

Part 2
Design Standards

ARTICLE XI
Design Guidelines, Standards and Construction Specifications

§ 184-91. Applicability.

This article provides design guidelines, design standards and construction specifications which shall apply to applications for site plan or subdivision approval. Notwithstanding the foregoing, the RSIS shall supersede the standards in this article, as set forth in § 184-92.

§ 184-92. Applicability of RSIS.

The RSIS are incorporated herein by reference. A copy of the standards are available for inspection in the office of the Zoning Officer. The following provisions shall govern the application of the RSIS.

- A. Any project for which preliminary subdivision or site plan approval has been given prior to June 3, 1997 shall continue to be subject to the RSIS and provisions of the applicable chapters of the Borough Code in effect prior to June 3, 1997.
- B. Any project for which application is made after June 3, 1997 shall be governed by the RSIS.
- C. The RSIS shall apply to all applications for residential subdivision and site plan approval, and shall apply to all site improvement work and appurtenant construction including streets, roads, parking facilities, sidewalks, drainage structures, grading and utilities.
- D. The RSIS shall not apply to driveways on private property held in fee-simple as individual residential lots outside of the public right-of-way, including common driveways established by easements shared by more than one dwelling unit on private property.
- E. Where both residential and commercial development are planned in a mixed-use development, the RSIS shall apply to the residential part or parts of such development where such residential part or parts are discrete and separate from planned commercial parts as evidenced by, for example, separate building(s), separate parking, and separate access features.
- F. The RSIS shall supersede and replace all technical requirements of this article with regard to streets, parking, water supply, sanitary sewers and stormwater management in residential development.
- G. The RSIS shall not supersede, and shall not replace, standards in this article or in any other article, concerning:
 - (1) Layout, arrangement, and location of improvements, shade trees, landscaping, or reservation of areas for public use, pursuant to N.J.S.A. 40:55D-38, except as otherwise set forth in §§ 184-116B(3)(d) and 184-117 for the MAH and TAH Zones.
 - (2) Preservation of existing natural resources; arrangement of physical elements for safe

and efficient vehicular and pedestrian circulation, by, for example, traffic calming measures, parking and loading; screening, landscaping, and location of structures; or conservation of energy and use of renewable resources; pursuant to N.J.S.A. 40:55D-41; or

- (3) Use, bulk, height, number of stories, orientation and size of buildings and other structures; the percentage of lot or development area that may be occupied by structures, lot sizes and dimensions, floor area ratios, or other measures to control development intensity; or the provision of adequate light and air pursuant to N.J.S.A. 40:55D-65.
- H. Choice among options contained in the RSIS shall be the applicant's unless otherwise specified in the RSIS.
- I. Administration, approval, waivers and exceptions, enforcement and violations concerning the RSIS shall be as set forth in N.J.A.C. 5:21.
- J. Those provisions of this chapter containing standards which may be superseded by the RSIS are designated with the letters "SIS" at the end of the provision. The final determination of applicability shall be made by the Zoning Officer.

§ 184-93. General design guidelines.

Site plans and subdivisions, to the maximum extent practicable and permitted by law, shall be designed to:

- A. Be consistent with the Borough Master Plan, Official Map and this chapter;
- B. Consider county, regional and state plans for the Borough, and to conform to all applicable regulations of the county, state or federal governments, as well as any regional entities having jurisdiction;
- C. Minimize negative impacts to the natural and man-made environment, including wetlands, areas prone to flooding, stream corridors, steep slopes, surface and ground water systems, trees as more fully described in § 93-11.21, threatened or endangered wildlife, historic landmarks, existing structures, neighborhood character and the fiscal stability of the community; and
- D. Advance the purposes of this chapter and the Municipal Land Use Law, as applicable.

§ 184-94. Blocks and lots.

- A. General. The layout of blocks and lots shall be designed to:
- (1) Be compatible with the lot and block patterns established in the neighborhood, as appropriate;
 - (2) Minimize negative impacts to the natural and man-made environments;
 - (3) Provide for a well-designed system for circulation and access; and
 - (4) Provide a suitable amount of land on each lot that will enable appropriate development

according to this chapter without undue environmental impact.

- B. Block length. No block shall exceed 1,000 feet in length.
- C. Block corners at intersections shall be rounded at the property line with a minimum radius of 25 feet.
- D. Each lot must front upon an approved street at least 50 feet in width, or such greater width that may be required by the Master Plan, Official Map or by any other law.
- E. Lot shape. Lots shall be shaped to enable proper use, access, and in keeping with the planned future development of the area, as indicated in the Master Plan and this chapter. Insofar as is practical, side lot lines shall be at right angles to straight streets and radial to curved streets. All lots shall comply with the provisions of § 184-131 of this chapter. **[Amended 5-13-2003 by Ord. No. 03-07R]**
- F. Reserve access strips. No subdivision showing reserve strips controlling access to streets shall be approved unless the control and disposal of land comprising such strips has been placed under the jurisdiction of the Borough under conditions approved by the Board and the Mayor and Borough Council.
- G. Suitability of lots for development. The Board may, after adequate investigation, withhold approval of any lot which in its opinion is not suitable for its intended use due to factors such as, but not limited to, rock formations, surface or underground mines, flooding, wetlands, soil conditions, presence of hazardous materials, excessive slopes, etc.

§ 184-95. Streets.

The following standards shall apply for all streets which are within the jurisdiction of the Borough.

- A. General. Streets, driveways, aisles and sidewalks shall be designed to:
 - (1) Comply with the proposals in the Master Plan and Official Map.
 - (2) Permit the safe, efficient, and orderly movement of vehicular and pedestrian traffic.
 - (3) Discourage heavy volumes of through traffic on minor streets and in residential areas;
 - (4) Provide for anticipated future volumes and speeds of traffic;
 - (5) Provide for adequate access and movement of emergency and service vehicles, including police and fire-fighting equipment, school buses, street maintenance vehicles, garbage trucks, delivery vehicles, etc.
 - (6) Provide access to adjacent properties without unduly interfering with the flow of traffic;
 - (7) Provide a simple and logical street pattern; and
 - (8) Provide an attractive streetscape.
- B. Street width.
 - (1) The width of the street right-of-way and pavement shall be as set forth below, according

to the Master Plan street classifications, unless in a particular situation the Master Plan or Official Map required a greater width, and provided that the Board may require greater width in a particular situation based upon analysis of traffic and street conditions:

Street Classification	Right-of-Way	Pavement
Borough Arterial	66 feet	42 feet
Borough Collector	50 feet	30 feet
Minor	50 feet	30 feet

- (2) Subdivisions which abut existing streets that do not conform to the width standards of this chapter shall dedicate additional width along one or both sides of such street so as to conform with the width and future alignment of said existing street, as may be required or permitted by law.
 - (3) Street and pavement widths in the MAH and TAH Zones shall conform with §§ 184-116B(3)(a), (b) and (d), and 184-117.
- C. Street grades and grading. Streets shall be graded in accordance with the following standards:
- (1) Minimum grade. All streets shall have a minimum center line grade of 1.
 - (2) Maximum grade. No street shall have a center line grade which exceeds 10%.
 - (3) The developer shall be required to grade the full width of the street right-of-way, and to grade abutting property as necessary to comply with the RSIS and as otherwise set forth in this chapter for streets. Where required by the Board, the developer shall provide slope-right easements on property abutting the street right-of-way.
- D. Sight easements for horizontal curves. Sight easements shall be provided at horizontal curves when it is determined by the Board and the Borough Engineer that same are necessary for proper visibility. The boundaries of the easement shall be determined based upon conditions which exist at the curve.
- E. Street Intersections. The following standards shall apply:
- (1) Street intersections shall be as nearly at right angles as possible and in no cases shall the angle of intersection be less than 60°.
 - (2) New intersections created with an existing street shall be aligned with any existing or planned streets on the opposite side of the intersecting street and shall minimize jobs and sharp angles.
 - (3) Sight easements shall be provided at all intersections, when essential for traffic safety.
- F. Dead-end streets. The following standards shall apply to dead-end streets:
- (1) Maximum length. Dead-end streets shall not exceed 500 feet in length, except where unusual topography or other unusual conditions require a longer length. The length shall be measured along the center line of the street(s) between the extreme dead end of the

right-of-way line at the turning circle to the center line of the nearest intersecting through street.

- (2) There shall be a turnaround provided at the end of all dead-end streets with a minimum outside curb radius of 50 feet, and a minimum right-of-way radius of 65 feet. Whenever possible, the turnaround shall be tangent to the right side of the street as one approaches the turnaround.
 - (3) If a dead-end street is of a temporary nature, a turnaround shall be provided in accordance with the standards for permanent turnarounds. Provision shall be made for the future extension of the street and the reversion of excess right-of-way to abutting property owners. Removal of the temporary turnaround and installation of permanent improvements, including but not limited to pavement, sidewalks, curbs, topsoil, shade trees, driveway aprons, etc. shall be at the developer's sole expense.
- G. Street pavement. All streets shall be paved in with full depth pavement seven inches thick consisting of a five-inch stabilized base course and a two-inch bituminous surface course. Prior to the installation of pavement, the subgrade shall be approved by the Borough Engineer.
- H. Private streets. Any private street proposed for any development shall follow the same standards required for public streets.

§ 184-96. Curbs.

Streets, parking areas, loading areas, driveways for nonresidential and multifamily residential developments, and other paved areas required by the Board shall be bounded by standard granite block curbs constructed according to the standards and the Borough street curb standards.

§ 184-97. Sidewalks.

- A. Sidewalks are required for all nonresidential and multifamily development. Sidewalks may be constructed in residential areas, and are required for any new residential development of two or more houses. The requirement for sidewalks in the MAH, TAH and LGAH zones shall be governed by §§ 184-116B(3)(c), 184-117 and 184-118C(6).
- B. Sidewalks shall be constructed in accordance with the following standards:
- (1) Sidewalks shall be installed on both sides of streets.
 - (2) Sidewalks shall be at least four feet wide, except where site conditions warrant a greater width.
 - (3) Sidewalks shall be four inches thick, except at driveway crossings with a 60 gauge wire mesh. Commercial driveways shall be seven inches thick.
 - (4) Provisions are to be made for access by disabled persons, particularly as they relate to entrance ways and ramps, both within new and remodeled buildings and structures.
- C. Where trees are planted within sidewalks, or within one foot of a sidewalk, a grating shall be installed to permit the tree roots to be trimmed so that the sidewalk blocks are not lifted.

§ 184-98. Driveway aprons.

Flared driveway aprons shall be provided between the street pavement and the sidewalk, or, when no sidewalk is required, between the street pavement and the right-of-way line, as approved by the Borough Engineer.

§ 184-99. Stormwater management and flood protection.

All streets and properties shall be designed to safely accommodate anticipated stormwater flows and to protect against flooding and flood damage. The following provisions shall apply:

- A. General guidelines. The stormwater drainage system for site plans and subdivisions shall be designed to:
- (1) Prevent the increase of stormwater flows or concentrations which would increase the potential for flooding in the Borough or adjacent municipalities;
 - (2) Minimize the potential for erosion and sedimentation;
 - (3) Prevent degradation of wildlife habitat, including but not limited to stream, swamp, lake and pond habitats;
 - (4) Consider the impact of the proposed development on the total watershed area;
 - (5) Provide for proper maintenance and repair of stormwater facilities;
 - (6) Provide for proper security of stormwater facilities and prevent undue hazards;
 - (7) Be aesthetically pleasing;
 - (8) Comply with Chapter 255, Stormwater Control and Floodplain Regulations (SIS).
- B. Off-site stormwater impact. All lots shall be graded to prevent erosion or directing of surface water onto adjacent lots, or if same is not practical, grades shall be established that will not adversely affect any other adjacent lot or the lot in question.
- C. Provision shall be made to prevent any adverse impacts from stormwater drainage during site construction.
- D. Open water courses shall be enclosed with adequate drainage pipes if determined by the Board to be necessary for public health, safety or welfare.
- E. All manhole covers and grates shall be provided with a locking device, unless located within the pavement of a public street.
- F. All roof drains shall be piped to either dry wells, if the soils percolation rate meets design requirements, or existing storm drains, if they are located adjacent to the property, as required by the Borough Engineer.
- G. Development in flood areas. Development within flood areas shall comply with the requirements of Chapter 255, Stormwater Control and Floodplain Regulations.

§ 184-100. Street trees.

The following standards shall apply to the placement of street trees:

- A. Street trees shall be placed on both sides of the street within the right-of-way, and spaced not more than 50 feet apart.
- B. Street trees shall be located where they will not interfere with sidewalks, utility lines or pipes located above or below the ground; where they will not interfere with the proper distribution of light from streetlighting fixtures, and where they will not interfere with proper sight distance.
- C. The choice of tree specie shall be selected by the Board. Tree species to be used shall be appropriate for their neighborhood location, hardiness, soil characteristics, light exposure, and available moisture, and shall not be unusually susceptible to pests or diseases, nor shall they require a high degree of maintenance. A list of the appropriate street trees shall be developed by the Shade Tree Commission.
- D. All street trees shall have a minimum trunk caliper of 1 3/4 inches to two inches at the time of installation.
- E. Street trees shall be trimmed so that the lowest branches will be at least six feet above the ground at the base of the tree at the time of planting.

§ 184-101. Lighting.

Illumination for streets and properties shall be designed in accordance with the following standards:

- A. General. Site lighting shall be designed to:
 - (1) Provide adequate illumination in appropriate locations for site users and the general public for purposes of traffic and pedestrian safety, security, property and building identification, and aesthetic improvement;
 - (2) Prevent excessive illumination and glare; and
 - (3) Provide proper orientation and shielding of fixtures to prevent undue illumination of adjacent properties.
- B. Streetlighting. Light fixtures and standards shall be installed in accordance with the standards and specifications of the electric supplier providing the service.
- C. Shielding of fixtures. All lighting fixtures shall be directed downward and shall be equipped with the necessary shielding so as to prevent the direct source of light from being visible from any point beyond the property lines of the premises upon which the lighting structure is located.
- D. Height of fixtures. No lighting structure shall exceed a height of 15 feet above normal grade in the vicinity of the light fixture. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, beaming, mounding, excavating

or curbing or retaining wall which alters the grade at the base of the light fixture from the grade in the general vicinity of the fixture.

- E. Maximum illumination level at property line. The level of illumination at ground level shall not exceed 0.5 of a footcandle at the property line, nor 0.3 of a footcandle at any property line abutting a property use by or zoned for residential use.
- F. Duration of illumination. Duration of operation of all lighting and maximum lumen power permitted shall be as determined satisfactory by the Board with due regard to whether any limitations imposed will deprive the applicant of a reasonable use of his or her property and whether the application will be detrimental to the public health and general welfare or to the property and personal rights of the abutting owners. Provision shall be made for the reduction in the intensity of illumination to the minimum needed for security purposes when the facility is not in operation.
- G. Underground installation. All wiring for light fixtures shall be laid underground, and not strung between poles or buildings.
- H. Illumination of parking and loading areas. In addition to the requirements of this section, the illumination of parking and loading areas shall be subject to the provisions of § 184-158.
- I. In the TAH, and LGAH Zones, the provisions of § 184-113C(7) shall precede any provisions contained in this section.

§ 184-102. Sanitary sewers and septic disposal systems.

The developer shall provide for the installation of sanitary sewers to service the development in accordance with the standards of the Borough and the Plainfield Area Regional Sewerage Authority, and as follows: (SIS)

- A. Floodwater protection. Sanitary sewer systems shall be designed to prevent infiltration of floodwaters into said systems or discharges from such systems into floodwaters. Septic disposal systems shall be designed and located so as to avoid impairment of them or contamination from them during periods of flooding.
- B. Manholes. Locking-type manholes shall be provided except when located in the pavement of a public street. (SIS)

§ 184-103. Electric, telephone, gas and cable television service.

The applicant shall arrange for the underground installation of the distribution supply lines, appurtenant equipment and service connections in accordance with the provisions of the applicable standards, terms and conditions then on file with the BPU. Prior to the grant of final approval, the developer shall submit to the Board a written instrument from each serving entity which shall evidence full compliance with the provisions of this article; provided, however, that lots which abut existing streets where overhead electric or telephone distribution supply lines have theretofore been installed on any portion of the streets involved may be supplied with overhead service, but the service connections must be underground. (SIS) The provisions of §§ 184-111G, 184-112A(4) and 184-113C(8) shall also apply in the case of the MAH, TAH, and LGAH Zones.

§ 184-104. Landscaping and buffers.

- A. General. Landscaping for site plans and subdivisions shall be designed to:
- (1) Preserve and enhance the visual identity of the site, neighborhood and Borough as a whole;
 - (2) Mitigate the potentially harmful effects of soil and negative disturbance, lighting, and noise, including but not limited to the provisions of this article;
 - (3) Buffer incompatible uses;
 - (4) Screen various improvements, including buildings, parking and loading areas, utilities and drainage structures, storage areas, etc. from streets and adjacent properties, as appropriate; and
 - (5) Not conflict with traffic safety, light fixtures, electric and telephone lines or other utilities, or related entities.
- B. General site landscaping. Any part or portion of the site which is not used for buildings, accessory structures, loading or parking spaces or aisles, sidewalks and designated storage areas, and which does not contain existing vegetation to remain, shall be landscaped in accordance with an overall landscape planting plan, as approved by the Board. All landscaped portions of the site shall be maintained adequately throughout the year.
- C. Protection of existing vegetation. Existing vegetation shall be preserved to the maximum extent practicable. The following shall apply:
- (1) Snow fence or silt fence shall be installed at the limits of disturbance as shown on the approved development plans, which shall be at a sufficient distance to prevent disturbance of the root systems or branches of the vegetation to be preserved.
 - (2) Cut or fill near existing trees to be preserved shall require the installation of tree wells or retaining walls, as appropriate, to maintain the existing grade above the roots of the tree.
- D. Buffers. A buffer in the form of landscaping, fences, berms and/or walls shall be provided by the developer of any nonresidential use which abuts a residentially zoned property, and by the developer of any multifamily residential use, community residence or shelter which is regulated as a conditional use which abuts a property located in a single-family or two-family residential zone. Any buffer provided between properties shall be sufficient to provide visual separation during all seasons and to minimize the effects of headlights from vehicles, light from structures, noise and the movements of people and vehicles. The following provisions shall apply, provided that additional and/or more restrictive standards may be required by the zoning regulations, Articles XII through XX of this chapter.
- (1) When topographical conditions, existing vegetation or other conditions provide a sufficient buffer as determined by the Board, no additional buffer shall be required.
 - (2) Buffer depths shall be sufficient to accommodate the ultimate growth of any plantings in the buffer. In the case of gasoline filling stations, gasoline service stations,

automotive service shops, automotive repair shops, automobile body repair shops and automobile painting facilities, any of which abut a residentially zoned property, the buffer depth shall be at least 10 feet.

- (3) Trees and shrubs used in a buffer shall be at least five feet high at the time of planting.
 - (4) Buffers shall be protected from impact by motor vehicles, and from the negative effects of road salt and snowplowing. A granite block curb shall separate buffers from vehicle use areas.
- E. Every sexually oriented business shall be surrounded by a perimeter buffer of at least 50 feet in width with plantings, fences 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 perimeter buffer shall also meet all other requirements of this section.
- F. Sections 184-116B(5), 184-117, and 184-118C(5) governing landscaping and buffering in the LGAH, TAH, and MAH Zones that conflict with the provisions of this section shall control.

§ 184-105. Energy conservation, waste removal and recycling.

- A. Energy conservation. Site plans and subdivisions shall be designed, to the greatest degree practicable, in accordance with the following provisions:
- (1) Streets and lots shall be oriented in order to permit buildings to be constructed to maximize solar gain. Where possible, streets shall run in an east-west direction, and the long axis of a lot shall run in a north-south direction.
 - (2) Development shall take advantage of topographic conditions in order to permit buildings to be constructed to maximize solar gain and in order to provide protection from winter winds. Where possible, development shall be oriented to south-facing slopes.
 - (3) Existing vegetation shall be preserved, and new landscaping provided, to enable vegetation to provide protection from winter winds and summer sun. Where practical, evergreen trees shall be placed on the north and west sides of buildings and deciduous trees placed on the south and east sides of buildings.
- B. Waste removal and recycling. Every site plan shall show an area reserved for storage and removal of trash, refuse and recyclable materials, which shall comply with the following provisions:
- (1) Such areas shall be accessible to solid waste trucks at all times.
 - (2) Areas for storage of trash or refuse shall be screened by an attractive and appropriate wall, fence and/or planting to obscure same from view of adjacent properties.
 - (3) New multifamily housing developments shall conform with the model ordinance promulgated by the NJDEP and DCA pursuant to N.J.S.A. 13:1E-99.13a regarding the inclusion of facilities for the collection or storage of source separated recyclable materials.

§ 184-106. Preservation and removal of trees.

- A. Purpose and Intent. The Mayor and Borough Council find:
- (1) Indiscriminate, uncontrolled and excessive destruction, removal and cutting of trees upon lots and tracts of land within the Borough causes:
 - (2) Increased drainage control costs;
 - (3) Increased soil erosion;
 - (4) Decreased fertility of the soil;
 - (5) Increased buildup of atmospheric carbon; and
 - (6) Increased dust.
- B. Such causes tend to decrease property values, render land unfit and unsuitable for its most appropriate use and adversely affects the health, safety and general welfare of the inhabitants of the Borough.
- C. The Mayor and Borough Council desire to regulate and control indiscriminate and excessive cutting of trees within the Borough, preserve the maximum possible number of trees in the course of development of a site, protect larger, older specimens of trees and provide a plan for replacement of trees.
- (1) Cutting or removal restricted. With the exception of the exemptions set forth in this section, no person shall cut or remove, or cause to be cut or removed, any tree with a DPM of six inches or greater upon any lands within the Borough unless the cutting or removal is accomplished in accordance with the provisions of this section.
 - (2) Permit required.
 - (a) With the exception of the exemptions set forth in this section, no tree with a DPM of six inches or greater shall be cut or otherwise removed from any lands in the Borough without a tree removal permit and a tree replacement plan. Every application to the Board for approval of a major subdivision or any site plan requiring tree removal or planting, unless otherwise exempt pursuant to this section, shall include an application for a tree removal permit.
 - (b) A complete application for a tree removal permit shall consist of the following:
 - [1] One copy of the completed application form.
 - [2] Twelve copies of the replacement plan.
 - (c) The fees as set forth in this section.
- D. Application form. The application form shall be available from the Borough Engineer and shall include the following information:
- (1) The name and address of the owner of the premises.

- (2) The name and address of the applicant for the permit, if other than the owner, accompanied by the owner's written consent.
- (3) A description of the premises where removal is to take place, including lot and block numbers and street address, if assigned.
- (4) A list of all trees on the premises with a DPM equal to or greater than six inches and less than 16 inches by size and species and all trees with a DPM of 16 inches or greater by size, species and location.
- (5) Proof that there are no delinquent property taxes or assessments due on the property for which the application is submitted.

E. Replacement plan.

- (1) Where the application is in conjunction with an application for major subdivision or site plan approval, the replacement plan shall include the following:
 - (a) A site plan, on the scale otherwise set forth in this chapter or of one inch equals 50 feet or less, showing the location of existing wooded areas and clearly marked boundaries of the plots used to determine the average wooded acre for the site. For each plot there shall be a list identifying the number and species of trees inventoried. The site plan shall include the lot and block numbers, the street address, if assigned, and a certification of compliance with the requirements of this section.
 - (b) The location of streams and watercourses.
 - (c) The locations of slopes of greater than 10% where any tree removal is proposed.
 - (d) The location(s) on the tract where tree removal is to take place.
 - (e) The total acreage of the tract.
 - (f) The total number of wooded acres permitted for development within the tract.
 - (g) The total number, by species, of existing trees with a DPM of six inches or greater on the tract. For tracts greater than two acres in size, the applicant may estimate the total number of trees by multiplying the total number of wooded acres permitted for development by the number of trees on an average wooded acre for the site.
 - (h) The total number, by species, of trees with a DPM of six inches or greater which are to be removed. For tracts greater than two acres in size, the applicant may make an estimate of the total quantity of trees to be removed, by species, based upon the average wooded acre for the site.
 - (i) Notwithstanding permitted estimates of the quantity of trees to be removed, all trees with a DPM of 16 inches or greater shall be specifically identified by location, species and common name. All efforts shall be made to preserve such trees, including, if necessary, relocation of infrastructure, roadways and buildings. Removal of any tree within this category shall require specific approval and any

such trees approved for removal shall be listed individually on the tree removal permit.

- (j) A specific plan for replacement of removed trees in accordance with this section.
 - (k) A Borough-approved method of disposal of removed trees, topplings and slash. No burning or burying of trees or parts of trees is permitted. All disposal methods must comply with the requirements of the Borough Code.
- (2) All specific plans for replacement of removed trees shall be based upon the following formulas:
- (a) For trees with a DPM equal to or greater than six inches and less than 16, replacement shall be based upon the percentage of the trees removed as set forth in Table A below:

Table A

Replacement of trees equal to or greater than six inches and less than 16 inches DPM:

Percentage of Trees Percentage of Removed From Wooded Acres Permitted for Development	Removed From Wooded Trees to be Replaced (using trees with a minimum DPM of 2 1/2 inches)
80 to 100	80
60 to 79	60
40 to 59	40
20 to 39	20
Less than 20	10

- (b) Any trees with a DPM equal to or greater than six inches and less than 16 inches left standing in areas designated for removal or trees planted in compliance with other requirements of this Code shall be credited against the total replacement count on a one-for-one basis. For trees with a DPM of 16 inches or greater, replacement shall be in accordance with Table B below. The species or type of replacement trees shall be selected from a list to be provided by the Shade Tree Commission or shall be the same as the species removed from the tract under consideration.
- (c) For trees with a DPM equal to or greater than 16 inches, the removed tree shall be replaced according to Table B below:

Table B

Replacement of trees equal to or greater than 16 inches DPM:

Existing Tree to be Removed (inches)	Number of Replacement Trees (minimum DPM of 2 1/2 inches)
Less than 18	3
Less than 21	4
Less than 24	5
Less than 27	6
Less than 29	7
Less than 31	8
Less than 33	9
Less than 35	10
Less than 37	11
Less than 39	12
Less than 40	13
Less than 41	14
41 and greater	15

[1] The species or type of replacement trees shall be selected from a list maintained by the Shade Tree Commission or shall be the same as the species removed from the tract under consideration.

- (3) In lieu of planting of the replacement trees on site, the applicant may request or may be required to contribute an amount equal to twice the current value of each unplanted tree to a fund established by the Borough for environmental programs such as tree planting, tree maintenance, tree preservation, park development or landscaping and other comparable projects as recommended by the Environmental Commission. The applicant may apply this option to up to 50% of the required number of replacement trees; all requests to make contributions in lieu of planting replacement trees in excess of 50% of the required number of replacement trees must be approved by the Board.
- (4) Where an applicant claims that the cost of the required number of replacement trees, as determined by the formula in this section, would impose a development cost that exceeds 5% of the total bonded improvement cost on development of the site, the Board may, in its discretion, reduce the required number of replacement trees. In support of such a claim, the applicant shall submit written cost estimates from three sources for Board review. Replacement trees required in accordance with this section are specifically excluded from such estimates. Each estimate shall include the species, size,

number and price of the replacement trees. No reduction in the required number of replacement trees shall exceed 1/2 of the original number of replacement trees required by the formula in this section. No reductions will be granted as to the number of replacement trees required by Table B.

- (5) Where development is to take place in stages, phases, sections or other similarly delayed manner, the applicant shall:
 - (a) Submit all information required by this section for the tract to be developed at the time of initial application for major subdivision or site plan approval, together with the application fee based upon the section of the tract to be developed. Permits shall be issued on a section-by-section basis.
 - (b) Before removal of any trees in a specific stage, phase or section, submit the inventory and replacement plan for that section to the Borough Engineer with a request that a removal permit be issued. If three years or more have passed since the date the initial application for the entire tract was submitted, the permit request shall be accompanied by an updated inventory and replacement plan for the specific stage, phase or section to be developed. If, upon review of the inventory and replacement plan and taking into consideration the amount of time which has passed since the initial application was submitted, the Borough Engineer determines that no substantial changes have occurred, a permit may be issued for the specific stage, phase or section to be developed. If the Borough Engineer determines that substantial changes have occurred due to changes in the inventory caused by the passage of time and/or development modifications made by the applicant, he or she may decline to issue a removal permit and require the applicant to submit the substantial changes to the Board for review and approval pursuant to this section.

F. Conveyance of premises.

- (1) Where preliminary or final major subdivision or site plan approval has been granted and all or a portion of the approved tract is subsequently conveyed prior to or during actual development of the conveyed premises, the purchaser shall, within 30 days of closing of title:
 - (a) Submit evidence to the Board originally approving the application that the purchaser will in all respects adhere to the approved replacement plan as it applies to the conveyed premises; or
 - (b) Submit a revised replacement plan meeting all of the requirements of this section for Board action.
- (2) If the conveyed premises is to be developed in stages, phases or sections and the purchaser is adhering to the original replacement plan, the time periods shall be calculated from the original date of approval of the replacement plan and not from the date that title passed. If the conveyed premises is to be developed in stages, phases or sections and a revised replacement plan is submitted and approved, the time periods shall be calculated from the date of approval of the revised plan.

- (3) Where the application is not in conjunction with major subdivision or site plan approval, the replacement plan shall include the following:
 - (a) A statement as to the purpose, including thinning and aesthetic improvement cuts, of the proposed tree removal.
 - (b) A description of the tract upon which tree removal is to take place, including lot and block numbers, street address, if assigned, and total acreage of the tract.
 - (c) The location of streams and watercourses.
 - (d) The location of slopes of greater than 10% where any tree removal is proposed.
 - (e) An inventory of the trees to be removed, to include by count the species, DPM and location of each tree proposed for removal.
 - (f) A replacement plan in accordance with the following table:

Table C

Number of Trees Removed (DPM of 6 inches or greater and less than 16 inches)	Number of Replacement Trees (minimum DPM of 2 1/2 inches) (percent)
0 to 4	0%
5 to 10	20%
More than 10	40%

- (g) Any trees measuring 16 inches or greater DPM shall be replaced on a one-for-one basis using a tree with a minimum DPM of 2 1/2 inches.
- (h) The species or type of replacement trees shall be selected from a list maintained by the Shade Tree Commission or shall be the same as the species removed from the tract under consideration.
- (i) A Borough-approved method of disposal of removed trees, toppings and slash. No burning or burying of trees or parts of trees is permitted. All disposal methods must comply with the requirements of the Borough Code.

G. Regulations pertaining to delineation of clearing limits.

- (1) The clearing limits shown on the replacement plan shall be fully established prior to the cutting of permitted wooded acreage and shall be defined by snow fencing firmly secured along the dripline but not less than six feet from the trunk of the remaining trees. In a like manner, specimen trees and isolated groupings of trees which are to remain on the site shall be clearly protected by snow fencing or an equally visible and protective device installed along the dripline of the tree(s) but not less than six feet from the tree trunk(s).

- (2) The grade of the land located along the dripline shall not be raised or lowered more than six inches, unless compensated by welling or retaining wall methods, and in no event shall the welling or retaining wall methods be less than six feet from the trunk of the tree.
 - (3) No soil stockpiling, storage of building materials or equipment operation shall be permitted within the dripline or within six feet of any remaining trees, whichever is greater.
 - (4) Any clearing within the dripline or within six feet of the trunk of a remaining tree must be done by hand or with hand-operated equipment.
 - (5) Where clearing and/or construction on the site results in accidental removal or severe damage which will eventually result in death and removal of any tree delineated in the replacement plan as remaining on the site, such removed or damaged tree shall be replaced on a one-for-one basis (using trees with a minimum DPM of 2 1/2 inches) for accidentally removed or damaged trees which have a DPM from six inches to less than 16 inches. The species or type of replacement trees shall be selected from a list maintained by the Shade Tree Commission or shall be the same as the species removed from the tract under consideration.
- H. Regulations pertaining to clear-cutting. No clear-cutting is permitted except in conjunction with subdivision or site plan approval in accordance with the provisions of this chapter.
- I. Permit approval.
- (1) Time for approval.
 - (a) Where the permit application is submitted as part of an application for major subdivision or site plan approval, the time for approval shall be governed by the timing requirements applicable to major subdivisions or site plans.
 - (b) Where the permit application is not made in connection with a major subdivision or site plan application, the Board shall act on the application within 90 days of its receipt or within such additional time as is consented to by the applicant. Failure of the Board to act within 90 days, or any extension thereof, shall be deemed to be an approval of the application and thereafter the Borough Engineer shall issue a tree removal permit based thereon.
 - (c) Approval by default, as provided herein or with regard to major subdivision and site plan applications, shall not be deemed to be a waiver of the applicant's required compliance with the tree replacement formulas, nor shall it be deemed to be approval of a request for reduction in the number of replacement trees; all requests for reduction in the number of replacement trees must be specifically approved by the Board.
 - (2) The Board may refer the application to the Environmental Commission for its report and recommendations. The Board may rely on the report and recommendations of the Environmental Commission in reaching its decision to approve the replacement plan, disapprove the replacement plan or subject the replacement plan to such conditions as

have been recommended by the Environmental Commission in accordance with the provisions of this section.

- (3) All action taken by the Board pertaining to a replacement plan shall be in the form of a resolution to which the tree removal permit issued by the Borough Engineer shall refer. Any such tree removal permit shall be valid for the time proposed by the applicant to complete the project; provided, however, that no permit shall be valid for a period of more than three years from the date of issuance. The Borough Engineer, upon a showing of good cause by the applicant, may extend a permit for an additional period of one month, provided that the applicant submits an updated replacement plan to show tree removal activities to date. Further, the Borough Engineer may require as a condition of any such extension that the applicant employ current techniques and procedures incorporated into this chapter since the date of original approval.
 - (4) No approval shall be granted by the Board if the Board finds that the proposed removal or destruction is contrary to the best interests of the public health, safety or general welfare.
- J. Change in replacement plan. Any substantial change in a replacement plan shall necessitate the submission of a revised plan to the Board for review and approval.
- K. Permit revocation. The Borough Engineer may revoke a permit where there has been a false or misleading application or for noncompliance with an approved replacement plan.
- L. Certificate of prior use. Any person claiming that he or she was conducting tree removal operations which are in substantial conformance with the provisions of this section prior to its effective date may, within 60 days after the final adoption of this section, make application to the Board for a certificate of prior use. The Board shall, within 90 days of the date of receipt of such application, cause the premises to be inspected to determine that any tree removal project is in substantial conformity with the terms of this section. Such determination shall serve as a certificate of prior use relieving the applicant of an obligation to secure a tree removal permit for continued operations of the tree removal project. Failure of the Board to act within the time specified shall be deemed to be an approval of the request for a certificate of prior use. Any person who does not file for such certificate within 60 days of the date of final adoption after final approval of this section shall conclusively be presumed to be bound by the terms of this section.
- M. Exemptions. The following shall be exempt from the requirements of this section:
- (1) Commercial nurseries and fruit orchards.
 - (2) Christmas tree plantations.
 - (3) Properties used for the practice of silviculture where a plan approved by the New Jersey Bureau of Forestry is on file with the Borough Engineer.
 - (4) The proposed cutting of trees on tracts of land 1/4 acre or less in area upon which a single-family home has been erected, except lots within proposed major subdivisions.
 - (5) Upon homestead lots greater in area than 1/4 acre; the owner may remove trees from up

to 1/4 acre for the construction of a residence. In addition, the landowner shall be permitted to remove up to 25% of the trees on any additional acreage by transplanting, selective cutting or thinning. If any cutting, removal or thinning in excess of 25% is planned, the lot shall be subject to a replacement plan in accordance with this section.

- (6) Removal of trees which are dead, dying or diseased, or trees which have suffered severe damage, or any tree or trees whose angle or growth makes them a hazard to structures or human life.
- (7) Any tree growing on or over a public right-of-way, land or property.
- (8) Pruning or removal of trees within the right-of-way by utility companies for maintenance of utility wires or pipelines.
- (9) Those projects which have been submitted for major subdivision or site plan approval prior to the effective date of this section, unless the project is resubmitted with major revisions impacting trees as defined in this section.

N. Notice of commencement of tree removal.

- (1) The holder of a tree removal permit shall notify the Borough Engineer, in writing, at least three business days in advance as to when tree removal activity will commence. No activity shall take place on Saturdays, Sundays or legal holidays without express written approval from the Borough Engineer.
- (2) The notice shall also include advice as to the manner of disposal of the removed trees. Where appropriate, the Borough Engineer shall advise the Borough's Recycling Coordinator of the name of the permit holder, the location of the removal site, the date removal is to commence and the manner of disposal to be employed.

- O. Violations and penalties. Any person, firm, association, partnership or corporation convicted in the Municipal Court of a violation of this chapter shall be subject to a fine of up to \$1,250 per day or imprisonment for not more than 90 days, or both, at the discretion of the Court. Each day that a violation continues shall be deemed a separate violation for purposes of this section. In addition to the foregoing, the Borough may institute and maintain a civil action in the Superior Court of New Jersey for injunctive relief restraining the continuation of any unlawful tree removal project. **[Amended 5-10-2005 by Ord. No. 05-10R ; 6-13-2006 by Ord. No. 06-11R]**

§ 184-107. Planting and fences on street property lines.

No fence, hedge, shrubbery or planting on any lot or adjacent thereto in any zone shall be permitted within the street right-of-way. All trees adjoining street sidelines in all zones shall have their branches trimmed at all times to ensure unobstructed vision eight feet above street pavement level. On any corner lot in any zone, in the Borough, no shrubbery, planting, fence or other obstruction to vision shall be permitted adjacent to the street property line except as is otherwise provided in the Borough Code which provides for sight triangles.

§ 184-108. Fences and aboveground walls.

The following regulations apply to fences and freestanding walls. In addition, fences required for enclosing swimming pools and hot tubs by the New Jersey Uniform Construction Code shall be required to comply with the requirements of said Code as well as the following regulations. Notwithstanding the foregoing, recreational facility enclosures as regulated in § 184-134F shall be exempt from the provisions of this section.

- A. In the case of through lots, fences and freestanding walls shall not be erected, altered or reconstructed so as to extend any closer to the rear lot line than a distance equal to the prevailing legal front yard requirement. **[Amended 6-14-2001 by Ord. No. 01-10R]**
- B. Fences and freestanding walls shall be permitted in front, side and rear yards.
- C. Fences and freestanding walls shall not exceed four feet in height when located in the front yard or, in the case of a corner lot, when located in the front yard, street side yard or in any portion of the rear yard which is closer to the abutting street than the principal building on the lot, or the minimum street side yard setback, whichever is more restrictive.
- D. Fences and freestanding walls shall not exceed six feet in height when located in the side yard or rear yard, except when more stringent requirements apply in certain circumstances when located on corner lots, as set forth in Subsection C above.
- E. Solid and chain link fences shall not be erected forward of any house line facing any street, unless said fence shall be fully screened by shrubbery.
- F. Fences and freestanding walls may abut the property line without any required setback; provided, however, in cases where a fence or freestanding wall in the side or rear yard is permitted to exceed six feet in height by variance, such fence or freestanding wall shall be set back from any property line a distance of at least one foot for each foot of height in excess of six feet.
- G. No fence or aboveground wall shall be located on any property in any way which violates the provision of the Borough Code which provides for sight triangles at street corners.
- H. In the event that both sides of a fence or freestanding wall are not identical, the finished/preferred side shall be required to face the street and/or abutting properties, as applicable.
- I. Fences or freestanding walls which may present a danger or hazard to the public welfare, including but not limited to fences or freestanding walls which are electrified, contain broken glass, razor wire or barbed wire, or other sharp edges, are prohibited.
- J. Approval by the Borough Engineer shall be required for such erection, relocation, alteration or other construction involving any fence or freestanding wall located within a street right-of-way.
- K. Notwithstanding anything to the contrary in this section, the following provisions shall apply to the LGAH, TAH and MAH Zones. **[Amended 12-13-2001 by Ord. No. 01-22R]**
 - (1) Fences less than 50% solid when viewed horizontally at right angles to the line of the fence may be erected, altered or reconstructed to a height not to exceed four feet above

the normal ground level when located between the projection of the front line of the principal structure and the street and not to exceed six feet above the normal ground level when located in other areas.

- (2) Fences more than 50% solid when viewed horizontally at right angles to the line of the fence may be erected, altered or reconstructed to a height not to exceed six feet above the normal ground level and shall not extend any closer to the front lot line than the midpoint of the principal structure.
- (3) On corner lots abutting only two streets, fences shall not be erected, altered or reconstructed so as to extend into the side yard adjacent to the side street; however, a fence may enclose the rear yard area limited by the projection to the rear of the side of the principal structure adjacent to the side street.
- (4) On corner lots abutting more than two streets, fences shall not be erected, altered or reconstructed so as to extend into the side and/or rear yards adjacent to the streets to the side and/or rear; however, a fence need not be set back from the rear or side streets a distance greater than the prevailing legal front yard requirements.
- (5) In the case of through lots, fences shall not be erected, altered or reconstructed so as to extend any closer to the rear lot line than a distance equal to the prevailing legal front yard requirement.

§ 184-108.1. Effect of zone designation/regulation. [Added 10-13-2009 by Ord. No. 09-14R]

Zoning affects all land, structures, and uses thereof; zoning standards, controls and designations apply equally to every lot, structure, and use within each district and the district lines vertically in both directions from ground level. No land or premises may be used and no structure can be erected, raised, moved, enlarged, extended, altered or used for any purpose other than a purpose permitted by this chapter for the zone district in which the land and structure(s) are located, and all uses and construction shall be in conformity with the regulations provided for the zone district in which such land or structure(s) are located. Any use not expressly permitted is prohibited, except as may be permitted by variance pursuant to § 184-50 of the Borough Code.

§ 184-109. Retaining walls.

The following regulations apply to retaining walls:

- A. No construction permit shall be required for retaining walls that are 30 inches or less in height.
- B. Retaining walls shall be permitted in front, side and rear yards when constructed in accordance with the Uniform Construction Code and with the approval of the Borough Engineer.
- C. Retaining walls shall not exceed four feet in height. In the event a guard rail or other restraining device is provided at the top of the wall, the wall height shall be measured to the top of said restraining device. For purposes of administering this subsection, terraced retaining walls involving more than one section of wall above or below each other shall be construed as one wall unless the base of the upper wall is separated from the face of the lower

wall by at least four feet, measured horizontally.

- D. In the event a retaining wall is permitted by variance to exceed four feet in height, the Board may require an appropriate guard rail or other restraining device in order to protect persons from falling off the edge of the wall.
- E. Retaining walls which may present a danger or hazard to the public welfare, including but not limited to retaining walls which are electrified, contain broken glass, razor wire or barbed wire, or other sharp edges, are prohibited.
- F. No retaining wall shall be located on any property in any way which violates the provisions of the Borough Code which provides for sight triangles at street corners.
- G. Approval by the Borough Engineer shall be required for the erection, relocation, alteration or other construction involving any retaining wall located within a street right-of-way, public drainage or sewer easement or other public land or easement under the control of the Borough.

§ 184-110. Vending machines. [Amended 7-9-2002 by Ord. No. 02-16R]

Mechanical vending machines (food, beverage and sundries) are permitted within the confines of a building or structure in any nonresidential zone. No more than two nonalcoholic beverage vending machines are permitted within five feet of the principal structure of a gasoline station. Vending machine displays shall be subject to the provisions of § 184-151R of this chapter.

§ 184-111. Architectural design of buildings.

In addition to any other requirements of this chapter, the following general requirements shall apply to the architectural design of buildings:

- A. Design of buildings must be compatible with location. The design or construction of any building or use shall be visually compatible with the character of existing improvements on the property and with the character of the surrounding neighborhood. In the event that it is impossible for the proposed construction to be compatible with both the character of existing site improvements and the character of the neighborhood, the proposed construction shall be visually compatible with the character of existing site improvements. For purposes of administering this section, the design standards of this chapter shall apply.
- B. Excessive uniformity in design of residential buildings prohibited. In any new development in which two or more new dwellings are proposed, no dwelling shall hereafter be erected or constructed which shall be like or substantially like any existing neighboring dwelling or any proposed neighboring dwelling for which a building permit has been issued, except that the foregoing shall not apply to multifamily dwellings or to attached single-family dwellings. For purposes of administering this requirement, the following provisions shall apply:
 - (1) A dwelling shall be deemed to be a "neighboring dwelling" to the subject lot if said dwelling or any part thereof is currently or proposed to be located on any of the following lots:
 - (a) Any first or second lot in either direction along the same side of the street from the

subject lot, without regard to intervening street lines; or

- (b) Any lot or portion thereof that has street frontage on the opposite side of the street from the subject lot or on the opposite side of the street from any lot referred to in B(1)(a) above.
- (2) A dwelling shall be deemed to be "like or substantially like" any neighboring dwelling if it is like such neighboring dwelling in more than three of the following six respects:
 - (a) Height of the main roof ridge above the elevation of the first floor;
 - (b) Length of the main roof ridge;
 - (c) Width between outside walls under the main roof perpendicular to the length thereof;
 - (d) In the front elevation, relative location with respect to each other, of the garage (if attached), porch (if any) and the remainder of the dwelling;
 - (e) In the front elevation, relative location of windows; and
 - (f) In the front elevation, materials used in the exterior wall of the dwelling.
 - (3) For Subsections B(2)(a), (b), (c) and (d) above, dwellings shall be deemed to be like each other if the difference between the respective dimensions of the subject dwellings is less than or equal to six feet.
 - (4) For Subsection B(2)(e) above, dwellings shall be deemed to be like each other if the difference between the respective dimensions of the subject dwellings is less than or equal to two feet.
 - (5) For Subsection B(2)(f) above, dwellings shall be deemed to be like each other if the difference between the percentage wall coverage of the subject dwellings by the same material is less than or equal to 30%.
 - (6) Dwellings shall be deemed to be like each other if only difference in the relative location of elements is an end-to-end or side-to-side reversal of same.