in nature, because they are not intended to require particular architectural features or dictate architectural styles. However, the Tinton Falls Historic Preservation Commission encourages designs for new construction that reflect the architectural vocabulary of the Borough's historic heritage. These guidelines also cover additions to existing buildings.

b. The design of any new building in the Tinton Falls Historic District shall harmonize with the character of the area in which it is located and be compatible with neighboring buildings. Within the district, although there are strong elements of harmony, there are differences. The important elements to consider in any new construction are scale, design quality and relationship to neighboring buildings, rather that the degree to which new construction imitates a historic style or period.
c. The following guidelines shall be considered in planning and design for new construction. In addition many of the guidelines for preservation, rehabilitation, and restoration will apply.

14. Siting. The setback and orientation of new buildings in Historic Districts shall align with neighboring historic buildings. Within the Tinton Falls Historic District, principal elevations of buildings characteristically face the street with a strong sense of entry. New buildings with main facades and entrances oriented to the side yard, or new buildings having a courtyard arrangement are not appropriate. The municipal zoning ordinance specifies the setback distances, side yard, rear yard, and other siting requirements for Historic Districts.

15. Size and Scale. New construction shall conform to the massing, proportion, volume, scale and height of neighboring buildings. The bulk and area requirements in the Zoning Article regulate specific height and area coverage of buildings allowed in the Historic District. Elements of the facade, such as the height of porches, elevations of stories, and horizontal accents, such as cornices, shall relate to neighboring buildings. The relationship of the building width to the height of the front elevation shall be visually compatible with surrounding buildings.

16. Rhythm and Directional Emphasis.
   a. New construction shall be compatible with the rhythm of neighboring buildings along the street. Rhythm is defined by the relationship of buildings to open space along the street. This includes the relationship of solids (walls) to voids (windows, doors, open porches) on building facades, and the relationship of entrance and porch projections to the street.
   b. The directional emphasis, whether vertical or horizontal in character, of new construction shall relate to that of neighboring buildings.
   c. The relationship of window width to window height in a building shall be visually compatible with that of neighboring buildings. For instance, often 19th and early 20th century buildings have somewhat taller windows on the first floor.

17. Materials, Texture and Color. The exterior materials used in new construction, as well as the texture and color of the facade and roof of a building, shall be compatible with historically appropriate materials of neighboring buildings or the district as a whole. New construction, even though it may employ contemporary materials, shall respect the forms and texture of traditional materials. Subdued colors are generally appropriate for the Historic District.
18. Building Elements. The various individual elements of a building: roof, windows, doors, porches and trim, shall be carefully integrated into the overall design of new construction. These elements shall also complement those on neighboring structures. The shape and pitch of the roof shall be considered. Window and door proportion, size, design and pattern of spacing between openings shall be compatible with historic treatments of windows and doors in the district. Although the front porch is uncommon in modern construction, the inclusion of porches may be important in new construction within the Historic District.

19. Garages and Parking. Historically, garages have been detached from the house and situated to the side of the lot behind the house. Alleys and service drives are not characteristic. New garages shall also be detached from the house and located to the side of the property and behind the house. Garage construction, like other new construction, shall be compatible in scale and material with the principal house and with neighboring accessory structures. Parking spaces shall be as inconspicuous as possible and screened from the street by landscaping. The Zoning Ordinance specifies the siting and parking space requirement in the Historic District.
ARTICLE IX
STORMWATER MANAGEMENT
TINTON FALLS BOROUGH
§40-68. Stormwater Management

§40-68.1. Purpose

A. Policy Statement. Flood control, groundwater recharge, and pollutant reduction through nonstructural or low impact techniques shall be explored before relying on structural BMPs. Structural BMPs should be integrated with nonstructural stormwater management measures and proper maintenance plans. Nonstructural measures include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site. Source control plans should be developed based upon physical site conditions and the origin, nature, and the anticipated loading of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge. It is not the policy of the Borough of Tinton Falls to accept ownership of or maintenance responsibility for any or all stormwater management facilities that are the result of private development.

B. Purpose. It is the purpose of this section to establish minimum stormwater management requirements and controls for major development.

C. Applicability. This section shall be applicable to any site plan or subdivision application that requires preliminary or final review after the effective date of the adoption of this section.

Major development that has received one of the following approvals pursuant to the Municipal Land Use Law: preliminary or final site plan approval; final municipal building or construction permit; minor subdivision, preliminary or final subdivision approval, prior to the effective date of the adoption of this section, is exempt from the rules of this section.

If any of the above approvals is amended, revised or expires, exemption shall be deemed void, and the project in its entirety shall comply with the rules of this section.

D. Compatibility with Other Permit and Ordinance Requirements. Development approvals
issued pursuant to this ordinance are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This section is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

E. Definitions for this section are found in subsection 40-68.12, Definitions.


(Ord. #05-1144, §I)

§40-68.2. General Standards.


(1) Stormwater management measures for major development shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards in this section. To the maximum extent feasible, these standards shall be met by incorporating nonstructural stormwater management strategies into the design. If these strategies alone are not sufficient to meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design.

(2) The standards in this section apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules. Such alternative standards shall provide at least as much
protection from stormwater-related loss of groundwater recharge, stormwater quantity and water quality impacts of major development projects as would be provided under the standards in this subchapter.

(3) For site improvements regulated under the Residential Site Improvement Standards (RSIS) at N.J.A.C. 5:21, the RSIS shall apply in addition to this section except to the extent the RSIS are superseded by this section or alternative standards applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

$\S$ 40-68.3. Stormwater Management Requirements for Major Development.

A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development.

B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly Helonias bullata (swamp pink) and/or Clemmys muhlnebergi (bog turtle).

C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements at subsections 40-68.3F and 40-68.3.G:

(1) The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;

(2) The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and

(3) The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of fourteen (14) feet, provided that the access is made of permeable material.

D. A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements at subsections 40-68.3.F and 40-68.3.G may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

(1) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;

(2) The applicant demonstrates, through an alternatives analysis, that through the use of
nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of subsections 40-68.3.F and 40-68.3.G to the maximum extent practicable;

(3) The applicant demonstrates that, in order to meet the requirements at subsections 40-68.3.F and 40-68.3.G, existing structures currently in use, such as homes and buildings would need to be condemned; and

(4) The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through purchase or condemnation lands not falling under subsection 40-68.3.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate for requirements of subsections 40-68.3.F and 40-68.3.G that were not achievable on-site.

E. Nonstructural Stormwater Management Strategies.

(1) To the maximum extent practicable, the standards in subsections 40-68.3.F and 40-68.3.G shall be met by incorporating nonstructural stormwater management strategies at subsection 40-68.3.E into the design. The applicant shall identify the nonstructural measures incorporated into the design of the project. If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in subsection 40-68.3.E(2) below into the design of a particular project, the applicant shall identify the strategy considered and provide a basis for the contention.

(2) Nonstructural stormwater management measures incorporated into site design shall:

(a) Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;
(b) Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces and lawns in excess of one (1) acre;
(c) Maximize the protection of natural drainage features and vegetation;
(d) Minimize the decrease in the "time of concentration" from preconstruction to post-construction. "Time of concentration" is defined as the time it takes for runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed;
(e) Minimize land disturbance including clearing and grading;
(f) Minimize soil compaction;
(g) Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides.
(h) Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas;
(i) Provide other source controls to prevent or minimize the use or exposure of pollutants at the site in order to prevent or minimize the release of those pollutants into stormwater runoff. These source controls include, but are not limited to:

[1] Site design features that help to prevent accumulation of trash and debris in drainage systems;
[2] Site design features that help to prevent discharge of trash and debris drainage systems;
[3] Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and

(3) Any land area used as a nonstructural stormwater management measure to meet the performance standards in subsections 40-68.3.F and 40-68.3.G shall be dedicated to a government agency, subjected to a conservation restriction filed with the Monmouth County Clerk's office, or subject to an approved equivalent restriction that ensures that measure or an equivalent stormwater management measure approved by the reviewing agency is maintained in perpetuity.


F. Erosion Control, Groundwater Recharge and Runoff Quantity Standards.

(1) This section contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.

(a) The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules.
(b) The minimum design and performance standards for groundwater recharge are as follows:

[1] The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at subsection 40-68.4, either:
[a] Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain one hundred percent (100%) of the average annual preconstruction groundwater recharge volume for the site; or

[b] Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from preconstruction to post-construction for the two (2)-year storm is infiltrated.

[2] This groundwater recharge requirement applies to all project areas within the Borough of Tinton Falls, as defined by this section.

[3] The following types of stormwater shall not be recharged:

[a] Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied; areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan; and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

[b] Industrial stormwater exposed to "source material". "Source material" means any material(s) or machinery, located at an industrial facility that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels; and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

[4] The design engineer shall assess the hydraulic impact on the groundwater table and design the site so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems and other subsurface structures in the vicinity or down gradient of the groundwater recharge area.

(c) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at subsection 40-68.4, complete one of the following:
Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the two (2), ten (10), and one hundred (100) year storm events do not exceed, at any point in time, the preconstruction runoff hydrographs for the same storm events;

Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the preconstruction condition, in the peak runoff rates of stormwater leaving the site for the two (2), ten (10), and one hundred (100) year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;

Design stormwater management measures so that the post-construction peak runoff rates for the two (2), ten (10), and one hundred (100) year storm events are fifty, seventy-five and eighty percent (50%, 75% and 80%), respectively, of the preconstruction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed. The percentages shall not be applied to post-construction stormwater runoff into tidal flood hazard areas if the increased volume of stormwater runoff will not increase flood damages below the point of discharge; or

In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with paragraphs [1], [2] and [3] above shall only be applied if the increased volume of stormwater runoff could increase flood damages below the point of discharge.

Any application for a new agricultural development that meets the definition of major development at Section 40-68.12 shall be submitted to the appropriate Soil Conservation District for review and approval in accordance with the requirements of this section and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For the purposes of this section, "agricultural development" means land uses normally associated with the production of food, fiber and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacturing of agriculturally related products.

G. Stormwater Runoff Quality Standards.

Stormwater management measures shall be designed to reduce the post-construction
load of total suspended solids (TSS) in stormwater runoff by eighty percent (80%) of the anticipated load from the developed site, expressed as an annual average. Stormwater management measures shall only be required for water quality control if an additional one-quarter (1/4) acre of impervious surface is being proposed on a development site. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollution Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. The water quality design storm is one and one-quarter (1.25) inches of rainfall in two (2) hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 1. The calculation of the volume of runoff may take into account the implementation of nonstructural and structural stormwater management measures.

Table 1: Water Quality Design Storm Distribution

<table>
<thead>
<tr>
<th>Time (Minutes)</th>
<th>Cumulative Rainfall (Inches)</th>
<th>Time (Minutes)</th>
<th>Cumulative Rainfall (Inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>0.0000</td>
<td>65</td>
<td>0.8917</td>
</tr>
<tr>
<td>5</td>
<td>0.0083</td>
<td>70</td>
<td>0.9917</td>
</tr>
<tr>
<td>10</td>
<td>0.0166</td>
<td>75</td>
<td>1.0500</td>
</tr>
<tr>
<td>15</td>
<td>0.0250</td>
<td>80</td>
<td>1.0840</td>
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<tr>
<td>20</td>
<td>0.0500</td>
<td>85</td>
<td>1.1170</td>
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<tr>
<td>25</td>
<td>0.0750</td>
<td>90</td>
<td>1.1500</td>
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<td>30</td>
<td>0.1000</td>
<td>95</td>
<td>1.1750</td>
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<tr>
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<td>0.1330</td>
<td>100</td>
<td>1.2000</td>
</tr>
<tr>
<td>40</td>
<td>0.1660</td>
<td>105</td>
<td>1.2250</td>
</tr>
<tr>
<td>45</td>
<td>0.2000</td>
<td>110</td>
<td>1.2334</td>
</tr>
</tbody>
</table>
(2) For purposes of TSS reduction calculations, Table 2 below presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in subsection 40-68.6, or found on the Department's website at www.njstormwater.org. The BMP Manual and other sources of technical guidance are listed in subsection 40-68.6. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2 below. Alternative removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the review agency. A copy of any approved alternative rate or method of calculating the removal rate shall be provided to the Department at the following address: Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418, Trenton, New Jersey, 08625-0418.

(3) If more than one BMP in series is necessary to achieve the required eighty percent (80%) TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

\[ R = A + B - \frac{(A \times B)}{100} \]

Where

\[ R \] = total TSS percent load removal from application of both BMPs, and

\[ A \] = the TSS percent removal rate applicable to the first BMP

\[ B \] = the TSS percent removal rate applicable to the second BMP

Table 2: TSS Removal Rates for BMPs

<table>
<thead>
<tr>
<th>Best Management Practice</th>
<th>TSS % Removal Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bioretention Systems</td>
<td>90</td>
</tr>
</tbody>
</table>

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(4) If there is more than one (1) on-site drainage area, the eighty percent (80%) TSS removal rate shall apply to each drainage area, unless the runoff from the subareas converge on site in which case the removal rate can be demonstrated through a calculation using a weighted average.

(5) Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include nonstructural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in subsections 40-68.3.F and 40-68.3.G.

(6) Additional information and examples are contained in the New Jersey Stormwater Best Management Practices Manual, which may be obtained from the address identified in subsection 40-68.6.

(7) In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.

(8) Special water resource protection areas shall be established along all waters designated Category One at N.J.A.C. 7:9B and perennial or intermittent streams that drain into or upstream of the Category One waters as shown on the USGS Quadrangle Maps or in the County Soil Surveys, within the associated HUC14 drainage. These areas shall be established for the protection of water quality, aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, and exceptional fisheries significance of those established Category One waters. These areas shall be designated and protected as follows:
(a) The applicant shall preserve and maintain a special water resource protection area in accordance with one (1) of the following:

[1] A three hundred (300)-foot special water resource protection area shall be provided on each side of the waterway, measured perpendicular to the waterway from the top of the bank outwards or from the centerline of the waterway where the bank is not defined, consisting of existing vegetation or vegetation allowed to follow natural succession is provided.

[2] Encroachment within the designated special water resource protection area under paragraph [1] above shall only be allowed where previous development or disturbance has occurred (for example, active agricultural use, parking area or maintained lawn area). The encroachment shall only be allowed where applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable. In no case shall the remaining special water resource protection area be reduced to less than one hundred fifty (150) feet as measured in accordance with one (1) of the following:

[a] Perpendicular to the top of bank of the waterway, or
[b] From the one hundred (100) year flood line where the bank is undefined, or
[c] From the centerline of the waterway where the bank flood lines are undefined.

[3] All encroachments proposed under paragraph [2] above shall be subject to review and approval by the Department.

(b) All stormwater shall be discharged outside of and flow through the special water resource protection area and shall comply with the Standard For Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey", established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq.

(c) If stormwater discharged outside of and flowing through the special water resource protection area cannot comply with the Standard For Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey", established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., then the stabilization measures in accordance with the requirements of the above standards may be placed within the special water resource protection area, provided that:

[1] Stabilization measures shall not be placed within one hundred fifty (150) feet of the Category One waterway;
Stormwater associated with discharges allowed by this section shall achieve a ninety-five percent (95%) TSS post-construction removal rate;
Temperature shall be addressed to ensure no impact on receiving waterway;
The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable;
A conceptual project design meeting shall be held with the appropriate Department staff and Soil Conservation District staff to identify necessary stabilization measures; and
All encroachments proposed under this section shall be subject to review and approval by the Department.

A stream corridor protection plan may be developed by a regional stormwater management planning committee as an element of a regional stormwater management plan, or by a municipality through an adopted municipal stormwater management plan. If a stream corridor protection plan for a waterway subject to subsection 40-68.3G(8) has been approved by the Department of Environmental Protection, then the provisions of the plan shall be the applicable special water resource protection area requirements for that waterway. A stream corridor protection plan for a waterway subject to subsection 40-68.3G(8) shall maintain or enhance the current functional value and overall condition of the special water resource protection area as defined in subsection 40-68.3G(8)(a)(1) above. In no case shall a stream corridor protection plan allow the reduction of the Special Water Resource Protection Area to less than one hundred fifty (150) feet as measured perpendicular to the waterway subject to this subsection.
This subsection does not apply to the construction of one (1) individual single-family dwelling that is not part of a larger development on a lot receiving preliminary or final subdivision approval on or before February 2, 2004, provided that the construction begins on or before February 2, 2009.

§40-68.4 Calculation of Stormwater Runoff and Groundwater Recharge.

A. Stormwater runoff shall be calculated in accordance with the following:

(1) The design engineer shall calculate runoff using one of the following methods:

(a) The USDA Natural Resources Conservation Service (NRCS) methodology, including the
NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Section 4—Hydrology, and Technical Release 55—Urban Hydrology for Small Watersheds; or

(2) For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the preconstruction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology at Section 40-68.4A.1.a and the Rational and Modified Rational Methods at subsection 40-68.4.A(1)(b). A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five (5) years without interruption prior to the time of application. If more than one (1) land cover has existed on the site during the five (5) years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

(3) In computing preconstruction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce preconstruction stormwater runoff rates and volumes.

(4) In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release—55, Urban Hydrology for Small Watersheds, and other methods may be employed.

(5) If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

B. Groundwater recharge may be calculated in accordance with the following:

Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual at http://www.state.nj.us/dep/njgs/; or at New Jersey Geological Survey, 29 Arctic Parkway, P.O. Box 427, Trenton, New Jersey 08625-0427; (609) 984-6587.

§40-68.5. Standards for Structural Stormwater Management Measures.
A. Standards for structural stormwater management measures are as follows:

1. Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, environmentally critical areas, wetlands; flood-prone areas; slopes, depth to seasonal high water table; soil type, permeability and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone).

2. Structural stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure as appropriate, and shall have parallel bars with one (1) inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third (1/3) the width of the diameter of the orifice or one-third (1/3) the width of the weir, with a minimum spacing between bars of one (1) inch and a maximum spacing between bars of six (6) inches. In addition, the design of trash racks must comply with the requirements of subsection 40-68.7.C.

3. Structural stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement.

4. At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of two and one-half (2 1/2) inches in diameter.

5. Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at subsection 40-68.7.

B. Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual. Other stormwater management measures may be utilized provided the design engineer demonstrates that the proposed measure and its design will
accomplish the required water quantity, groundwater recharge and water quality design and performance standards established by this subchapter.

C. Manufactured treatment devices may be used to meet the requirements of subsection 40-68.1 et seq., provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.


A. Technical guidance for stormwater management measures can be found in the documents listed at 1 and 2 below, which are available from Maps and Publications, Department of Environmental Protection, 428 East State Street, P.O. Box 420, Trenton, New Jersey, 08625; telephone (609) 777-1038.

(1) Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended. Information is provided on stormwater management measures such as: bioretention systems, constructed stormwater wetlands, dry wells, extended detention basins, infiltration structures, manufactured treatment devices, pervious paving, sand filters, vegetative filter strips, and wet ponds.

(2) The New Jersey Department of Environmental Protection Stormwater Management Facilities Maintenance Manual, as amended.

B. Additional technical guidance for stormwater management measures can be obtained from the following:

(1) The “Standards for Soil Erosion and Sediment Control in New Jersey” promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey, 08625 (609) 292-5540;

(2) The Rutgers Cooperative Extension Service (732) 932-9306; and

(3) The Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey, 08625 (609) 292-5540.

§ 40-68.7. Safety Standards for Stormwater Management Basins.
A. This subsection sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This subsection applies to any new stormwater management basin.

B. The provisions of this subsection are not intended to preempt more stringent municipal or County safety requirements for new or existing stormwater management basins.


(1) A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management basin to ensure proper functioning of the basin outlets in accordance with the following:

(a) The trash rack shall have parallel bars, with no greater than six (6) inch spacing between the bars.
(b) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.
(c) The average velocity of flow through a clean trash rack is not to exceed two and one-half (2.5) feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack.
(d) The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of three hundred (300) lbs./ft. sq.
(e) The trash rack shall be secured to the outlet structure but removable for emergencies and maintenance.

(2) An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

(a) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
(b) The overflow grate spacing shall be no less than two (2) inches across the smallest dimension.
(c) The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of three hundred (300) lbs./ft. sq.

(3) For purposes of this subsection, escape provisions means the permanent installation of
ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins. Stormwater management basins shall include escape provisions as follows:

(a) If a stormwater management basin has an outlet structure, escape provisions shall be incorporated in or on the structure. With the prior approval of the reviewing agency identified in subsection 40-68.7.D, a freestanding outlet structure may be exempted from this requirement.

(b) Safety ledges shall be constructed on the slopes of all new stormwater management basins having a permanent pool of water deeper than two and one-half (2 1/2) feet. Such safety ledges shall be comprised of two (2) steps. Each step shall be four (4) to six (6) feet in width. One (1) step shall be located approximately two and one-half (2 1/2) feet below the permanent water surface, and the second step shall be located one (1) to one and one-half (1 1/2) feet above the permanent water surface. See subsection 40-68.7.E for an illustration of safety ledges in a stormwater management basin.

(c) In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than 3 horizontal to 1 vertical.

D. Variance or Exemption from Safety Standards.

(1) A variance or exemption from the safety standards for stormwater management basins may be granted only upon a written finding by the appropriate reviewing agency of the Borough of Tinton Falls, that the variance or exemption will not constitute a threat to public safety.

Illustration of Safety Ledges in a New Stormwater Management Basin
§ 40-68.8. Requirements for a Site Development Stormwater Plan.

A. Submission of Site Development Stormwater Plan.

(1) Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at subsection 40-68.8.C below as part of the submission of the applicant's application for subdivision or site plan approval.

(2) The applicant shall demonstrate that the project meets the standards set forth in this section.

(3) The applicant shall submit eight (8) copies of the materials listed in the checklist for site development stormwater plans in accordance with subsection 40-68.8.C of this section.

B. Site Development Stormwater Plan Approval. The applicant's site development project shall be reviewed as a part of the subdivision or site plan review process by the Municipal Engineer and the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the engineer retained by the Planning and/or Zoning Board (as appropriate) to determine if all the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this section.

C. Checklist Requirements. The following information shall be required:

(1) Topographic Base Map. The reviewing engineer may require upstream tributary drainage...
system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of two hundred (200) feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing two (2) foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category 1 waters, wetlands and floodplains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and man-made features not otherwise shown.

Additionally, a Drainage System Map shall be submitted showing all areas which extend a minimum of two thousand (2,000) feet beyond the limits of the proposed development, at a scale of 1"=200', showing all wetland areas, rivers, and streams, based on Geographic Information System (GIS) data from the New Jersey Department of Environmental Protection (NJ DEP), the New Jersey Geological Survey (NJ GS), or both.

(2) Environmental Site Analysis. A written and graphic description of the natural and man-made features of the site and its environs. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

(3) Project Description and Site Plan(s). A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high ground water elevations. The map(s) shall also show the location of streams and rivers, and each type of wetlands, based on Geographic Information System (GIS) data from the New Jersey Department of Environmental Protection (NJ DEP), the New Jersey Geologic Survey (NJ GS), or both. A written description of the site plan and justification of proposed changes in natural conditions shall also be provided.

(4) Land Use Planning and Source Control Plan. This plan shall provide a demonstration of how the goals and standards of subsections 40-68.2 through 40-68.5 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

(5) Stormwater Management Facilities Map. The following information, illustrated on a map of
the same scale as the topographic base map, shall be included:

(a) Total area to be paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.

(b) Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

(6) Calculations.

(a) Comprehensive hydrologic and hydraulic design calculations for the predevelopment and post-development conditions for the design storms specified in subsection 40-68.3 of this section.

(b) When the proposed stormwater management control measures (e.g. infiltration basins) depends on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.

(7) Maintenance and Repair Plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of subsection 40-68.9.

(8) Waiver from Submission Requirements. The municipal official or board reviewing an application under this section may, in agreement with the Borough Engineer, waive submission of any of the requirements in subsections 40-68.8.C(1) through 40-68.8.C(6) of this section when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

§40-68.9. Maintenance and Repair.

A. Applicability.

(1) Projects subject to review as in subsection 40-68.1C of this section shall comply with the requirements of subsections 40-68.9.B, 40-68.9.C, 40-68.9.D, and 40-68.9.E.

B. General Maintenance.

(1) The design engineer shall prepare a maintenance plan for the stormwater management

(2) The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, and trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

(3) If the person responsible for maintenance identified under subsection 40-68.9.B(2) above is not a public agency, the maintenance plan and any future revisions based on subsection 40-68.9.B(6) below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

(4) Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, and trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.

(5) The person responsible for maintenance identified under subsection 40-68.9.B(2) above shall maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders.

(6) The person responsible for maintenance identified under subsection 40-68.9B(2) above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.

(7) The person responsible for maintenance identified under subsection 40-68.9.B(2) above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by subsections 40-68.9.B(5) and 40-68.9.B(6) above.
(8) The requirements of subsection 40-68.9.B(3) do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency.

(9) In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to affect maintenance and repair of the facility in a manner that is approved by the Municipal Engineer or his designee. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person.

C. Detention Basin Location.

(1) Residential Developments.

(a) Detention basins shall be constructed so as to take advantage of natural features to the greatest extent possible. Maintenance access shall be provided to the basin from either the surrounding right-of-way or from within the site driveway or parking areas. If access is provided from within the site, appropriate easement(s) shall be provided. Basins shall not be screened from view from the developed portions of the site.

(b) Detention basins within single-family residential developments shall be constructed on a lot solely utilized for the purpose of the basin or on a lot dedicated for the purpose of open space. The lot may vary from the bulk requirements of the zone in which it is located; however, a minimum twenty (20) feet of lot frontage on an improved street shall be provided. The lot shall be of sufficient size to contain the basin and all outfall structures entirely within a minimum twenty-five (25) foot distance from the top of the slope to any property line in any direction.

(2) Nonresidential Developments. Detention basins shall be constructed so as to take advantage of natural features to the greatest extent possible. Maintenance access shall be provided to the basin from either the surrounding right-of-way or from within the site driveway or parking areas. If access is provided from within the site, appropriate easement(s) shall be provided. Basins shall not be screened from view from the developed portions of the site.

D. Detention Basin Maintenance Responsibility.

(1) Maintenance Schedule. Where detention basins are to be constructed as shown on the approved subdivision and/or site plan drawings, the applicant's engineer shall provide on the preliminary subdivision or preliminary site plan drawings an anticipated schedule of
maintenance over a twenty (20) year period. This schedule shall include items such as, but not limited to, removal of siltation at an interval of a minimum of once every ten (10) years; annual inspection, cleaning and repairs to inflow and outflow structures; periodic routine maintenance such as grass cutting, maintenance of the low flow channel; and fence repairs and cleaning of trash racks and small outfall orifices. Also included shall be the itemization of any permits from the New Jersey Department of Environmental Protection which will be required to perform the maintenance. In the case of wet detention basins, a cost associated with the lowering or emptying of the basin shall be included. The applicant's engineer shall estimate the present day costs associated with each item of maintenance and submit that to the Board for review by the Borough Engineer.

(2) Detention Basins within Residential Developments.

(a) Multi-Family Homeowners' Associations. Where a detention basin is constructed within a common area of a multi-family residential development, the maintenance of the basin and that of all drainage structures and collection systems outside of rights-of-way dedicated and accepted by the Borough shall be the sole responsibility of the development's homeowners' association. The maintenance of the basins and associated structures shall be clearly identified within the homeowners' association documents submitted to the Attorney for the Board for review and approval.

(b) Single-Family Homeowners' Association. Where a detention basin is constructed within a common area of a single-family residential development, the maintenance of the basin and that of all drainage structures and collection systems outside of rights-of-way dedicated and accepted by the Borough shall be the sole responsibility of the development's homeowners' association. The maintenance of the basins and associated structures shall be clearly identified within the homeowners' association documents submitted to the Attorney for the Board for review and approval.

(c) Single-Family Residential Development without a Homeowners' Association. Where a detention basin is constructed on a separate lot or on a lot on which a single-family residence is also constructed, the developer shall submit a proposal for the continued maintenance of the detention basin. Such proposal shall be submitted to the Attorney for the Approval Authority for review and approval.

(3) Nonresidential Detention Basins. All nonresidential detention basins shall be maintained by the property owner. In the event that the basin also controls stormwater from off-site runoff from Borough-owned property, rights-of-way, and/or easements, the owner of the property may request that the Borough maintain the basin only if a pro-rated cash contribution has been
deposited with the Borough as provided herein.

(4) Request for Waiver. A developer may petition the Borough Council for a waiver from the requirements of establishing an association of homeowners for the purpose of maintaining detention facilities or from requiring any such association, or homeowner(s), for the purpose of such maintenance responsibility. Said petition may propose to the Borough Council a method of maintaining the detention facilities over a period of at least twenty (20) years whereby the developer will either remain responsible for such maintenance fund, acceptable to the Borough Council, for such purpose. After a maintenance fund has been established, the Borough shall maintain those detention facilities which have been funded. Any such fund shall be sufficient to cover costs reasonably anticipated to be incurred by the Borough for the maintenance of such detention facilities. Any such petition for waiver shall be in writing to the Borough Clerk, and any action by the Borough Council on the petition shall be prior to the Board granting or denying final site plan or subdivision approval. The Borough Council shall grant or deny any such request for waiver within forty-five (45) days from the date the Borough Clerk receives the written petition for waiver supported by the developer’s maintenance plan, including estimated costs. Failure on the part of the Borough Council to take action on the request within the forty-five (45) day period shall be deemed a denial of the request unless the developer shall have granted an extension of time in writing.

E. Nothing in this section shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

F. Penalties. Any person who violates any portion or section of this ordinance shall be subject to the penalties as specified herein. (Ord. #05-1144, §I)

§40-68.10. Effective Date.

This section shall take effect after final passage, adoption, and publication by the Mayor and Council of the Borough of Tinton Falls in the manner prescribed by law. (Ord. #05-1144, §I)

§40-68.11. Severability.

If the provisions of any article, section, subsection, paragraph, subdivision, or clause of this section shall be judged invalid by a court of competent jurisdiction, such order of judgment shall
not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, or clause of this section. (Ord. #05-1144, §I)


Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application.

CAFRA CENTERS, CORES OR NODES — Those areas within boundaries accepted by the Department pursuant to N.J.A.C. 7:8E-5B.

CAFRA PLANNING MAP — The geographic depiction of the boundaries for Coastal Planning Areas, CAFRA Centers, CAFRA Cores and CAFRA Nodes pursuant to N.J.A.C. 7:7E-5B.3.

COMPACTION — The increase in soil bulk density.

CORE — A pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

COUNTY REVIEW AGENCY — An agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The County review agency may either be:

- A County planning agency; or
- A County water resource association created under N.J.S.A. 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

DEPARTMENT — The New Jersey Department of Environmental Protection.

DESIGNATED CENTER — A State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

DESIGN ENGINEER — A person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

DEVELOPMENT — The division of a parcel of land into two (2) or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural
lands, “development” means: any activity that requires a State permit; any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A. 4:1C-1 et seq.

DRAINAGE AREA — A geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

EMPOWERMENT NEIGHBORHOOD — A neighborhood designated by the Urban Coordinating Council “in consultation and conjunction with” the New Jersey Redevelopment Authority pursuant to N.J.S.A. 55:19-69.

ENVIRONMENTALLY CONSTRAINED AREA — The following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

ENVIRONMENTALLY CRITICAL AREAS — An area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitat of endangered or threatened species; large areas of contiguous open space or upland forest; steep slopes; and wellhead protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

EROSION — The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

IMPervious SURFACE — A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

INfiltration — The process by which water seeps into the soil from precipitation.

MAJOR DEVELOPMENT — Any development that provides for ultimately disturbing one (1) or more acres of land or increasing impervious surface by one-quarter (1/4) acre or more. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Projects undertaken by any government agency which otherwise meet the definition of “major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. are also considered major development.

MUNICIPALITY — Any city, borough, town, or village.
NODE — An area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

NUTRIENT — A chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

PERSON — Any individual, corporation, company, partnership, firm, association, or political subdivision of this State and any state, interstate or Federal agency.

POLLUTANT — Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended — 42 U.S.C. 2011 et seq.), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. Pollutant includes both hazardous and nonhazardous pollutants.

RECHARGE — The amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

SEDIMENT — Solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

SITE — The lot or lots upon which a major development is to occur or has occurred.

SOIL — All unconsolidated mineral and organic material of any origin.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PA1) — An area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State's future redevelopment and revitalization efforts.

STATE PLAN POLICY MAP — The geographic application of the State Development and Redevelopment Plan's goals and statewide policies, and the official map of these goals and policies.

STORMWATER — Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities.

STORMWATER MANAGEMENT BASIN — An excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

STORMWATER MANAGEMENT MEASURE — Any structural or nonstructural strategy, practice,
technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

STORMWATER RUNOFF — Waterflow on the surface of the ground or in storm sewers, resulting from precipitation.

TIDAL FLOOD HAZARD AREA — A flood hazard area, which may be influenced by stormwater runoff from inland areas, but which is primarily caused by the Atlantic Ocean.

URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD — A neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

URBAN ENTERPRISE ZONES — A zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et seq.

URBAN REDEVELOPMENT AREA — Previously developed portions of areas:

1. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
2. Designated as CAFRA Centers, Cores or Nodes;
3. Designated as Urban Enterprise Zones; and

WATERS OF THE STATE — The ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

WETLANDS or WETLAND — An area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.
<table>
<thead>
<tr>
<th>District</th>
<th>Permitted Principal Uses</th>
<th>Permitted Accessory Uses</th>
<th>Permitted Conditional Uses</th>
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<tbody>
<tr>
<td>RA Residential Agricultural</td>
<td>1. Single-family detached dwellings. &lt;br&gt;2. Public Library, parks, and playgrounds. &lt;br&gt;3. Borough uses, firehouses, and first aid stations. &lt;br&gt;4. Utility services.</td>
<td>1. Fences and walls. &lt;br&gt;2. Patio and decks. &lt;br&gt;3. Barns for the keeping of sheep, cattle, pigs and other livestock. &lt;br&gt;4. One (1) accessory building for household goods and equipment such as a barn, tool shed, storage shed, or garden shed, accessory to a detached single-family dwelling. &lt;br&gt;5. Gazebos, pergolas, greenhouses, atriums, orangeries and such other roofed or open structures. &lt;br&gt;6. One (1) detached garage and associated driveway provided there is no attached garage. &lt;br&gt;7. One (1) swimming pool and hot tub with related decking and coping &lt;br&gt;8. One amateur radio and television transmitting and receiving tower.</td>
<td>1. Agricultural uses and farms &lt;br&gt;2. Cemetery, with or without Mausoleum or Crematory &lt;br&gt;3. Churches and places of religious worship. &lt;br&gt;4. Schools.</td>
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<tr>
<td>District</td>
<td>Permitted Principal Uses</td>
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<td>Permitted Conditional Uses</td>
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</table>
2. Public Library, parks, and playgrounds.  
4. Utility services. | 1. Fences and walls.  
2. Patio and decks.  
3. One (1) detached garage and associated driveway provided there is no attached garage.  
4. One (1) swimming pool and hot tub with related decking and coping.  
5. One (1) accessory building for household goods and equipment such as a tool shed, storage shed, or garden shed, accessory to a detached single-family dwelling.  
6. One amateur radio and television transmitting and receiving tower. | 1. Cemetery, with or without Mausoleum or Crematory  
2. Churches and places of religious worship.  
3. Schools. |
2. Any accessory use permitted in the R-1 Single-Family Residential District.  
3. Any conditional use permitted in the R-1 Single-Family Residential District. | 1. Any accessory use permitted in the R-1 Single-Family Residential District. | 1. Townhouses, duplexes or other plex units.  
2. Garden apartments.  
3. Churches and places of religious worship.  
4. Schools. |
2. Public Library, parks, and playgrounds.  
| AR Age Restricted Housing | 1. Active adult community of single-family detached dwelling units with at least one resident with a minimum age of fifty five (55). | 1. Fences and walls.  
2. Patio and decks.  
3. Club house with meeting rooms, social rooms, indoor and outdoor recreation areas. | 1. Townhouses, duplexes or other plex units. |
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<tr>
<th>District</th>
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<tr>
<td></td>
<td>2. Affordable Housing - Townhouses, duplexes or otherplex units.</td>
<td>2. Health center.</td>
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<td>3. Affordable Housing - Garden apartments.</td>
<td>3. Club house with meeting rooms, social rooms, indoor and outdoor recreation areas.</td>
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<td></td>
<td>4. Affordable Housing - Apartment Buildings.</td>
<td>4. Cafeterias and eating areas.</td>
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<td></td>
<td>5. Fences and walls.</td>
<td>5. Lecture halls, libraries, places of worship, post office, banks, news and entertainment centers, and swimming pools.</td>
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<td>6. Operation and maintenance facilities related to the principal use such as, administrative offices, food and record storage areas, property maintenance facility, radio and satellite dish antennas, non-age-restricted day care center for relatives of employees, security operations, and off-street parking as surface parking or garages.</td>
<td>6. Outdoor recreation facilities such as a putting green, bocce courts, tennis courts, etc.</td>
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<tr>
<td>R-3-I, R-4-I</td>
<td>1. Single-family detached dwellings.</td>
<td>1. Fences and walls.</td>
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<td></td>
<td>2. Public Library, parks, and playgrounds.</td>
<td>2. Patio and decks.</td>
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<td>4. Utility services.</td>
<td>4. One (1) detached garage and associated driveway provided there is no attached garage.</td>
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<td>5. One (1) swimming pool and hot tub with related decking and coping.</td>
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<td></td>
<td>6. Outdoor recreation facilities such as a putting green, bocce courts, tennis courts, etc.</td>
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</tbody>
</table>
| AH Affordable Housing | 1. Single-family detached dwellings.  
  2. Townhouses, duplexes or other plex units.  
  2. Patio and decks.  
  3. Community clubhouse.  
  4. One (1) detached garage and associated driveway provided there is no attached garage.  
  5. One (1) swimming pool and hot tub with related decking and coping.  
  6. Outdoor recreation facilities such as a putting green, bocce courts, tennis courts, etc. | 1. Churches and places of religious worship.  
  2. Schools. |
|----------------------|------------------------------------------------|------------------------------------------------|------------------------------------------------|
| AARZ Active Adult Redevelopment Zone | 1. Active adult community of single-family detached dwelling units with at least one resident with a minimum age of fifty five (55).  
  2. Affordable Housing Units not to exceed 4 dwelling units per structure. | 1. Fences and walls.  
  2. Patio and decks.  
  3. Club house with meeting rooms, social rooms, indoor and outdoor recreation areas. |
## SCHEDULE A - District Use Regulations - Non-Residential Uses

<table>
<thead>
<tr>
<th>District</th>
<th>Permitted Principal Use</th>
<th>Permitted Accessory Uses</th>
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</thead>
</table>
| NC Neighborhood Commercial   | 1. Retail sales (excluding drive-thru service) such as, consumables, apparel, hardware, lawn & patio equipment, appliances, household goods, and confections   | 1. Off-street parking and loading areas.  
2. Fences and walls.                                                  | 1. Automobile fueling stations.  
2. Automobile repair shops.  
3. Automobile car wash.  
4. Automobile oil change and lubrication shops.  
5. Second floor residential units on floors above office or retail uses.  
6. Churches and places of religious worship.  
7. Schools.                                                            |
<p>|                              | 2. Retail services such as, repair of appliances and shoes, cleaners, tailors, barbershops, and beauty salons. |                                                          |                                                       |
|                              | 3. Offices such as professional, medical, veterinary and financial services.                |                                                          |                                                       |
|                              | 4. Restaurants (excluding drive-thru service) and taverns.                                  |                                                          |                                                       |
|                              | 5. Fitness centers, training and instructional classes, and instructional centers such as dance and rehearsal studios. |                                                          |                                                       |
|                              | 6. Delicatessens and specialty food/drink facilities such as, ice cream, bagels, bakery, pizza, ices, and sodas (excluding drive-thru service). |                                                          |                                                       |
|                              | 7. Public Library, parks, and playgrounds.                                                 |                                                          |                                                       |
|                              | 9. Utility services.                                                                      |                                                          |                                                       |
|                              | 10. Child Care Centers                                                                     |                                                          |                                                       |</p>
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</table>
| HCC Highway/Community Commercial | 1. Retail sales such as consumables, apparel, hardware, lawn & patio equipment, appliances, household goods, and confections.  
2. Retail services such as, repair of appliances and shoes, cleaners, tailors, barbershops, and beauty salons.  
3. Delicatessens and specialty food/drink facilities such as, ice cream, bagels, bakery, pizza, ices, and sodas (including drive-thru service).  
4. Shopping centers  
5. Pharmacies (including drive-thru service)  
6. Banks (including drive-thru service)  
7. Offices such as professional, medical, veterinary and financial services.  
8. Office Parks  
9. Research facilities  
10. Hospitals  
11. Mortuary  
12. Theaters, bowling alleys, gymnasiums, weight rooms, fitness centers, training and instructional classes, and instructional centers such as dance and rehearsal studios.  
13. Restaurants (including drive-thru service) and taverns.  
14. Public Library, parks, and playgrounds.  
15. Borough uses, firehouses, and first aid stations.  
16. Utility services.  
17. Child Care Centers | 1. Off-street parking and loading areas.  
2. Fences and walls.  
2. Automobile Repair shops  
3. Automobile car wash.  
4. Automobile oil change and lubrication shops.  
5. Car and truck dealers.  
6. Swim clubs, tennis clubs  
7. Golf driving range, miniature golf and par-3 golf course  
8. Churches and places of religious worship.  
9. Schools. |
<table>
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<tbody>
<tr>
<td>IOP</td>
<td>1. Offices such as professional, medical, veterinary and financial services.</td>
<td>1. Off-street parking and loading areas.</td>
<td>1. Hotels</td>
</tr>
<tr>
<td></td>
<td>2. Office parks.</td>
<td>2. Supply and equipment storage within accessory structures</td>
<td>2. Swim clubs and tennis clubs</td>
</tr>
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<td></td>
<td>3. Research facilities.</td>
<td>3. Cafeterias and eating areas accessory to permitted use facilities.</td>
<td>3. Golf driving range, miniature golf and par-3 golf course.</td>
</tr>
<tr>
<td></td>
<td>4. Hospitals.</td>
<td>4. Fences and walls.</td>
<td>4. Wireless telecommunications equipment utilizing new monopoles subject to the conditional use standards of the Wireless telecommunications equipment chapter.</td>
</tr>
<tr>
<td></td>
<td>5. Veterinary hospitals without outside kennels or runs.</td>
<td>5. Parking garages.</td>
<td>5. Churches and places of religious worship.</td>
</tr>
<tr>
<td></td>
<td>6. Light industrial facilities such as warehousing, shipping and receiving, fabrication and assembly operations within an enclosed building.</td>
<td>6. Wireless telecommunications equipment wholly installed within existing structures and utilizing fully screened antennas installed on top of or exterior to existing structures.</td>
<td>6. Schools.</td>
</tr>
<tr>
<td></td>
<td>7. Landscaping/ construction contractors and landscaping/ construction contractor storage yards.</td>
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<tr>
<td></td>
<td>8. Theaters, bowling alleys, gymnasiums, weight rooms, fitness centers, training and instructional classes, and instructional centers such as dance and rehearsal studios permitted only as indoor facilities.</td>
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<td></td>
<td>10. Public Library, parks, and playgrounds.</td>
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<td>12. Utility services.</td>
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<td>13. Child Care Centers</td>
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</tbody>
</table>
| MFG      | 1. Offices such as professional, medical, veterinary and financial services.  
| Manufacturing | 2. Research facilities.  
| | 3. Light industrial facilities such as warehousing, shipping and receiving, fabrication and assembly operations within an enclosed building.  
| | 4. Landscaping/ construction contractors and landscaping/ construction contractor storage yards  
| | 5. Hospitals.  
| | 6. Veterinary hospitals without outside kennels  
| | 7. Manufacturing within an enclosed building.  
| | 8. Flex space buildings of a light industrial type.  
| | 9. Public Library, parks, and playgrounds.  
| | 11. Utility services.  
| | 12. Child Care Centers  
| | 1. Off-street parking and loading areas.  
| | 2. Supply and equipment storage within accessory structures.  
| | 3. Cafeterias and eating areas accessory to permitted use facilities.  
| | 4. Fences and walls.  
| | 5. Wireless telecommunications equipment wholly installed within existing structures and utilizing fully screened antennas installed on top of or exterior to existing structures  
| | 6. Churches and places of religious worship.  
| | 7. Schools.  
| | 8. Commercial radio towers  
| | 9. Wireless telecommunications equipment utilizing new monopoles subject to the conditional use standards of the Wireless telecommunications equipment chapter.  
| | 11. Utility services.  
| | 12. Child Care Centers  

A 8
<table>
<thead>
<tr>
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<th>Permitted Accessory Uses</th>
<th>Permitted Conditional Uses</th>
</tr>
</thead>
</table>
| MFG 2  
Manufacturing 2     | 1. Offices such as professional, medical, veterinary and financial services.             | 1. Off-street parking and loading areas.                                                   | 1. Commercial radio towers.                                                               |
|                          | 2. Research facilities.                                                                  | 2. Supply and equipment storage within accessory structures.                              | 2. Wireless telecommunications equipment utilizing new monopoles subject to the conditional use standards of the Wireless telecommunications equipment chapter. |
|                          | 3. Light industrial facilities such as warehousing, shipping and receiving, fabrication and assembly operations within an enclosed building. | 3. Cafeterias and eating areas accessory to permitted use facilities.                      | 5. Resource Recycling Facilities.                                                          |
|                          | 5. Manufacturing within an enclosed building.                                             | 6. Churches and places of religious worship.                                              | 7. Schools.                                                                              |
|                          | 6. Concrete Manufacturing Plants                                                          |                                                                                           |                                                                                           |
|                          | 7. Asphalt Manufacturing Plants                                                           |                                                                                           |                                                                                           |
|                          | 8. Waste Transfer Stations                                                                |                                                                                           |                                                                                           |
|                          | 10. Public Library, parks, and playgrounds                                                |                                                                                           |                                                                                           |
|                          | 12. Utility services                                                                      |                                                                                           |                                                                                           |
|                          | 13. Child Care Centers                                                                    |                                                                                           |                                                                                           |
| RET - Large Scale Planned Retail Overlay Zone (Requires certain requirements be met prior to application per 40-36 J) | 1. Regional Shopping Center                                                               | 1. Churches and places of religious worship.                                              |
|                          | 2. Public Library, parks, and playgrounds                                                 | 2. Schools.                                                                              |                                                                                           |
|                          | 4. Utility services                                                                       |                                                                                           |                                                                                           |
|                          | 5. Child Care Centers                                                                     |                                                                                           |                                                                                           |
|                          | 2. Borough and Government uses.                                                           | 2. Schools.                                                                              |                                                                                           |
| Route 66 Redevelopment Area | Pursuant to the district use standards of the Route 66 Redevelopment Plan                  |                                                                                           |                                                                                           |
Schedule B
<table>
<thead>
<tr>
<th>District</th>
<th>Minimum Lot Requirements</th>
<th>Minimum Yard Requirements</th>
<th>Maximum Building Height</th>
<th>Maximum Floor Area Ratio (FAR)</th>
<th>Maximum Density - Dwelling Units Per Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Lot Area (sq. ft.)</td>
<td>Width (ft.)</td>
<td>Depth (ft.)</td>
<td>Front (ft.)</td>
<td>Side</td>
</tr>
<tr>
<td>RA</td>
<td>RESIDENTIAL AGRICULTURAL</td>
<td>Detached Single-Family Residential</td>
<td>80,000</td>
<td>150</td>
<td>150</td>
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<tr>
<td></td>
<td></td>
<td>Detached single-family residential (standard subdivision)</td>
<td>60,000 (w/septic) &amp; 40,000 (sewer &amp; water service required)</td>
<td>150</td>
<td>150</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Detached single-family residential (lot size averaging/cluster)</td>
<td>60,000 (w/septic) &amp; 30,000 (sewer &amp; water service required)</td>
<td>120</td>
<td>150</td>
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<tr>
<td>R-1</td>
<td>SINGLE-FAMILY RESIDENTIAL</td>
<td>Detached single-family residential (standard subdivision)</td>
<td>60,000 (w/septic) &amp; 30,000 (sewer &amp; water service required)</td>
<td>120</td>
<td>150</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Detached single-family residential (lot size averaging/cluster) - Permitted only when both sanitary sewer and a central source of potable water are provided</td>
<td>20,000 (sewer &amp; water service required)</td>
<td>100</td>
<td>150</td>
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<tr>
<td>District</td>
<td>Minimum Lot Requirements</td>
<td>Minimum Yard Requirements</td>
<td>Maximum Building Height</td>
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<td></td>
<td>Lot Area (sq. ft.)</td>
<td>Width (ft.)</td>
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<td>Front (ft.)</td>
<td>Side Each (ft.)</td>
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<tr>
<td>R-3 RESIDENTIAL</td>
<td>11,500</td>
<td>90</td>
<td>125</td>
<td>45</td>
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<tr>
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<tr>
<td>R-4 RESIDENTIAL</td>
<td>8,000</td>
<td>75</td>
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<tr>
<td>AR AGE RESTRICTED HOUSING</td>
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<td>75</td>
<td>100</td>
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<td>Detached Single-Family Residential</td>
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<tr>
<td>CCRC/AH CONTINUING CARE RETIREMENT COMMUNITY WITH AFFORDABLE HOUSING</td>
<td>100 acres (entire Tract)</td>
<td>-</td>
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<tr>
<td>25 acres (each phase)</td>
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<tr>
<td>CCRC</td>
<td>10 acres</td>
<td>250</td>
<td>250</td>
<td>15</td>
<td>15</td>
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<tr>
<td>Apartments</td>
<td>30 acres</td>
<td>-</td>
<td>-</td>
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<tr>
<td>AH AFFORDABLE HOUSING (INCLUDING AGE RESTRICTED)</td>
<td>30 acres</td>
<td>-</td>
<td>-</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Apartments/ Townhomes</td>
<td>Tract</td>
<td>-</td>
<td>-</td>
<td>50</td>
<td>50</td>
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<tr>
<td>Individual buildings</td>
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<td>25</td>
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<tr>
<td>R-3-1 RESIDENTIAL INCLUSIONARY</td>
<td>50 acres</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Note: Subject to COAH Mediation and Tinton Falls Third Round Affordable Housing and Fair Share Plan</td>
<td></td>
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<td>District</td>
<td>Minimum Lot Requirements</td>
<td>Minimum Yard Requirements</td>
<td>Maximum Building Height</td>
<td>Maximum Floor Area Ratio (FAR)</td>
<td>Maximum Density - Dwelling Units Per Acre</td>
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<td></td>
<td>Lot Area (sq. ft.)</td>
<td>Width (ft.)</td>
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<td>Side</td>
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</tr>
<tr>
<td>R-4-I RESIDENTIAL INCLUSIONARY</td>
<td>8,00012</td>
<td>75</td>
<td>100</td>
<td>45</td>
<td>10</td>
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<tr>
<td>Detached single-family dwellings</td>
<td>6,000</td>
<td>50 per unit</td>
<td>100</td>
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<tr>
<td>Townhomes</td>
<td>2 acres &amp; 4,000 per unit</td>
<td>250 per unit</td>
<td>200</td>
<td>60</td>
<td>75</td>
</tr>
<tr>
<td>Apartments</td>
<td>2 acres &amp; 4,000 per unit</td>
<td>250 per unit</td>
<td>200</td>
<td>60</td>
<td>75</td>
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<tr>
<td>AARZ ACTIVE ADULT REDEVELOPMENT</td>
<td>5,000</td>
<td>50 per unit</td>
<td>100</td>
<td>25</td>
<td>6</td>
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<tr>
<td>Detached single-family dwellings</td>
<td>20,000</td>
<td>60</td>
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<tr>
<td>Townhomes (Affordable Units Only)</td>
<td>20,000</td>
<td>60</td>
<td>100</td>
<td>75</td>
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</tr>
</tbody>
</table>

1 Regardless of zone or district, if central water and sewer service are not available, the minimum lot size shall be 60,000 square feet.
2 Existing developed single family lots and isolated undersized lots shall be grandfathered as conforming lots as to lot size after the effective date of this ordinance July 2008. No new lots shall be created by subdivision except by the lot size standards enumerated in the chart above.
## SCHEDULE B - District Bulk Regulations - Non-Residential Uses

<table>
<thead>
<tr>
<th>District</th>
<th>Minimum Lot Requirements</th>
<th>Minimum Yard Requirements</th>
<th>Maximum Building Height</th>
<th>Maximum Floor Area Ratio (FAR)</th>
<th>Maximum Density - Dwelling Units Per Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Lot Area (sq. ft.)</td>
<td>Width (ft.)</td>
<td>Depth (ft.)</td>
<td>Front (ft.)</td>
<td>Side</td>
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<tr>
<td><strong>NC NEIGHBORHOOD COMMERCIAL</strong></td>
<td></td>
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<tr>
<td>All principal permitted uses</td>
<td>12,000</td>
<td>100</td>
<td>120</td>
<td>25</td>
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<tr>
<td><strong>HCC HIGHWAY COMMUNITY COMMERCIAL</strong></td>
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<tr>
<td>Retail Sales, Retail Services, Specialty Food, Offices</td>
<td>20,000</td>
<td>100</td>
<td>120</td>
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<tr>
<td>Shopping Centers</td>
<td></td>
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<td></td>
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<tr>
<td>5 acres (max. 15 acres)</td>
<td>300</td>
<td>300</td>
<td>80</td>
<td>80</td>
<td>80</td>
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<tr>
<td>Pharmacies, Banks, Restaurants</td>
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<td></td>
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</tr>
<tr>
<td>1 acre</td>
<td>100</td>
<td>120</td>
<td>25</td>
<td>10</td>
<td>40</td>
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<tr>
<td>Office Parks, Research Facilities</td>
<td>3 acres</td>
<td>200</td>
<td>300</td>
<td>80</td>
<td>50</td>
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<tr>
<td>Hospitals, mortuary</td>
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<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>4 acres</td>
<td>150</td>
<td>250</td>
<td>80</td>
<td>50</td>
<td>80</td>
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<tr>
<td>Theaters, bowling alleys, gymnasiums, weight rooms, fitness centers, training and instructional uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 acres</td>
<td>200</td>
<td>200</td>
<td>80</td>
<td>60</td>
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<tr>
<td>Public Uses, Borough uses, Utility</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child Care Centers</td>
<td>12,000</td>
<td>100</td>
<td>120</td>
<td>25</td>
<td>10</td>
</tr>
<tr>
<td>All Other Uses</td>
<td>20,000</td>
<td>100</td>
<td>120</td>
<td>50</td>
<td>10</td>
</tr>
<tr>
<td>District</td>
<td>Minimum Lot Requirements</td>
<td>Minimum Yard Requirements</td>
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<td></td>
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<td>Width (ft.)</td>
<td>Depth (ft.)</td>
<td>Front (ft.)</td>
<td>Side Each (ft.)</td>
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<tr>
<td>IOP INDUSTRIAL OFFICE PARK</td>
<td></td>
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<tr>
<td>Offices</td>
<td>20,000</td>
<td>100</td>
<td>120</td>
<td>50</td>
<td>10</td>
</tr>
<tr>
<td>Office Parks, Research Facilities</td>
<td>3 acres</td>
<td>200</td>
<td>300</td>
<td>80</td>
<td>50</td>
</tr>
<tr>
<td>Hospitals, Veterinary Hospital</td>
<td>4 acres</td>
<td>150</td>
<td>250</td>
<td>80</td>
<td>50</td>
</tr>
<tr>
<td>Landscaping / Construction Contractors and Landscaping / Construction Yards</td>
<td>2 acres</td>
<td>225</td>
<td>225</td>
<td>70 but not less than 3x bldg. ht.</td>
<td>30 but not less than 2x bldg. ht.</td>
</tr>
<tr>
<td>Light Industrial Facilities, Flex Space buildings</td>
<td>2 acres</td>
<td>225</td>
<td>225</td>
<td>70 but not less than 3x bldg. ht.</td>
<td>30 but not less than 2x bldg. ht.</td>
</tr>
<tr>
<td>Theaters, bowling alleys, gymnasiums, weight rooms, fitness centers, training and instructional uses</td>
<td>2 acres</td>
<td>200</td>
<td>200</td>
<td>80</td>
<td>60</td>
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<td>Public Uses, Borough uses, Utility</td>
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<tr>
<td>Child Care Centers</td>
<td>12,000</td>
<td>100</td>
<td>120</td>
<td>25</td>
<td>10</td>
</tr>
<tr>
<td>All Other Uses</td>
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<td>120</td>
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<td>10</td>
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<tr>
<td>District</td>
<td>Minimum Lot Requirements</td>
<td>Minimum Yard Requirements</td>
<td>Maximum Building Height</td>
<td>Maximum Density - Dwelling Units Per Acre</td>
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<td></td>
<td>Lot Area (sq. ft.)</td>
<td>Width (ft.)</td>
<td>Depth (ft.)</td>
<td>Front (ft.)</td>
<td>Side</td>
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<td><strong>MFG MANUFACTURING</strong></td>
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<tr>
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<td>100</td>
<td>120</td>
<td>50</td>
<td>10</td>
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<tr>
<td>Research Facilities</td>
<td>3 acres</td>
<td>200</td>
<td>300</td>
<td>80</td>
<td>50</td>
</tr>
<tr>
<td>Landscaping / Construction</td>
<td>2 acres</td>
<td>225</td>
<td>225</td>
<td>70 but not less than 3x bldg. ht.</td>
<td>30 but not less than 2x bldg. ht.</td>
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<td>Contractors and Landscaping</td>
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<td>Construction Yards</td>
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<tr>
<td>Light Industrial Facilities, Flex</td>
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<td>225</td>
<td>225</td>
<td>70 but not less than 3x bldg. ht.</td>
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<tr>
<td>Space buildings</td>
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<tr>
<td>Hospitals, Veterinary Hospital</td>
<td>4 acres</td>
<td>150</td>
<td>250</td>
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<td>50</td>
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<tr>
<td>Manufacturing only within</td>
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<td>250</td>
<td>75 but not less than 3x bldg. ht.</td>
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<tr>
<td>an enclosed building</td>
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<td>Child Care Centers</td>
<td>12,000</td>
<td>100</td>
<td>120</td>
<td>25</td>
<td>10</td>
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<tr>
<td>All Other Uses</td>
<td>20,000</td>
<td>100</td>
<td>120</td>
<td>50</td>
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<td>District</td>
<td>Minimum Lot Requirements</td>
<td>Minimum Yard Requirements</td>
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<td></td>
<td>Lot Area (sq. ft.)</td>
<td>Width (ft.)</td>
<td>Depth (ft.)</td>
<td>Front (ft.)</td>
<td>Side</td>
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<td>MPG 2 Manufacturing 2</td>
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</tr>
<tr>
<td>Offices</td>
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<td>100</td>
<td>120</td>
<td>50</td>
<td>10</td>
</tr>
<tr>
<td>Research Facilities</td>
<td>3 acres</td>
<td>200</td>
<td>300</td>
<td>80</td>
<td>50</td>
</tr>
<tr>
<td>Landscaping / Construction Contractors and Landscaping / Construction Yards</td>
<td>2 acres</td>
<td>225</td>
<td>225</td>
<td>70 but not less than 3x bldg. ht.</td>
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<td>Light Industrial Facilities, Flex Space buildings</td>
<td>2 acres</td>
<td>225</td>
<td>225</td>
<td>70 but not less than 3x bldg. ht.</td>
<td>30 but not less than 2x bldg. ht.</td>
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<td>Manufacturing only within an enclosed building</td>
<td>2 acres</td>
<td>250</td>
<td>250</td>
<td>75 but not less than 3x bldg. ht.</td>
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<tr>
<td>Concrete Manufacturing Plants, Asphalt Manufacturing Plants and Waste Transfer Stations</td>
<td>10 Acres</td>
<td>300</td>
<td>300</td>
<td>100</td>
<td>100</td>
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<tr>
<td>Public Uses, Borough uses, Utility</td>
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<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Child Care Centers</td>
<td>12,000</td>
<td>100</td>
<td>120</td>
<td>25</td>
<td>10</td>
</tr>
<tr>
<td>All Other Uses</td>
<td>20,000</td>
<td>100</td>
<td>120</td>
<td>50</td>
<td>10</td>
</tr>
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<tr>
<td></td>
<td>Lot Area (sq. ft.)</td>
<td>Width (ft.)</td>
<td>Depth (ft.)</td>
<td>Front (ft.)</td>
<td>Rear (ft.)</td>
</tr>
<tr>
<td>RET LARGE SCALE PLANNED RETAIL OVERLAY</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Regional Shopping Center</td>
<td>25 acres</td>
<td>300</td>
<td>300</td>
<td>80</td>
<td>80</td>
</tr>
<tr>
<td>Public Uses, Borough uses, Utility</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Child Care Centers</td>
<td>12,000</td>
<td>100</td>
<td>120</td>
<td>25</td>
<td>10</td>
</tr>
<tr>
<td>All Other Uses</td>
<td>20,000</td>
<td>100</td>
<td>120</td>
<td>50</td>
<td>10</td>
</tr>
<tr>
<td>OS/GU OPEN SPACE GOVERNMENT USE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Uses, Borough uses, Utility</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>ROUTE 66 REDEVELOPMENT AREA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Schedule C
TINTON FALLS PLANNING BOARD
DEVELOPMENT APPLICATION

DEVELOPMENT NAME__________________________________________________________________________

ADDRESS OF SUBJECT PROPERTY_____________________________________________________________________________________________________

BLOCK __________________ LOT(S) _______________________________

MINOR SUBDIVISION ___ MAJOR SUBDIVISION ___ PRELIMINARY ___ FINAL ___

MINOR SITE PLAN ___ MAJOR SITE PLAN ___ PRELIMINARY ___ FINAL ___

GENERAL DEVELOPMENT PLAN ___ CONCEPT REVIEW ___

NAME OF APPLICANT ____________________________________________________________

ADDRESS __________________________________________ TOWN/ ZIP ____________________

PHONE __________________ FAX __________________

E-MAIL ADDRESS _______________________________________________________________

SIGNATURE OF APPLICANT OR AGENT _________________________________________________

PRINT NAME/ TITLE ________________________________________________________________

PERSON PREPARING PLAN(S)

NAME ____________________________________________________________

ADDRESS __________________________________________ TOWN/ ZIP ____________________

PHONE __________________ FAX __________________

E-MAIL ADDRESS _______________________________________________________________

SIGNATURE ____________________________________________________________________________

STATEMENT OF LANDOWNER WHERE APPLICANT IS NOT LANDOWNER

I, ____________________________, OWNER OF BLOCK _______ LOT(S) ________ HEREBY

ACKNOWLEDGE THAT THE APPLICATION OF _____________________________________________

IS MADE WITH MY COMPLETE UNDERSTANDING AND PERMISSION.

NAME ____________________________ ADDRESS ____________________________

TOWN __________________ ZIP ______ PHONE ____________________________

SIGNATURE OF LANDOWNER __________________________________________________________

(SIGNATURE TO BE NOTARIZED)
### Residential

- Total Acreage of Zone Residential __________
- # of Dwelling Units __________
- Acreage Proposed to Be Dedicated to Borough __________

### Non-Residential

- Gross Floor Area _______ sf.
- Total Tract Acreage _______ ac. = ______ FAR

### Proposed Development

<table>
<thead>
<tr>
<th>Zone District</th>
<th>Total Area of Tract</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is there any open space to be dedicated to the Borough?</td>
<td>Yes _____ No _____</td>
</tr>
<tr>
<td>Road Widening Required or Proposed?</td>
<td>Yes _____ No _____</td>
</tr>
<tr>
<td>Existing Covenants/Deed Restrictions on Property?</td>
<td>Yes _____ No _____</td>
</tr>
<tr>
<td>Proposed Covenants/Deed Restrictions on Property?</td>
<td>Yes _____ No _____</td>
</tr>
<tr>
<td>Stormwater Management Plan Submitted?</td>
<td>Yes _____ No _____</td>
</tr>
<tr>
<td>Soil Erosion Plan Attached?</td>
<td>Yes _____ No _____</td>
</tr>
<tr>
<td>Is affordable housing component proposed?</td>
<td>Yes _____ No _____</td>
</tr>
<tr>
<td>Have applications been made to the state of New Jersey for: (If Yes, attach response)</td>
<td></td>
</tr>
</tbody>
</table>
  - Letter of Interpretation for Wetlands | Yes _____ No _____ |
  - Stream Encroachment | Yes _____ No _____ |
  - Highway Access | Yes _____ No _____ |
  - Other ____________________________ | Yes _____ No _____ |

### Requirements

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Required</th>
<th>Proposed</th>
<th>Variance Required?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Area</td>
<td>sf</td>
<td>sf</td>
<td>[ ]</td>
</tr>
<tr>
<td>Min. Lot Width</td>
<td>ft</td>
<td>ft</td>
<td>[ ]</td>
</tr>
<tr>
<td>Min. Lot Depth</td>
<td>ft</td>
<td>ft</td>
<td>[ ]</td>
</tr>
<tr>
<td>Min. Front Yard</td>
<td>ft</td>
<td>ft</td>
<td>[ ]</td>
</tr>
<tr>
<td>Min. Side Yard</td>
<td>ft</td>
<td>ft</td>
<td>[ ]</td>
</tr>
<tr>
<td>Min. Rear Yard</td>
<td>ft</td>
<td>ft</td>
<td>[ ]</td>
</tr>
<tr>
<td>Max. Bldg. Height</td>
<td>ft</td>
<td>ft</td>
<td>[ ]</td>
</tr>
<tr>
<td>Max. Bldg. Coverage</td>
<td>%</td>
<td>%</td>
<td>[ ]</td>
</tr>
<tr>
<td>Max. Pavement Coverage</td>
<td>%</td>
<td>%</td>
<td>[ ]</td>
</tr>
<tr>
<td>Total Lot Coverage</td>
<td>%</td>
<td>%</td>
<td>[ ]</td>
</tr>
<tr>
<td>Min. Open Space Required</td>
<td>%</td>
<td>%</td>
<td>[ ]</td>
</tr>
<tr>
<td>Min. Off Street Parking</td>
<td></td>
<td></td>
<td>[ ]</td>
</tr>
<tr>
<td>Max. Floor Area Ratio*</td>
<td></td>
<td></td>
<td>[ ]</td>
</tr>
<tr>
<td>Min. Off Street Loading*</td>
<td></td>
<td></td>
<td>[ ]</td>
</tr>
</tbody>
</table>

*If Required*
APPLICATION OF APPEAL TO
ZONING BOARD OF ADJUSTMENT

NAME OF APPLICANT ____________________________________________________________

ADDRESS ___________________________ TOWN ________________________________

ZIP _____ PHONE (HOME) ____________________ (CELL) _________________________

ADDRESS OF SUBJECT PROPERTY _________________________________________________
(Located approximately ___ feet from intersection of ___________________ & ___________________

BLOCK ___________ LOT(S) ____________ ZONE DISTRICT __________________

FOR OFFICE USE ONLY

APPLICATION # __________________ DATE SUBMITTED __________________

RECEIVED BY __________________ COMPLETE ___________ INCOMPLETE ___________ RESUBMITTED ___________

HEARING DATE ___________________ DECISION _____________________________

DECISION DATE _______________ RESOLUTION _____________________________

APPEAL ___________ INTERPRETATION ___________ BULK VARIANCE ___________

USE VARIANCE ___________ SITE PLAN APPROVAL ___________ OTHER ____________

The required submission for all applications is fifteen (15) copies of completed application
from together with any supporting information and fifteen (15) copies of survey or plan.

TAKE NOTE: If the Board determines that it may require a review of this application by one
or more of it’s professional staff, I agree to pay the cost of such a review upon notification
of professional fee. I understand that the professional fees are in addition to any
application fees submitted.

If the application is for a USE VARIANCE and the applicant is requesting a waiver of site plan or is
bifurcating the application, kindly indicate the request in writing under separate cover.

____________________________________________________
SIGNATURE OF APPLICANT OR AGENT

____________________________________________________
PRINT NAME/TITLE

____________________________________________________
DATE
LOT DIMENSIONS - EXISTING
FRONTAGE __________________
DEPTH __________________
AREA ______________________

LOT DIMENSIONS - REQUIRED
FRONTAGE __________________
DEPTH __________________
AREA ______________________

LOCATION OF BUILDING OR STRUCTURE PROPOSED
MINIMUM DISTANCE TO:   ZONING REQUIREMENTS
FRONT LOT LINE __________________ FRONT LOT LINE __________________
SIDE LOT LINES ___________________ SIDE LOT LINES ___________________
REAR LOT LINE ___________________ REAR LOT LINE ___________________

SIZE OF EXISTING BUILDING ON PROPERTY
WIDTH _______________ DEPTH _______________ HEIGHT _______________
SQUARE FOOTAGE OF EXISTING BUILDING _______________________________ Sq. Ft.
SQUARE FOOTAGE OF PROPOSED BUILDING _______________________________ Sq. Ft.
TOTAL SQUARE FOOTAGE AFTER CONSTRUCTION _______________________________ Sq. Ft.

BUILDING COVERAGE
PERMITTED ________________ %
EXISTING ________________ %
PROPOSED ________________ %

LOT COVERAGE
PERMITTED ________________ %
EXISTING ________________ %
PROPOSED ________________ %

EXISTING USE OF PROPERTY ____________________________________________
PROPOSED USE OF PROPERTY ____________________________________________

IS PROPERTY FENCED?  YES _____ NO _____ TYPE __________________________
LOCATION OF FENCE ____________________________________________________
DISTANCE TO NEAREST FIRE HYDRANT ________________________________ Ft.
INDICATE THE DISTANCE FROM YOUR PROPERTY LINE TO THE NEAREST DWELLING/BUILDING:

NORTH ___________ SOUTH ___________ EAST ___________ WEST ___________

INDICATE IF THERE IS ANY TREES, SHRUBS OR OTHER PLANTINGS ON YOUR LOT AT THE PROPERTY LINES:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>NORTH</td>
<td>___</td>
<td>___</td>
</tr>
<tr>
<td>SOUTH</td>
<td>___</td>
<td>___</td>
</tr>
<tr>
<td>EAST</td>
<td>___</td>
<td>___</td>
</tr>
<tr>
<td>WEST</td>
<td>___</td>
<td>___</td>
</tr>
</tbody>
</table>

ARE TAXES PAID THROUGH DATE? _____ _____

IS THE APPLICATION FOR A NEW BUILDING/UNDEVELOPED LOT? _____ _____

IS THE APPLICATION FOR ADDITIONAL BUILDINGS OR IMPROVEMENTS TO A LOT WITH EXISTING BUILDINGS, STRUCTURES OR IMPROVEMENTS? _____ _____

ARE THERE DEED RESTRICTIONS, COVENANTS OR EASEMENTS AFFECTING THIS PROPERTY? _____ _____

HAS THERE BEEN A PREVIOUS APPLICATION FOR VARIANCE RELIEF ON THIS PROPERTY? _____ _____

IF YES, STATE DISPOSITION: APPROVED _____ DENIED _____

IS THERE A PREVIOUSLY APPROVED SITE PLAN FOR THIS PROPERTY? (If Yes, Attach Resolution) _____ _____

DOES APPLICANT HAVE INTEREST IN ANY LANDS WITHIN 1000 YARDS OF THIS PROPERTY? _____ _____

ARE THESE LOTS CONTIGUOUS? _____ IF YES, PLEASE EXPLAIN:
THE PROPOSED BUILDING, STRUCTURE, IMPROVEMENT OR USE THEREOF IS CONTRARY TO SECTION _______________ OF THE DEVELOPMENT REGULATIONS OF THE BOROUGH OF TINTON FALLS IN THE FOLLOWING PARTICULARS:

_______________________________________________________________________

_______________________________________________________________________

_______________________________________________________________________

_______________________________________________________________________

_______________________________________________________________________

_______________________________________________________________________

THE REASONS FOR THIS REQUEST AND THE GROUNDS URGED FOR THE RELIEF REQUESTED ARE AS FOLLOWS:

_______________________________________________________________________

_______________________________________________________________________

_______________________________________________________________________

_______________________________________________________________________

_______________________________________________________________________

_______________________________________________________________________

I HEREBY CERTIFY THAT THE ABOVE STATEMENTS MADE BY ME AND THE INFORMATION CONTAINED IN THE PAPERS SUBMITTED IN CONNECTION WITH THIS APPLICATION ARE TRUE. I AM AWARE THAT IF ANY OF THE FOREGOING STATEMENTS ARE WILLFULLY FALSE, I AM SUBJECT TO PUNISHMENT:

________________________________________
SIGNATURE OF APPLICANT

_______________________________
DATE

STATEMENT OF LANDOWNER WHERE APPLICANT IS NOT LANDOWNER

I, _______________________________ THE OWNER OF BLOCK ______ LOT(S) _________ HEREBY ACKNOWLEDGE THAT THE APPLICATION OF ____________________________________________ IS MADE WITH MY COMPLETE UNDERSTANDING AND PERMISSION.

NAME ______________________________ ADDRESS ________________________________________

TOWN _______________________ ZIP___________ PHONE _________________________________

SIGNATURE OF LANDOWNER ___________________________________________________________

(SIGNATURE TO BE NOTARIZED)
OWNERSHIP DISCLOSURE AFFIDAVIT

Complete the Following Information and Check the Box(es) Below Which Is/Are Applicable.

Applicant Name __________________________________________
Application Number ______________________
Block ___________________________ Lot(s) ______________________

The owner and/or applicant are under a continuing obligation to update this Affidavit immediately upon change of ownership or ownership interest.

Attach additional page(s) as necessary to fully comply.

***************************************************************************

□ Individual(s) □ Sole Proprietorship

Name(s) ________________________________
Address(es) ________________________________

***************************************************************************

STOP.

No further information is required.
Sign and notarize the next page.

***************************************************************************

If any or all of the following boxes are checked, continue and complete the Statement on the next page.

□ Partnership □ Corporation □ Other

Prepared by JMC
Revised 9/12/2007

Ownership Disclosure Statement
Page 1 of 2
Pursuant to N.J.S.A. 40:55D-48.1, the names and addresses of all persons owning ten percent (10%) or more of the stock in a corporate applicant or ten percent (10%) or more interest in any partnership applicant must be disclosed.

In accordance with N.J.S.A. 40:55D-48.2, that disclosure requirement applies to any corporation or partnership which owns more than ten percent (10%) interest in the applicant followed up the chain of ownership until the names and addresses of the non-corporate stockholders and partners exceeding the ten percent (10%) ownership criterion have been disclosed.

Name ____________________________  Name ____________________________
Address __________________________ 
______________________________
Interest __________________________ 

Name ____________________________  Name ____________________________
Address __________________________ 
______________________________
Interest __________________________ 

Name ____________________________  Name ____________________________
Address __________________________ 
______________________________
Interest __________________________ 

Name ____________________________  Name ____________________________
Address __________________________ 
______________________________
Interest __________________________ 


STATE OF NEW JERSEY, COUNTY Or: ____________ SS.
Sworn and subscribed to before me on this ___ day of _____________ , 20____.

(Notary Public)
(Seal)

Prepared by JHC:
Revised 9/12/2007

Ownership Disclosure Statement
Page 2 of 2
OWNERSHIP DISCLOSURE AFFIDAVIT

Complete the Following Information and Check the Box(es) Below Which Is/Are Applicable.

Applicant Name __________________________________________
Application Number ____________________
Block _____________________   Lot(s) ______________________

The owner and/or applicant are under a continuing obligation to update this Affidavit immediately upon change of ownership or ownership interest.

Attach additional page(s) as necessary to fully comply.

******************************************************************************

□ Individual(s) □ Sole Proprietorship
Name(s) ____________________________________________________________
Address(es) _________________________________________________________
                                                                
******************************************************************************

STOP.
No further information is required.
*Sign and notarize the next page.*

******************************************************************************

If any or all of the following boxes are checked, continue and complete the Statement on the next page.

□ Partnership □ Corporation □ Other

**Ownership Disclosure Statement**
Page 1 of 2
Pursuant to N.J.S.A. 40:55D-48.1, the names and addresses of all persons owning ten percent (10%) or more of the stock in a corporate applicant or ten percent (10%) or more interest in any partnership applicant must be disclosed. In accordance with N.J.S.A. 40:55D-48.2, that disclosure requirement applies to any corporation or partnership which owns more than ten percent (10%) interest in the applicant followed up the chain of ownership until the names and addresses of the non-corporate stockholders and partners exceeding the ten percent (10%) ownership criterion have been disclosed.

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Interest</th>
</tr>
</thead>
<tbody>
<tr>
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</tr>
</tbody>
</table>

************************************************************************************

STATE OF NEW JERSEY, COUNTY OF __________

SS:

Sworn and subscribed to before me on this ___ day of _________________, 20___.

__________________________________________ (Notary Public)

(Seal)
CONTRIBUTION STATEMENT
BOROUGH OF TINTON FALLS, MONMOUTH COUNTY, NEW JERSEY
PURSUANT TO BOROUGH ORDINANCE NO. 05-1153

The undersigned, being a duly authorized representative and/or individual authorized to execute this sworn statement on behalf of the below-named individual or entity under the penalty of perjury, affirms that:

1. I have read and understand the provisions contained in Tinton Falls Ordinance No. 05-1153, codified as Borough Ordinance Section 40-20.1 and 40.21 regarding the disclosures required of Applicants, Property Owners, Developers and/or Professionals who apply for or provide testimony, plans or reports in support of any application for variance and/or waiver requested of the Board and who have an enforceable proprietary interest in the property or development which is the subject of the application or whose fee in whole or part is contingent upon the outcome of the application.

2. I am an [circle appropriate] Applicant, Property Owner, Developer or Professional as defined under that Ordinance and affirmatively state that I or the entity for which execute this Certification has not violated any of the terms of that Ordinance prohibiting a contribution that is defined in the Ordinance to or on behalf of any candidate, candidate committee, joint candidate committee, political committee, continuing political committee or political party committee or made any pledge, promise or other commitment of assumption of liability to make such transfer in violation of the limits on contributions as noted therein.

3. In addition, I understand that during the pendency of the application process before the Board, I will continue to comply with the prohibitions contained in this Ordinance and shall amend this Contribution Disclosure Statement to include continuing disclosure of all contributions within the scope of the disclosure requirements set forth in the Ordinance.

4. I have read the penalty provisions contained in Section 40.21 and understand and agree to abide by the terms and conditions of said Ordinance for the periods contained therein.

__________________________   ____________________________________
WITNESS OR SECRETARY    PROPERTY OWNER/APPLICANT/PROFESSIONAL

ATTEST:       AUTHORIZED REPRESENTATIVE

Sworn to and subscribed to before me, a Notary Public of the State of New Jersey, this ________day of ________, 20___
Schedule D
BOROUGH OF TINTON FALLS
LAND DEVELOPMENT APPLICATION CHECKLIST

Name of Application _____________________________________  Application No.   __________________
Block ________________________   Lot _______________________     Date Filed ________________________

An application shall not be considered complete until all the materials and information specified below have been submitted, unless upon receipt of a written waiver request from the applicant, a specified requirement is waived by the municipal agency. The waiver request shall be granted or denied within 45 days of receipt of said request. In an item is considered by the applicant to be “Not Applicable”, a waiver request should be made.

<table>
<thead>
<tr>
<th>Item Number</th>
<th>GDP</th>
<th>Minor</th>
<th>Major</th>
<th>Variance 40:55D-70</th>
<th>Item Description</th>
<th>Applicant Mark</th>
<th>Status</th>
<th>Borough Mark</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>Calculation of the application fee and the review escrow</td>
<td>Complies</td>
<td>Waiver</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>Individual checks made out to Tinton Falls Borough in the amount calculated for the application fee, and the review escrow.</td>
<td>Complies</td>
<td>Waiver</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>A completed Checklist (latest revision) with written explanations for all requested completeness waivers.</td>
<td>Complies</td>
<td>Waiver</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>Completed Tinton Falls Borough application forms.</td>
<td>Complies</td>
<td>Waiver</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>Completed Escrow Agreement signed by owner and applicant.</td>
<td>Complies</td>
<td>Waiver</td>
<td></td>
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</tr>
<tr>
<td>6</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>Ownership Disclosure Affidavit</td>
<td>Complies</td>
<td>Waiver</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>Contribution statement pursuant to Borough ordinance NO. 05-1153</td>
<td>Complies</td>
<td>Waiver</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>Tax Collector Certification from the Tinton Falls Borough Tax Collector that all taxes and assessments on the property are paid in full.</td>
<td>Complies</td>
<td>Waiver</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>Certified list of property owners within 200&quot; of the property as prepared by the Tinton Falls Borough Tax Assessor.</td>
<td>Complies</td>
<td>Waiver</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>Completed Monmouth County Planning Board application Copy of a check made payable to “Monmouth County”.</td>
<td>Complies</td>
<td>Waiver</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>Completed Freehold Soil Conservation District (FSCD) application. Copy of a check made payable to “FSCD”.</td>
<td>Complies</td>
<td>Waiver</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>Completed Monmouth County Health Department application. Copy of a check made payable to “Monmouth County”.</td>
<td>Complies</td>
<td>Waiver</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Item Number</td>
<td>Minor Mark</td>
<td>Major Mark</td>
<td>Variance Mark</td>
<td>Item Description</td>
<td>Applicant Mark</td>
<td>Status</td>
<td>Borough Mark</td>
<td>Comments</td>
<td></td>
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<td>13</td>
<td>● ● ● ● ● ● ● ● ● ● ● ●</td>
<td>● ● ● ● ● ● ● ● ● ● ● ●</td>
<td>● ● ● ● ● ●</td>
<td>Copies of all easements, covenants and deed restrictions including metes and bounds descriptions, on or affecting the property in question.</td>
<td>● ● ● ● ● ● ● ● ● ● ● ●</td>
<td>Complies</td>
<td>● ● ● ● ● ● ● ● ● ● ● ●</td>
<td>● ● ● ● ● ● ● ● ● ● ● ●</td>
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<td>14</td>
<td>● ● ● ● ● ● ● ● ● ● ● ●</td>
<td>● ● ● ● ● ● ● ● ● ● ● ●</td>
<td>● ● ● ● ● ●</td>
<td>Twenty (20) black or blue line prints prepared by a New Jersey licensed engineer or a licensed Land Surveyor. Each sheet must be signed and sealed by the appropriate professional. (6 copies full size, 14 copies half sized)</td>
<td>● ● ● ● ● ● ● ● ● ● ● ●</td>
<td>Complies</td>
<td>● ● ● ● ● ● ● ● ● ● ● ●</td>
<td>● ● ● ● ● ● ● ● ● ● ● ●</td>
<td></td>
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<tr>
<td>15</td>
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<td>● ● ● ● ● ●</td>
<td>A digital copy of the plan in a format approved by the Borough Engineer. Plan to show lot lines, easements, buffers, existing and proposed structures.</td>
<td>● ● ● ● ● ● ● ● ● ● ● ●</td>
<td>Complies</td>
<td>● ● ● ● ● ● ● ● ● ● ● ●</td>
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<td>● ● ● ● ● ●</td>
<td>Public utility “will serve” letters.</td>
<td>● ● ● ● ● ● ● ● ● ● ● ●</td>
<td>Complies</td>
<td>● ● ● ● ● ● ● ● ● ● ● ●</td>
<td>● ● ● ● ● ● ● ● ● ● ● ●</td>
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<td>● ● ● ● ● ●</td>
<td>Environmental Impact Assessment</td>
<td>● ● ● ● ● ● ● ● ● ● ● ●</td>
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<td>● ● ● ● ● ● ● ● ● ● ● ●</td>
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<td>● ● ● ● ● ●</td>
<td>Twenty (20) copies of the Surface Water Management Plans in accordance with NJAC 7:8, including pre- and post-development calculation and drainage area maps. Nine (9) more copies to be submitted upon determination of completeness.</td>
<td>● ● ● ● ● ● ● ● ● ● ● ●</td>
<td>Complies</td>
<td>● ● ● ● ● ● ● ● ● ● ● ●</td>
<td>● ● ● ● ● ● ● ● ● ● ● ●</td>
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<td>● ● ● ● ● ●</td>
<td>Certification from the Tinton Falls Borough Tax Assessor approving the block and lot designations</td>
<td>● ● ● ● ● ● ● ● ● ● ● ●</td>
<td>Complies</td>
<td>● ● ● ● ● ● ● ● ● ● ● ●</td>
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<td>● ● ● ● ● ●</td>
<td>Certification from the Borough of Tinton Falls approving the road names and subdivision name.</td>
<td>● ● ● ● ● ● ● ● ● ● ● ●</td>
<td>Complies</td>
<td>● ● ● ● ● ● ● ● ● ● ● ●</td>
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<td>● ● ● ● ● ●</td>
<td>An affirmative statement in writing indication how all applicable conditional use standards are met.</td>
<td>● ● ● ● ● ● ● ● ● ● ● ●</td>
<td>Complies</td>
<td>● ● ● ● ● ● ● ● ● ● ● ●</td>
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<td>● ● ● ● ● ●</td>
<td>A conceptual development plan of the property in accordance with the “conventional lot” requirements of the Borough Land Use Ordinance (yield plan)</td>
<td>● ● ● ● ● ● ● ● ● ● ● ●</td>
<td>Complies</td>
<td>● ● ● ● ● ● ● ● ● ● ● ●</td>
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<td>● ● ● ● ● ● ● ● ● ● ● ●</td>
<td>● ● ● ● ● ●</td>
<td>An engineer’s estimate of all the improvements identified on the approved preliminary plan, which remain to be completed at the time of final plat.</td>
<td>● ● ● ● ● ● ● ● ● ● ● ●</td>
<td>Complies</td>
<td>● ● ● ● ● ● ● ● ● ● ● ●</td>
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<td>● ● ● ● ● ●</td>
<td>An engineer’s estimate of all the improvements identified on the approved preliminary plan, whether completed or remaining to be completed.</td>
<td>● ● ● ● ● ● ● ● ● ● ● ●</td>
<td>Complies</td>
<td>● ● ● ● ● ● ● ● ● ● ● ●</td>
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<td>● ● ● ● ● ●</td>
<td>Deed descriptions including metes and bounds for all easements, buggers and right of way dedications, as identified on the approved preliminary plan.</td>
<td>● ● ● ● ● ● ● ● ● ● ● ●</td>
<td>Complies</td>
<td>● ● ● ● ● ● ● ● ● ● ● ●</td>
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<td>Item Number</td>
<td>GDP</td>
<td>Subdivision</td>
<td>Item Description</td>
<td>Applicant Mark</td>
<td>Status</td>
<td>Borough Mark</td>
<td>Comments</td>
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<td>26</td>
<td></td>
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<td>A site plan/use variance application for any manufacturing or industrial use shall be accompanied by the following:</td>
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<tr>
<td></td>
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<td></td>
<td>(a) A description of any proposed machinery operation, products, by-products and processes to be contained on the site, including a description of raw materials from which products are to be manufactured.</td>
<td>Complies</td>
<td>Waiver</td>
<td></td>
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<td>(b) A statement containing estimated daily water consumption, volume and nature of sewage, waste and water to be disposed of, descriptions of water supply and sewage treatment facilities.</td>
<td>Complies</td>
<td>Waiver</td>
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<td></td>
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<td>(c) A statement on the anticipated number of shifts and number of employees per shift.</td>
<td>Complies</td>
<td>Waiver</td>
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<tr>
<td>27</td>
<td></td>
<td></td>
<td>As-built drawing depicting all the proposed site improvements approved during the preliminary site plan application and any deviations noted in the actual constructed improvements.</td>
<td>Complies</td>
<td>Waiver</td>
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<tr>
<td>28</td>
<td></td>
<td></td>
<td>Photograph(s) of the subject premises that may prove useful in helping the Board make a more informed decision on the application.</td>
<td>Complies</td>
<td>Waiver</td>
<td></td>
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</table>

**Plans shall show or include the following:**

<table>
<thead>
<tr>
<th>Item Number</th>
<th>GDP</th>
<th>Subdivision</th>
<th>Item Description</th>
<th>Applicant Mark</th>
<th>Status</th>
<th>Borough Mark</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>29</td>
<td></td>
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<td>Map scale not less than 1 inch = 100 feet showing the entire tract on one sheet not exceeding 24&quot; x 36&quot;.</td>
<td>Complies</td>
<td>Waiver</td>
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<tr>
<td>30</td>
<td></td>
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<td>A Key Map showing the entire site, the surrounding area (at least 1,000 feet from the property) and any and all zone district boundary lines in the surrounding area.</td>
<td>Complies</td>
<td>Waiver</td>
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<tr>
<td>31</td>
<td></td>
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<td>Site or Subdivision name.</td>
<td>Complies</td>
<td>Waiver</td>
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<tr>
<td>32</td>
<td></td>
<td></td>
<td>Scale and references meridian. The reference source (i.e. deed, filed map, etc) of the meridian shall be identified.</td>
<td>Complies</td>
<td>Waiver</td>
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<tr>
<td>33</td>
<td></td>
<td></td>
<td>Name, address, and phone number of the professional responsible for preparing the plans.</td>
<td>Complies</td>
<td>Waiver</td>
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<tr>
<td>34</td>
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<td>Name, address, and phone number of the Owner of the property.</td>
<td>Complies</td>
<td>Waiver</td>
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<td>35</td>
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<td>Name, address, and phone number of the Applicant.</td>
<td>Complies</td>
<td>Waiver</td>
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<td>36</td>
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<td>Date of the plans and revision block identifying any and all revisions</td>
<td>Complies</td>
<td>Waiver</td>
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<td>37</td>
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<td>Approval signature block for Board Chairman, Secretary and Borough Engineer.</td>
<td>Complies</td>
<td>Waiver</td>
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<td>Item Number</td>
<td>GDP</td>
<td>Major Variance</td>
<td>Item Description</td>
<td>Applicant Mark</td>
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<tr>
<td>38</td>
<td>●</td>
<td>●</td>
<td>The name and address of the owner and the block and lot designation of any and all property located within 200 feet of the tract.</td>
<td>Complies</td>
<td>Waiver</td>
<td></td>
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</tr>
<tr>
<td>39</td>
<td>●</td>
<td>●</td>
<td>The tax map sheet. The block and lot numbers of the subject property and any and all properties within 200 feet of the tract.</td>
<td>Complies</td>
<td>Waiver</td>
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<tr>
<td>40</td>
<td>●</td>
<td>●</td>
<td>All existing streets, roads, watercourses and water bodies on the property and within 500 feet of the property.</td>
<td>Complies</td>
<td>Waiver</td>
<td></td>
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<tr>
<td>41</td>
<td>●</td>
<td>●</td>
<td>Lot line dimensions. Original boundary survey used to prepare the plan should be provided with the application.</td>
<td>Complies</td>
<td>Waiver</td>
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<tr>
<td>42</td>
<td>●</td>
<td>●</td>
<td>Location and use of all existing structures on the property, and within 100 feet of the tract. Property lines of adjacent properties shall be shown.</td>
<td>Complies</td>
<td>Waiver</td>
<td></td>
<td></td>
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<tr>
<td>43</td>
<td>●</td>
<td>●</td>
<td>Location of all proposed streets, property lines, lot lines and areas. All lot areas to be shown in acres and square feet. The area within the maximum depth of measurement should be identified if different from entire area.</td>
<td>Complies</td>
<td>Waiver</td>
<td></td>
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<tr>
<td>44</td>
<td>●</td>
<td>●</td>
<td>Dimensional ties from existing structures to property lines. Ties from proposed structures to property lines for site plans. A minimum of two ties per structure.</td>
<td>Complies</td>
<td>Waiver</td>
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<td>45</td>
<td>●</td>
<td>●</td>
<td>Building envelope of each proposed lot as defined by the minimum yard setbacks required by the zoning ordinance.</td>
<td>Complies</td>
<td>Waiver</td>
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<tr>
<td>46</td>
<td>●</td>
<td>●</td>
<td>Schedule of applicable zoning regulations</td>
<td>Complies</td>
<td>Waiver</td>
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<tr>
<td>47</td>
<td>●</td>
<td>●</td>
<td>Existing wells and septic system on the property and within 100 feet of the property.</td>
<td>Complies</td>
<td>Waiver</td>
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<tr>
<td>48</td>
<td>●</td>
<td>●</td>
<td>Location of any critical environmental areas, wooded areas, stone rows, tree rows, rights of way, structures, isolated trees &gt;4” diameter and stream corridors on the property and within 500 feet of the property.</td>
<td>Complies</td>
<td>Waiver</td>
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<td>49</td>
<td>●</td>
<td>●</td>
<td>Show all easements dedications, metes and bounds, and purpose on the plan.</td>
<td>Complies</td>
<td>Waiver</td>
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<td>50</td>
<td>●</td>
<td>●</td>
<td>Existing contours at 2 feet intervals within the tract and within 200 feet of the tract.</td>
<td>Complies</td>
<td>Waiver</td>
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<td>51</td>
<td>●</td>
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<td>Proposed contours at 2 feet intervals within the tract.</td>
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<td>Waiver</td>
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<td>52</td>
<td>●</td>
<td>●</td>
<td>Plans, profiles, and cross sections of all streets, common driveways or private roads, provide a request for inspection by the Borough Engineer.</td>
<td>Complies</td>
<td>Waiver</td>
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<td>Item Number</td>
<td>Minor</td>
<td>Major</td>
<td>Variance</td>
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<td>GDP 53</td>
<td>•</td>
<td>•</td>
<td>•</td>
<td>•</td>
<td>Plans and profiles of utility layouts (i.e. sanitary sewers, storm sewers, water mains, gas and electric)</td>
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<tr>
<td>GDP 54</td>
<td>•</td>
<td>•</td>
<td>•</td>
<td>•</td>
<td>A soil Erosion and Sediment Control Plan in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey.</td>
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<td>GDP 55</td>
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<td>Location, specifications and lighting for all outdoor storage.</td>
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<td>GDP 56</td>
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<td>A minimum of two (2) soil logs, together with the permeability test results for each proposed lot or use if on-site sewerage disposal system proposed.</td>
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<td>GDP 57</td>
<td>•</td>
<td>•</td>
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<td>•</td>
<td>Residential cluster details including amount (SF and acres) and location of common open space to be provided, location and description of the organization to be established for the ownership and maintenance of any common space.</td>
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<td>GDP 58</td>
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<td>Details for the construction of any on-site improvements (i.e. curb, pavement, fences, sidewalk, lighting, etc.)</td>
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<td>GDP 59</td>
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<td>A Landscaping Plan</td>
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<td>GDP 60</td>
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<td>•</td>
<td>•</td>
<td>A Lighting Plan</td>
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<td>GDP 61</td>
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<td>Specific location and design of traffic control devices, signs and traffic signals.</td>
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<td>GDP 62</td>
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<td>•</td>
<td>Location and dimensions of all off street loading areas</td>
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<td>GDP 63</td>
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<td>•</td>
<td>•</td>
<td>•</td>
<td>Location and treatment of proposed entrances and gates to public rights of way, including use of signals, channelization and all other traffic alterations.</td>
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<td>GDP 64</td>
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<td>•</td>
<td>Use of existing and proposed buildings by floor area. Floor area and ground area of existing and proposed buildings in square feet.</td>
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<tr>
<td>GDP 65</td>
<td>•</td>
<td>•</td>
<td>•</td>
<td>•</td>
<td>Parking requirement calculations and the location of the parking area. The actual spaces should be designated for existing parking areas. Show dimensions from parking spaces to the property lines, street and structures.</td>
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</tr>
<tr>
<td>GDP 66</td>
<td>•</td>
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<td>•</td>
<td>•</td>
<td>Elevations at the corners of all proposed buildings, paved areas and property corners, if new buildings or paved areas are proposed.</td>
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<tr>
<td>GDP 67</td>
<td>•</td>
<td>•</td>
<td>•</td>
<td>•</td>
<td>Location of any solid waste, and recyclable storage facilities.</td>
<td></td>
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<tr>
<td>Item Number</td>
<td>GDP</td>
<td>Minor</td>
<td>Major</td>
<td>Variance</td>
<td>Item Description</td>
<td>Applicant Mark</td>
<td>Status</td>
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<td>Preliminary architectural plans for proposed building or structures, including floor plans and elevations.</td>
<td>Complies</td>
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<td>All certifications and signature lines in accordance with the Map Filing Act.</td>
<td>Complies</td>
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<td>Location and description of all monuments, whether found or to be set in accordance with the Map Filing Act.</td>
<td>Complies</td>
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<td>The tract boundary lines, right of way lines and easement areas shall be defined with accurate dimensions including bearing and distances, curve data including central angle, radius, arc and accurate dimensions to the actual street intersections.</td>
<td>Complies</td>
<td></td>
</tr>
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<td></td>
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<td></td>
<td>A certification from the applicant’s engineer stating that the final plat conforms to the preliminary plat as submitted and approved.</td>
<td>Complies</td>
<td></td>
</tr>
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<td></td>
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<td></td>
<td>The entire tract on one sheet at the same scale as the Tax Map sheet it appears on.</td>
<td>Complies</td>
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</tr>
</tbody>
</table>

Application Incomplete pending the Board’s determination regarding the following written waiver requests:

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By: ___________________________ Date: ____________
Application Incomplete with the following information to be submitted or written waiver requests provided:

______________________________________________________________________________________
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By: _______________________________                  Date: __________
ZONING MAP
SOUTHERN PORTION

Zoning Map

Districts

(RA) Residential Agricultural
(R-1) Single Family Residential
(R-2) Single Family Residential
(R-3) Residential
(R-3-I) R-3 Residential Inclusionary *
(R-4) Residential
(R-4-I) R-4 Residential Inclusionary
(AR) Age Restricted
(CCRC/AH) Continuing Care Retirement Community
(AH) Affordable Housing
(AARZ) Active Adult Redevelopment
(NC) Neighborhood Commercial
(HCC) Highway/Community Commercial
(IOP) Industrial Office Park
(MFG) Manufacturing
(MFG2) Manufacturing 2
(OS/GU) Open Space / Government Use
(TR) Transportation

Route 66 Redevelopment Area

Borough of Tinton Falls
Monmouth County, NJ
September 2008

Heyer, Gruel & Associates

Inclusionary residential subject to COAH mediation and Third Round Affordable Housing Plan.

Heyer, Gruel & Associates

Borough of Tinton Falls
Monmouth County, NJ
September 2008

Heyer, Gruel & Associates