INVENTORY LIST

LAND USE BOARD APPLICATION

1. Check List for Land Use Board Application
2. Meeting Schedule
3. Notice Served on Property Owners Within 200 Feet
4. Notice to be Published in Official Newspaper
5. Affidavit of Service
6. Confirmation of Paid Taxes
7. Land Use Board Application
8. Site Plan Review Procedures -
9. Check List for Site Plan Review
10. Instruction to Applicants
11. Fee Schedule and Escrow Schedule
12. Excerpts from Land Use Book

BOROUGH OF BUENA
LAND USE BOARD
MEETING SCHEDULE: 2019

In compliance with the Open Public Meetings Act, the Borough of Buena Land Use Board will conduct regular meetings on the dates indicated below at the Borough Hall, located at 616 Central Avenue, Minotola, New Jersey. These meetings are scheduled to begin at 7:00 p.m.

APPLICATION DEADLINE	NOTICING DEADLINE	MEETING DATE
January 4, 2019	January 14, 2019	January 24, 2019 **(Thursday -Reorganization Meeting)**
February 6, 2019	February 16, 2019	February 26, 2019
March 6, 2019	March 16, 2019	March 26, 2019
April 3, 2019	April 13, 2019	April 23, 2019
May 10, 2019	May 20, 2019	May 30, 2019 **(Thursday)**
June 5, 2019	June 15, 2019	June 25, 2019
July 3, 2019	July 13, 2019	July 23, 2019
August 7, 2019	August 17, 2019	August 27, 2019
September 4, 2019	September 14, 2019	September 24, 2019
October 2, 2019	October 12, 2019	October 22, 2019
November 6, 2019	November 16, 2019	November 26, 2019
November 27, 2019	December 7, 2019	December 17, 2019
January 8, 2020	January 18, 2020	January 28, 2020 **(Reorganization Meeting)**

CHECK-OFF LIST FOR LAND USE BOARD APPLICATION

1. Completed application form and 18 copies submitted at least 20 days prior to the date of hearing.

2. Filing Fees:

   a. Application fee.
   b. Engineer's review fee.
   c. Escrow deposit, where applicable.
   d. Variance fees, where applicable.

3. Confirmation of paid taxes.

4. 18 copies of the plan being reviewed by the engineer.

5. When a variance is needed:
   a. Notices to owners within 200 feet, via certified mail
   b. Notice to the Daily Journal.
   c. All noticing must be completed 10 days prior to hearing.
   e. Affidavit of service, returned to Board secretary 3 days prior to hearing.

When applicable:

1. Pinelands Certificate of Filing.

2. Properties fronting on or contiguous to an Atlantic County Roadway: Proof of submission of an application to the Atlantic County Planning Board.

NOTICE SERVED ON OWNERS WITHIN 200 FEET

BOROUGH OF BUENA
LAND USE BOARD

NOTICE OF HEARING ON APPEAL OR APPLICATION

TO:_____ OWNER OF PREMISES _____

_____

PLEASE TAKE NOTICE:

That the undersigned has filed an appeal or application for development with the Land Use Board of the Borough of Buena for a _____ variance from the requirements of the Zoning Ordinance so as to permit _____

_____

_____

_____on the premises at _____

_____ and designated as Block _____ , Lot _____ on the Borough Tax Map, and this notice is sent to you as an owner of property in the immediate vicinity.

A public hearing has been set down for _____ , 20____ , _____ P.M., in the Borough of Buena Municipal Hall, 616 Central Avenue, Minotola, New Jersey, 08341 and when the case is called you may appear either in person, or by agent or attorney, and present any objections which you may have to the granting of the relief sought in the petition

The following described maps and papers are on file in the office of the Borough of Buena Municipal Hall and are available for inspection:

This notice is sent to you by the applicant, by order of the Borough of Buena Land Use Board.

Respectfully,

_____

,Applicant

NOTICE TO BE PUBLISHED IN OFFICIAL NEWSPAPER

BOROUGH OF BUENA
LAND USE BOARD

TAKE NOTICE that on the _____ day of _____ 20____, at _____ pm Borough of Buena Land Use Board at the Borough Hall, 616 Central Avenue, Minotola, New Jersey on the appeal or application of the undersigned for a variance or other relief so as to permit _____

_____

_____on the premises located at _____

_____

_____and designated as Block _____, Lot _____ on the Borough of Buena Township Tax Map.

The following described maps and papers are on file in the office of the Borough of Buena Land Use Board Office and are available for inspection:

Any interested party may appear at said hearing and participate there in accordance with the rules of the Borough of Buena Land Use Board.

_____

Applicant

Publication Date: _____

Publish in ***The Daily Journal***

(Sample Form)

AFFIDAVIT OF SERVICE

STATE OF NEW JERSEY:

:

COUNTY OF ATLANTIC:

_____ of full age, being duly sworn according to law, on this oath deposes and says that he/she resides at _____ _____ in the county of _____ , State of New Jersey and that he/she did on _____(Date)_____(year), at least 10 days prior to hearing date, did give personal notice to all property owners within 200 feet of the property affected by the appeal located at _____ Said notice was given by sending said notice by certified list, copies of the registered receipts are attached here to.

Also attached to this affidavit is the list of owners of property within 200 feet of the affected property who were served, showing the block and lot numbers of each property as they appear on the municipal tax map, and also a copy of the certified list of such owners prepared by the Tax Assessors' Office.

_____

Signature of Applicant

Sworn and subscribed to
before me this _____
day of_____(month/year)

_____
Notary

BOROUGH OF BUENA

CONFIRMATION OF PAID TAXES

TO BE COMPLETED BY APPLICANT:

NAME: ____

BLOCK(S): ____________________ LOT(S): ____________________

= =

(24 hour notice my be required)

TO BE COMPLETED BY TAX COLLECTION OFFICE:

TAXES CURRENT AS OF : ________________________

TAXES PAID AS OF : __________________ QUARTER: __________________

REMARKS: ____

____

____

____

______________________________ (TAX COLLECTOR-SIGNATURE)

______________ (DATE)

THIS IS NOT AN OFFICIAL TAX SEARCH

BOROUGH OF BUENA

616 Central Avenue, Minotola, New Jersey
Atlantic County

Land Use Board Application

TO BE COMPLETED BY BOROUGH STAFF ONLY:

APPLICATION NO.: _____

BLOCK: _____ **LOT(S):**_____ **LOCATION:** _____

Date Filed: _____ **Application fees:** _____ **Escrow Deposit:** _____

PLEASE PRINT

1. Applicant's Name:_____

   Applicant's Address:_____

   _____

   Phone Number: Home:_____Work_____

2. Owner's Name:_____

   Owner's Address:_____

   _____

   Owner's Phone: Home_____Work_____

3. Relationship of applicant to owner: i.e., same person, tenant, agent purchaser under contract;

   other:_____

*** (Please check (✓) appropriate box if applicant is a Limited Liability Company( ), or Corporation ( ). If the above is applies, legal representation will be needed at the time of meeting.)**

*** DISCLOSURE STATEMENT PURSUANT TO N.J.S. 40:55D-48.1, the names and addresses of all persons owning 10% of the stock in a corporate applicant or 10% interest in any partnership applicant must be disclosed**

4. Property Location:

The land has frontage on _____
Street Name

Total frontage is _____ feet, with a depth of _____ feet; and the total lot size

of _____(SQUARE FEET OR ACREAGE).

Block(s)_____Lot(s)_____

*** If application is for a Subdivision or redivision please provide the following:**

Total number of lots being created:_____

Purpose for which lot(s) are being utilized:

_____

Portion of lot being subdivided:

_____

The following information is in accordance with the Tax Map of the Borough of Buena.

5. The land is in the following Zone: (Check one)

( )	R-1	( )	A-1	( ) P-R3
( )	R-2	( )	B-1	( ) P-R4
( )	R-3	( )	B-2	( ) P-A
( )	R-4	( )	B-3	( ) P-B-2
( )	R-5	( )	I-1	( ) P-I

6. The present use of the land is:

7. Set forth the number of building(s) located on the property, existing and proposed, indicating the size, height in stories and feet and percentage of lot occupied by the buildings.

8. **The existing and proposed building(s) have the following set backs:**

Front yard_____

Side yard _____

Rear yard _____

The Zoning requirements for setbacks are:

Front yard_____

Side yard _____

Rear yard _____

9. I desire to make the following changes: (insert how the existing use will be changed or modified).

10. The changes ( ) are or ( ) are not permitted in this Zone Ordinance of the Borough of Buena. (If permitted, set forth the sections of the Borough of Buena Ordinance by which such use is permitted).

11. I desire the Board to grant the following:

( ) "C" variance (bulk variance)
( ) "D" variance (use variance)
( ) Site plan approval
( ) Subdivision approval
( ) Drainage review
( ) Other (specify below in detail)

12. Set forth in detail, including all facts which you wish to rely on at the hearing, why the Board should grant your application . Application may be decided on reasons herein stated in the event that no one desires to be heard on the application. (Attach as many additional sheets as needed).

13. Set forth any previous applications made to this Board for the above described property indicating date and result.

14. I have filed a Site Plan/Survey of the premises with the Secretary of the Board of the Borough of Buena, which may be examined at the Office of the Secretary of the Land Use Board, Borough Hall, 616 Central Avenue, Minotola, New Jersey, on which Site Plan or Survey I have indicated existing location of boundary lines and structures and changes requested to be granted herein.

15. State name, address and telephone number of the attorney representing applicant. (If applicable).

_____
Attorney's Name (please print or type)

_____

_____
Attorney's Address

_____
Attorney's Telephone Number

_____, being duly sworn according to law hereby certifies
Applicant (please print)

that the information presented in this application is true and accurate.

_____
Signature of applicant

Sworn and subscribed to before me this _____
day of _____, 20_____.

_____
Notary

If the applicant is not the owner of the property, have owner sign below or file with this application a letter signed by them consenting to this application.

The foregoing application is hereby consented to this _____ day of _____ 20___.

_____ _____Notary
Signature of Owner

ORDINANCE NO. 572

AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE BOROUGH OF BUENA PROVIDING FOR A TAX MAP UPDATE FEE.

BE IT ORDAINED by the Council of the Borough of Buena that:

Section 1.

It is the purpose of this ordinance to impose upon developers and subdivision applicants the costs incurred by the Borough of Buena in updating the municipal tax map as a result of the approval of various subdivisions or the creation of any new lots within Borough of Buena. Said costs are directly related to the subdivision procedure, and thereby the Borough of Buena determines that they should be borne by the developer/applicant for all said subdivisions.

Section 2.

Each applicant and/or developer for any approval which results in the creation of any new lots, revision of any existing lots, and /or other alterations to the tax map shall be responsible for paying all reasonable charges incurred by the Borough of Buena in updating said tax map. These costs shall include, but not be limited to, revisions to existing tax map plates, creation/addition of new tax map plates, appropriate revisions to the Key Map(s), reprographic services for applicable Municipal, County and State submission copies, as well as any reasonable shipping and handling fees involved.

Section 3.

Once final subdivision and/or new lot approval has been received, an escrow account shall be established by the applicant and maintained by the Borough of Buena for the express purpose of maintaining the tax map. The escrow amount shall be established by the Land Use Board in the approved resolution. No construction permit shall be issued until said costs are posted with the Borough of Buena, as outlined below:

A. Minor Subdivision, original parcel under 1 acre, no easements: $50.00 for remainder lot plus $50.00 per each new lot created.

B. Minor Subdivision, original parcel over 1 acre, no easements: $75.00 for remainder lot plus $75.00 per each new lot created.

C. Easements: $75 per easement.

D. Major Subdivision, no new street, no easements: $70.00 for remainder lot plus $70.00 per each lot created. Easements: $50 per easement.

E. Major Subdivision, one new street created: $70.00 per lot for the first four lots plus $50.00 per lot beginning with the fifth lot, up to the twentieth lot. Additional fees for easements, more than one new street, and more than twenty lots, $50 per additional item.

Section 4.

If any portion of the escrow account remains unused following the appropriate revision to the tax map, it shall be refunded to the applicant.

Section 5.

In the event that any application for development is denied and the application is no longer pending before the respective Board, then any portion of the aforementioned fee which has not been expended by the Borough for maintaining the tax map shall be refunded to the applicant.

Section 6.

In addition to the maintenance fees noted, each approved applicant must supply a map of the new subdivision or new lot in a scale suitable for inclusion on the Borough of Buena tax map. Said map can be submitted in electronic or hardcopy formats, and must be compliant with current New Jersey Map Filing Law guidelines (N.J.S.A. 46-23.1).

Section 7.

This ordinance shall take effect after final approval and publication as provided by law.

Passed First Reading: September 13, 2010

Passed Second Reading: December 13, 2010

JOSEPH SANTAGATA, PRESIDENT OF COUNCIL

Approved by the Mayor: December 14, , *2010*

By: _____
JOSEPH BARUFFI, MAYOR

ATTEST:

MARYANN CORALUZZO, BOROUGH CLERK

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BOROUGH OF BUENA

Maryann Coraluzzo
Borough Clerk
Tax Collector

616 Central Ave
Minotola, New Jersey
08341
Phone: (856) 697-9393
Fax: (856) 697-3279

County of Atlantic

CERTIFICATION

I, MARYANN CORALUZZO, Clerk of the Borough of Buena, in the County of Atlantic, do hereby certify that the forgoing is a true and correct copy of Ordinance No. 572, which was introduced by the Council of the Borough of Buena at a meeting of said Council of the Borough of Buena held September 13, 2010, and said ordinance was adopted by a majority of the members of the Council of the Borough of Buena at a subsequent meeting held on December 13, 2010.

S/ Maryann Coraluzzo
MARYANN CORALUZZO, BOROUGH CLERK

ORDINANCE NO. 567

AN ORDINANCE ESTABLISHING REVISED FEES AND ESCROWS FOR LAND USE AND DEVELOPMENT APPLICATIONS

WHEREAS, the Land Use Board has reviewed the existing schedule of fees and escrows for land use and development applications and by Resolution No. 2009-19 has recommended certain increases in said fees and escrows in order to cover the costs involved in the application and inspections process.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE BOROUGH OF BUENA that:

SECTION 1 – Chapter 150 Section 7 of the Code of the Borough of Buena is hereby revised, amended and supplemented as follows:

§ 150-7. Application Fees.

A. Redivision (not creating a new lot): $150.00.

B. Minor Subdivision.

(1) Application: $400.00 plus $50.00 per new lot.

(2) Resubmission: ½ the original application fee.

C. Major subdivision, preliminary.

(1) Application: $1,200.00 plus $125.00 per new lot.

(2) Resubmission: ½ the original application fee.

D. Major subdivision, final.

(1) Application: $1,200.00, plus $65.00 per new lot.

(2) Resubmission: ½ the original application fee.

E. Minor site plan.

(1) Application: $750.00.

(2) Resubmission: ½ the original application fee.

F. Standard site plan, preliminary.

(1) Application: $750.00.

(2) Resubmission: ½ the original application fee.

G. Standard site plan, final.

(1) Application: $500.00.

(2) Resubmission: ½ the original application fee.

H. Major site plan, preliminary.

(1)	5,000 to 25,000 sq. ft. of proposed developed area.	$1,000.00
(2)	25,000 to 50,000 sq. ft. of proposed developed area	$1,200.00
(3)	50,000 to 100,000 sq. ft. of proposed developed area	$1,500.00
(4)	100,000 to 250,000 sq. ft. of proposed developed area	$2,000.00
(5)	250,000 to 500,000 sq. ft. of proposed developed area	$3,000.00
(6)	500,000 sq. ft of proposed developed area	$4,000.00

I. Major site plan, final.

(1)	5,000 to 25,000 sq. ft. of proposed developed area	$ 400.00
(2)	25,000 to 50,000 sq. ft. of proposed developed area	$ 500.00
(3)	50,000 to 100,000 sq. ft. of proposed developed area	$ 800.00
(4)	100,000 to 250,000 sq. ft. of proposed developed area	$1,000.00
(5)	250,000 to 500,000 sq. ft. of proposed developed area	$1,500.00
(6)	500,000 sq. ft of proposed developed area	$2,000.00

J. Perfected site plan submission. When the Board approves a development plan with conditions specified in the resolution that minor details be added, such, required resubmission shall not be reviewed again by the Board, provided that such plan shall not be signed by the Chairman and Secretary until all the conditions of the resolution are met. No fee shall be charged.

K. Conditional use: $150.00.

L. Applications for variances pursuant to N.J.S.A. 40:55D-70: $500.00, plus $100.00 per variance. [Added 9-8-1998 by Ord. No. 457]

M. Extension of granted variance: $100.00. [Added 9-8-1998 by Ord. No. 457]

N. Special meetings requested by and/or charged to applicant, Land Use Board: $750.00. [Added 9-8-1998 by Ord. No. 457]

O. Assessor's certified list of owners: $10.00 or $0.25 per name, whichever is greater. [Added 9-8-1998 by Ord. No. 457]

P. Preparation of transcripts: $2.00 per page. [Added 9-8-1998 by Ord. No. 457]

Q. Certificates of approval: $3.00. Added 9-8-1998 by Ord.. No, 457]

R. Housing fee (single family development): $500.00.

§ 150-8.I. Required escrow deposits. [Added 9-8-1998 by Ord. No. 457]

A. Escrow Deposits Required for Complete Application. The required escrow deposits set forth below shall be paid at the time of filing an application for development, and no application shall be deemed complete until the required escrow deposit is paid. Any further escrow deposits required shall be paid no later than 20 days after the applicant is advised by the appropriate official that additional escrow funds are necessary. In the event that the applicant and the Borough cannot agree on the amount of additional escrow deposit required, then and in that event, the applicant shall pay an amount necessary to increase the escrow fund to its original amount and shall contest such amount at a later time after the additional escrow funds are paid. In the event that the applicant does not promptly pay additional escrow funds within 20 days of receiving notice thereof, the Land Use Board or Borough Council may, at their sole discretion, refuse to take any further action with regard to pending applications or, in the alternative, may determine that the application is not complete. In the event that approvals have already been given to the applicant and the applicant has been advised of the need for additional escrow funds and fails to timely fund any additional escrows, any temporary, final or other approvals shall be suspended and, therefore, ineffective until such time as the additional escrow funds are deposited with the Chief Financial Officer.

Development Application		**Required Escrow**
(1)	Minor subdivision	$900.00
(2)	Major subdivision, Preliminary approval Up to 30 lots (including any reserved parcel)	$2,500.00 plus $125.00 per lot
	In Excess of 30 lots (including any reserved parcel)	$5,000.00 plus $125.00 per lot
	(a) Extension of preliminary approval	20 % of original escrow deposit
	(b) Substantial revision or additional review of preliminary approval	100% of original escrow deposit
(3)	Major subdivision, final approval	100% of original escrow deposit for preliminary approval
	(a) Extension of final approval	20% of original escrow deposit

(4) Site Plan Review

(a) Minor Site Plan	$900 .00
[1] Development plan on a vacant tract of land which proposes construction of 1,000 square feet of floor area or less; or has provision for 10 parking spaces or fewer.	$1,200.00
[2] Application to conduct a business use or home occupation within the property owner's residence or an accessory structure thereto.	$500.00
[3] Accessory building located within a designated flood zone	$300.00
(b) Site plan, preliminary approval	
[1] Commercial or industrial site plan 1,001 to 5,000 square feet of floor area	$2,500.00 escrow deposit
5,001 to 10,000 square feet of floor area	$3,000.00 escrow deposit
10,001 to 50,000 square feet of floor area	$4,000.00 escrow deposit
50,001 to 100,000 square feet of floor area	$5,000.00 escrow deposit
Over 100,000 square feet of floor area	$6,500.00 escrow deposit
[2] Residential .multi-family housing site plan 3 to 5 dwelling units	$1,500.00

	escrow deposit
6 to 15 dwelling units	$2,5000 escrow deposit
16 or more dwelling units	$3,500.00 escrow deposit
[3] Building alteration, new construction for the first 1,000 square feet of additional gross floor area	$500.00, plus $250.00 for each additional 1,000 square feet of floor area up to 3,000 square feet
3,001 to 5,000 square feet of additional gross floor area	$2,500.00
5,001 to 10,000 square feet of additional gross floor area	$3,000.00
10,001 to 50,000 square feet of additional gross floor area	$4,000.00
50,001 to 100,000 square feet of additional gross floor area	$5,000.00
Over 100,000 square feet of additional gross floor area	$6,500.00
[4] Change of use to a new permitted use	$750.00
(c) Major Site plan, final approval	
[1] Commercial or industrial site plan	
1,001 to 5,000 square feet of floor area	$2,500.00 escrow deposit

5,001 to 10,000 square feet of floor area	$3,000.00 escrow deposit
10,001 to 50,000 square feet of floor area	$4,000.00 escrow deposit
50,001 to 100,000 square feet of floor area	$5,000.00 escrow deposit
Over 100,000 square feet of floor area.	$6,500.00 escrow deposit

[2] Residential multi-family housing site plan.

3 to 5 dwelling units	$1,500.00 escrow deposit
6 to 15 dwellings units	$2,500.00 escrow deposit
16 or more dwelling units	$3,500.00 escrow deposit

[3] Building alteration, new construction

For the first 1,000 square feet of additional gross floor area	$500.00 plus $250.00 for each additional 1,000 square feet of floor area up to 3,000 square feet
3,001 to 5,000 square feet of additional gross floor area	$2,500.00
5,001 to 10,000 square feet of additional gross floor area	$3,000.00
10,001to 50,000 square feet of additional gross floor area	$4,000.00
50,001to 100,000 square feet of additional gross floor area	$5,000.00

Over 100,000 square feet of additional gross floor area	$6,500.00
[4] Change of use to a new permitted use	$750.00
(5) Single-and-two-unit dwellings on lots of record, drainage review	No escrow deposit
(6) Applications for variances or interpretations (without site plan, or in addition to site plan)	
(a) Applications under N.J.S.A. 40:55D-70a	$750.00 escrow deposit
(b) Applications under N.J.S.A. 40:55D-70b	$750.00 escrow deposit
(c) Applications under N.J.S.A. 40:550-70c	$750.00 escrow deposit
(d) Applications under N.J.S.A. 40:55D-70d	$750.00 escrow deposit

(e) Any application for a variance pursuant to N.J.S.A.40:55D-70d to permit a subdivision or site plan set forth in § 150-8.IA (2), (3), and (4) shall require payment of escrow deposits as follows:

[1] If the application for subdivision or site plan approval is submitted concurrently with the variance application, the dollar amount of the escrow required to be deposited shall be the sum of $750.00 plus a sum of money equivalent to the dollar amount set forth in the applicable provision or provisions of I50-8.1A (1), (2), (3), or (4).

[2] If the application for subdivision or site plan approval is submitted separately, or at a different time, from the application for variance pursuant to NJ.S.A. 40:55D-70(d) two (2) separate escrow deposits shall be required. The dollar amount of the escrow required to be deposited at the time of the variance application is submitted shall be the sum of $750.00 plus a sum of money equivalent to the dollar amount set forth in the applicable provision or provisions of 150-8.1A (2), (3), or (4). The dollar amount of the escrow required to be deposited at the time the application, for subdivision or site plan approval is submitted shall be equivalent to the sum set forth in the applicable provision or provisions of 150-8.1A (2), (3), or (4).

Section 2 – Any prior provisions of Chapter 150-7 inconsistent herewith are hereby repeated to the extent of such inconsistency.

Section 3 – This ordinance shall take effect upon passage and publication as provided by law.

Passed First Reading: September 14, 2009

Passed Second Reading: September 28, 2009

ATTEST:

MARYANN CORALUZZO,
BOROUGH CLERK

BOROUGH OF BUENA

By: _____
JOSEPH SANTAGATA,
PRESIDENT OF COUNCIL

Approved by the Mayor: _____, 2009

By: _____
JOSEPH BARUFFI, MAYOR

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BOROUGH OF BUENA

Maryann Coraluzzo
Borough Clerk
Tax Collector

County of Atlantic

616 Central Ave
Minotola, New Jersey
08341
Phone: (856) 697-9393
Fax: (856) 697-3279

CERTIFICATION

I, MARYANN CORALUZZO, Clerk of the Borough of Buena, in the County of Atlantic, do hereby certify that the forgoing is a true and correct copy of Ordinance No. 567, which was introduced by the Council of the Borough of Buena at a meeting of said Council of the Borough of Buena held September 14, 2009, and said ordinance was adopted by a majority of the members of the Council of the Borough of Buena at a subsequent meeting held on September 28, 2009.

MARYANN CORALUZZO, BOROUGH CLERK

SITE PLAN REVIEW

INSTRUCTION FOR SITE PLAN REVIEW PROCEDURES

1. Where the applicant intends to seek site plan approval in connection with an application to the Planning Board of Adjustment pursuant to N.J.S.A. 40:55D-70 and 40:55D-76 applicant shall, prior to filing an application for variance or other relief submit the Secretary of the Planning Board and original and eighteen (18) copies of the site plan containing the information and in the form provided for in Article IX of the Ordinance of the Borough of Buena along with the ~~fee of One Hundred ($100.00) Dollars as a deposit toward the cost of~~ the site plan review by the Borough Engineer. The Secretary of the Planning Board shall upon receipt of a sufficient number of copies of site plan and the ~~one hundred ($100.)~~ Dollar deposit submit the site plans to the Borough Engineer for review.

2. Upon receipt of the site plan the Borough Engineer shall review the site plan to determine if the plan conforms with the requirement of Article IX. If the plan as submitted complies with the requirements of Article IX, then the Borough Engineer shall deem the site plan submission complete and proceed to his review. If the site plan does not comply with the requirements of Article IX, then the Borough Engineer shall determine the submission "INCOMPLETE" and return it to the Secretary of the Planning Board with an itemization of the deficiencies. The Secretary of the Planning Board will return the incomplete site plan submission to the applicant with the itemizations of deficiencies and not further review of the site plan submission will occur unless applicant resubmits a completed site plan to the Planning Board Secretary.

3. Upon determining a site plan to be complete the Borough Engineer will complete his review of the site plan and render his report within forth-five (45) days. The Engineer's report will indicated what, if any, bulk variances may be required along with his recommendations for compliance with Article IX (Site Plan Review Standards), Article XII, (signs), Article XII (Landscaping and fences), Article XIV (Offstreet Parking) and Article XV (Offstreet loading and unloading).

4. When all items referred to in Paragraph `2 and Paragraph 3 (when applicable) have been filed with the Secretary of the Zoning Board the Secretary shall certify that the application is complete, advised the applicant of the date of the hearing and supply the applicant with the necessary forms and affidavits for the required notice of the property owners and others to receive notice pursuant to State Law.

NOTE: An application requesting simultaneous site plan approval will not be deemed complete until the Borough Engineer has completed his review and rendered his report pursuant to Paragraph 3.

5. The applicant shall give notice at least ten (10) days prior to the date of hearing as follows:

(A) Public Notice shall be made by the publication, in the VINELAND TIMES DAILY JOURNAL of a legal advertisement, and proof of such publication in the form of an affidavit to b obtained from the VINELAND TIMES DAILY JOURNAL shall be submitted tot he Secretary of the Board.

(B) Notice shall be given to the owners of all real property within two hundred (200') feet of the subject property as set forth on the List of Property Owners obtained from the Tax Assessor. Notice shall be in the form provided by the Secretary of the Zoning Board. Such notice shall be given by personally serving a copy of Application and Notice on the owner or by mailing a copy of the Application and Notice certified mail, return receipt requested to the property owner at his address as shown on the List of Property Owners obtained from the Tax Assessor.

(C) Notice shall be given to the Clerk of any adjoining municipality where the subject property is located within two hundred (200') feet of an adjoining municipality. Such notice shall be either personally served or mailed certified mail, return receipt requested.

(D) Notice shall be given by personal service or certified mail to the County Planning Board of a hearing on an application for development or property adjacent to an existing county road or proposed road shown on the official county map or on the county master plan.

(E) Notice shall be given by personal service or certified mail to the Commissioner of Transportation of a hearing on an application for development of property adjacent to a state highway.

(F) Notice shall be given by personal service or certified mail to the Director of the Division of State and Regional Planning in the Department of Community Affairs of a hearing on an application for development of property which exceed one hundred fifty (150) acres or five hundred (500) dwelling units.

NOTE: Any notice made by certified mail, return receipt requested shall be deemed complete upon mailing. All certified mailing receipts must be postmarked by the Post Office at the time of mailing. If notice has not been given as stated above, the application CANNOT BE HEARD.

6. At least three (3) days prior to the date of the scheduled hearing the applicant shall file with the Secretary of the Zoning Board the list of property owners as provided by the Borough Tax Assessor, together with the Affidavit of Proof of Service. The affidavit of Proof of Service shall be signed, notarized and shall have attached to it the Copy of the completed form of Notice filled in as it was sent to all property owners. If service was made by certified mail, return receipt requested, all receipts for certified mailing and return receipts cards shall be attached to the Affidavit. If notice was served by personal service, then the Affidavit shall have attached an acknowledgement signed by the property owners acknowledging service of the Notice of the application.

7. All corporate applicants must be represented by an attorney admitted to practice law in the State of New Jersey. Other applicants may proceed either with or without an attorney. However, persons without an attorney must be physically present at the hearing.

CHECK LIST
SITE PLAN REVIEW
LAND USE BOARD

Check list for submission when applying for Site Plan Review for single family, duplex, two family semi-detached dwellings.

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1. 18 copies of dated site plan, check payable to the Borough of Buena, in the amount of $500.00, applicable to review and filing fee to be submitted 20 days before the regular meeting of the Land Use Board.

2. The site plan must be signed and sealed by a licensed Professional Engineer.

3. The site plan must be a true and accurate survey showing bearings to the second and distance to the hundredth.

4. Scale of plan not less than one (1) inch equals thirty (30) feet.

5. Shape, location and dimensions of existing and/or proposed building or buildings.

6. Exact size of lot, location map, accurate lot and block information, zoning district designation, required set backs, front, rear and sides as measured from roof overhang.

7. Name and address of applicant and property owner.

8. Must show elevation of all structures, proposed grading and drainage, finish floor and finish elevation at building corners.

   As a minimum, the grading plan must show the following:

   a. Location to nearest inlet if within 500 feet.

   b. Street profile at centerline, gutter line and Right of Way at minimum 50 feet grid.

   c. Topography of spot elevations at 50 foot grid at property lines and centerline of lot.

   d. Existing and proposed grades to show water run off and flow direction.

   e. Demonstrate all water flows to on site retention areas.

9. a. Must indicate on plan storm water flow away from proposed structure or structures, but not impacting on adjacent property owners. Retain all water run off increase on site, using 50 year storm event.

   b. The use of retention/detention basins for storing storm water runoff are discouraged in residential zones and for residential construction. All storm water facilities in residential zones and residential construction shall utilize subsurface recharge systems. The recharge systems shall recharge runoff into the ground within 24 hours or less after the storm event. In all cases, the area of recharge shall be no deeper than 8" for a residential construction.

10. Must indicate on plan if lot is serviced by City water, City sewer, electric, gas.

11. If proposed lot is not serviced by City water or sewer, indicate on plan location of well and septic systems.

12. Plan must show construction material to be used on drive-way.

13. Transition area of concrete to be provided at the drive-way within the Right of Way at street line.

14. Plan must show adequate turn around space for vehicles to avoid backing into street.

15. Plan must show adequate parking spaces in accordance with minimum Ordinance standards.

16. Plan must show adequate buffer zone and distance from drive and parking area at property line per Ordinance standards.

17. The location of all adjacent structures and drive ways showing set backs from property lines shall be shown on plans. The location of adjacent structures will aid the Board to determine if a prevailing setback exists in the area.

INSTRUCTION TO APPLICANTS
ZONING BOARD OF ADJUSTMENT
BOROUGH OF BUENA

1. Applications for development shall be filed with the Zoning Board of Adjustment pursuant to these instructions in those cases where the Zoning Board has the power to hear applications pursuant to N.J.S.A. 40:55D-70 and 40:55D-76. Applicants shall be made upon the forms supplied by the Zoning Board of Adjustment which can be obtained from the Secretary of the Zoning Board.

2. The applicant shall file with the Secretary of the Zoning Board an Original and 13 copies of the following documents:

(A) Plot plan or survey to scale indicating:
- (1) north point;
- (2) lot lines with dimensions;
- (3) lot area and total square feet or acreage;
- (4) tax map block and lot numbers;
- (5) zoning districts;
- (6) name of the road or roads on which the lot fronts;
- (7) easements and right of way;
- (8) locations of streams;
- (9) locations of all existing buildings;
- (10) location of any proposed structure or change in existing structures;
- (11) front, rear and sideyard dimensions for existing or proposed structures;
- (12) location, arrangement and dimensions of parking areas, driveway or service areas;
- (13) names of adjoining property owners;
- (14) location of all buildings on all adjoining properties.

NOTE:
If the Plot Plan is prepared by other than a surveyor, engineer or architect, it must be accompanied by an Affidavit certifying that all of the information shown on the Plan is correct.

(B) Proof that no taxes or assessments for local improvements are due or delinquent on the property for which the application is made. Such proof shall be in the form of a Certification from the Tax Collector.

(C) List of names and addresses of all stockholders and individual partners pursuant to N.J.S.A. 40:55D-48.1 (when applicable).

(D) Consent of property owner attached to application when application is made by other than owner of the property.

(E) Site Plan if applied for simultaneously with other relief. (See Site Plan Review Instructions below).

(F) Fee.

The foregoing items shall be filed with the Secretary of the Zoning Board at least twenty(20) days before the date of the hearing. Where an application for site plan approval is made simultaneously with an application for other relief then the foregoing items shall be filed not less than thirty (30) days before the hearing.

NOTE: Article IX of Ordinance 234 requires that a site plan be submitted to the Zoning Officer for submission for review to the Borough Engineer prior to the application for any zoning permit for the erection of a new building or substantial alteration or addition to an existing building or buildings in any zone district of the Borough of Buena. The applicant may elect to seek site plan approval contemporaneously with his/her application for a use variance and in such case, shall comply with the procedures set forth in instructions numbered 1 through 7 and the Site Plan Review instructions. Where site plan review is not required, the applicant shall follow instructions numbered 1 through 7. Where Site Plan Review is required, but the applicant elects not to seek site plan approval simultaneous with application to the Zoning Board, then applicant will be required to file a separate application for site plan review to either the Zoning Board of Adjustment or the Planning Board subsequent to the granting of an approval by the Zoning Board of Adjustment.

3. The applicant shall obtain from the Tax Assessor of the borough of Buena a list of property owners within two hundred (200') feet of the property which is the subject of the application.

4. When all items referred to in Paragraph 2 and Paragraph 3 (when applicable) have been filed with the Secretary of the Zoning Board the Secretary shall certify that the application is complete, advised the applicant of the date of the hearing and supply the applicant with the necessary forms and affidavits for the required notice of the property owners and others to receive notice pursuant to State Law.

NOTE: An application requesting simultaneous site plan approval will not be deemed complete until the Borough Engineer has completed his review and rendered his report pursuant to Paragraph 3.

5. The applicant shall give notice at least ten (10) days prior to the date of hearing as follows:

(A) Public Notice shall be made by the publication, in the VINELAND TIMES DAILY JOURNAL of a legal advertisement, and proof of such publication in the form of an affidavit to b obtained from the VINELAND TIMES DAILY JOURNAL shall be submitted tot he Secretary of the Board.

(B) Notice shall be given to the owners of all real property within two hundred (200') feet of the subject property as set forth on the List of Property Owners obtained from the Tax Assessor. Notice shall be in the form provided by the Secretary of the Zoning Board. Such notice shall be given by personally serving a copy of Application and Notice on the owner or by mailing a copy of the Application and Notice certified mail, return receipt requested to the property owner at his address as shown on the List of Property Owners obtained from the Tax Assessor.

(C) Notice shall be given to the Clerk of any adjoining municipality where the subject property is located within two hundred (200') feet of an adjoining municipality. Such notice shall be either personally served or mailed certified mail, return receipt requested.

(D) Notice shall be given by personal service or certified mail to the County Planning Board of a hearing on an application for development or property adjacent to an existing county road or proposed road shown on the official county map or on the county master plan.

(E) Notice shall be given by personal service or certified mail to the Commissioner of Transportation of a hearing on an application for development of property adjacent to a state highway.

(F) Notice shall be given by personal service or certified mail to the Director of the Division of State and Regional Planning in the Department of Community Affairs of a hearing on an application for development of property which exceed one hundred fifty (150) acres or five hundred (500) dwelling units.

NOTE: Any notice made by certified mail, return receipt requested shall be deemed complete upon mailing. All certified mailing receipts must be postmarked by the Post Office at the time of mailing. If notice has not been given as stated above, the application CANNOT BE HEARD.

6. At least three (3) days prior to the date of the scheduled hearing the applicant shall file with the Secretary of the Zoning Board the list of property owners as provided by the Borough Tax Assessor, together with the Affidavit of Proof of Service. The affidavit of Proof of Service shall be signed, notarized and shall have attached to it the Copy of the completed form of Notice filled in as it was sent to all property owners. If service was made by certified mail, return receipt requested, all receipts for certified mailing and return receipts cards shall be attached to the Affidavit. If notice was served by personal service, then the Affidavit shall have attached an acknowledgement signed by the property owners acknowledging service of the Notice of the application

7. All corporate applicants must be represented by an attorney admitted to practice law in the State of New Jersey. Other applicants may proceed either with or without an attorney. However, persons without an attorney must be physically present at the hearing.

exceed one thousand dollars ($1,000.) and each lot so disposed shall be deemed a separate violation.

B. In addition, Buena Borough may institute and maintain a civil action for injunctive relief and may set aside and invalidate any conveyance if a certificate of compliance has not been issued pursuant to § 150-69 of this Article.

C. The transferee, purchaser or grantee shall be entitled to a lien on the remainder of land in the development to secure the return of deposits made or the purchase price paid, as well as for fees and expenses incurred. If the instrument of transfer has been recorded, action shall be taken within two (2) years of such recording; if unrecorded, within six (6) years.

§ 150-69. Certificates showing approvals; contents.

A. Any person having an interest in land which forms part of a subdivision may apply in writing to the Secretary of the Planning Board for the issuance of a certificate certifying whether or not the subdivision has been approved by the Planning Board. A diagram showing the location and dimensions of the land to be covered by the certificate and the name of the owner shall be included in the application.

B. The Secretary shall issue such certificate within fifteen (15) days after receipt of the application and a fee of three dollars ($3.) and shall keep a duplicate copy of each certificate consecutively numbered, showing the fee charged, in a binder as a permanent record. Each certificate shall be designated a "certificate as to approval of subdivision of land" and shall certify:

(1) That there is a duly established Planning Board in Buena Borough and an ordinance controlling land subdivision under statutory authority.

(2) Whether subdivision of the land shown in the application has been approved by the Board, the date of approval, and any extensions and the terms of approval, and that the subdivision is valid.

(3) Whether, if said subdivision has not been approved, it is statutorily exempt.

§ 150-70. Right of owner of land covered by certificate.

A. A person who acquires, for a valuable consideration, an interest in land covered by a certificate of approval of a subdivision in reliance on the information therein shall hold such interest free of any right, remedy or action which could be prosecuted by Buena Borough pursuant to § 150-68.

B. Such rights shall also apply if the certificate of approval applied for is not issued within fifteen (15) days.

C. If an application for the issuance of a certificate of approval is addressed to the Borough Clerk, it shall be deemed to be addressed to the Secretary of the Board, and Buena Borough shall be bound thereby as though properly addressed.

§ 150-71. Condominiums and cooperative structures and uses.

The development regulations of this chapter shall be applied without regard to the form of ownership. No requirements governing use, location, placement or construction of buildings or improvements for condominiums or cooperatives shall be required unless such requirements are equally applicable to buildings and improvements of the same kind not under the condominium or cooperative form of ownership. No approval shall be required as a condition precedent to the recording of a condominium master deed or the sale of any unit therein.

ARTICLE VIII
Subdivision Plat and Site Plan Application Requirements

§ 150-72. Contents of complete application.

A. In order to provide for the minimum time necessary for reviews, filed inspections, reports and notice requirements, all applications for land development shall be submitted to the Secretary of the Planning Board at least fifteen (15) days prior to the date of a scheduled meeting of the Board.

B. A complete application shall include eleven (11) copies of the applicable form completed by the applicant, the required fee as provided under Article I, § 150-7, and the following:

(1) For a minor subdivision or redivision of land:

(a) ~~Eleven (11)~~ Eighteen (18) copies of the plat.

(b) Three (3) copies of the legal description of the entire tract.

(c) Three (3) copies of the legal description of the land to be conveyed.

(2) For a major subdivision preliminary plat:

(a) ~~Eleven (11)~~ Eighteen (18) copies of the plat.

(b) Three (3) copies of the street profiles and other required data.

(3) For a major subdivision final plat:

(a) Three (3) reproducible Mylar copies of the plat original.

(b) Five (5) prints of the plat original.

(c) Three (3) copies of the as-built street profiles.

(d) Three (3) copies of the legal description of lands to be dedicated to public use.

(4) For all site plan developments:

(a) ~~Eleven (11)~~ Eighteen (18) copies of the site plan.

(b) Three (3) copies of other required data.

§ 150-73. Subdivision plat details and required data.

A. A minor subdivision or redivision plat shall:

(1) Be based on Tax Map data and/or current field survey.

(2) Be drawn at a scale of not less than one hundred (100) feet to the inch.

(3) Be drawn on standard sheet sizes for filing purposes, as follows: eight and one-half by thirteen (8½ x 13) inches, fifteen by twenty-one (15 x 21) inches, twenty-four by thirty-six (24 x 36) inches or thirty by forty-two (30 x 42) inches.

(4) Provide the name and address of the land owner and applicant.

(5) Provide the name and address of the licensed engineer, architect or surveyor who prepared the plat.

(6) Show block, lot and Tax Map sheet numbers as per the Assessor's record.

(7) Show the acreage of the entire tract and the portion divided.

(8) Show the date on which the plat was completed and dates of revisions.

(9) Be signed and sealed by a licensed surveyor.

(10) Cite the zone in which the property is located.

(11) Show a key map, relating the tract to surroundings and streams.

(12) Give the name of the street and designate the zone.

(13) Show the dimensions and bearings of all boundaries, including the portion divided.

(14) Show all lines to be eliminated.

(15) Give the location, dimensions, bearings and purposes of all easements.

(16) Show existing structures on site and within two hundred (200) feet of the land to be conveyed, dimensioned to property lines and street center lines.

(17) Designate the existing and proposed use of land and all structures.

B. A major subdivision preliminary plat shall:

(1) Provide all data listed under Subsection A of this section.

(2) Give the proposed development name.

(3) Give the name and address of the developer.

(4) Show existing and proposed streets with right-of-way widths and distances between intersections.

(5) Show streams with widths and direction of flow, swales and ditches, as well as flood hazard areas, if any, which are located within two hundred (200) feet of the tract.

(6) Show land set aside for recreation, with dimensions and area, when said land is required to be reserved.

(7) Show existing and proposed lots, with dimensions.

(8) Show building lines by dimensions or notations on the plat.

(9) Show side and rear yards by dimensions or notations on the plat.

(10) Give names for new streets.

(11) Designate the names of property owners within two hundred (200) feet of the tract.

(12) Show new block and lot numbers as per the Assessor's system.

(13) Show wooded areas and unusual land features.

(14) Provide a copy of covenants or deed restrictions, if any.

(15) Show contour lines at five-foot intervals for ten-percent slopes; at two-foot intervals for five- to ten-percent slopes; at one-foot intervals for less than five-percent slopes.

(16) Provide one (1) soil log and percolation test for each five (5) acres to be developed, as well as tests in the area or vicinity of retention or detention basins to determine adequacy.

(17) Provide additional tests, made and witnessed by the Health Officer or Borough Engineer, on lands comprising the following soils: Atsion, Berryman, Fallsington, Hammonton, Lakehurst, Matapex, Muck, Othello, Pocomoke, Tidal Basin and Woodstown.

(18) Provide street profiles, detailed as required by the Borough Engineer.

(19) Show utility plans and connections to the main.

(20) Show the proposed method of on-site disposal and water supply.

(21) Provide proof of legal right to discharge drainage through abutting properties or easements.

(22) Show street improvements, locations and construction details.

(23) Provide for shade trees, as follows: one (1) for each fifty (50) feet of frontage on both sides of streets (existing trees which substantially comply may be counted, if located and described on the plat).

(24) Show underground installations.

(25) Provide proof that all taxes are paid.

C. A major subdivision final plat shall:

(1) Provide the data listed under Subsection B(1) through (14) of this section.

(2) Provide other data that applies to the particular site and use.

(3) Provide signatures on the plat of property owners, the Borough Tax Collector and the Borough Engineer.

(4) Provide a copy of descriptions for dedication of streets, of lands reserved for public use and of any easements.

§ 150-74. Site plan details and required data.

A. A minor site plan shall show the proposed improvements, alterations or change of use on a copy of a site plan which has been duly approved, if there is one, or on a plan signed by the person who prepared it, showing the following:

(1) The name and address of the property owner and applicant.

(2) The proposed addition or modification, the location of parking areas and the number of parking spaces, all dimensioned and referenced to lot lines and center lines of streets.

(3) The existing and proposed use of all buildings, structures or parts thereof.

(4) The existence and proposed type of paving.

(5) The distance and bearing to the nearest street intersection.

(6) The block, lot and Tax Map sheet number, as per the Assessor's records.

(7) The North designation, by arrow.

(8) The names and widths of all abutting streets.

(9) The on-site accessways, existing and proposed, with referenced dimensions.

(10) The curb openings, existing and proposed, with the referenced location and the width at curbline and at the property line.

(11) The location of the nearest stormwater inlets.

(12) Such other details as may apply to the proposed improvements or change of use.

B. Standard and major site plans shall:

(1) Provide the data listed under Subsection A(1) through (12) of this section.

(2) Be drawn at a scale not smaller than one inch equals 50 feet and not larger than one inch equals 10 feet, including the scale of all views.

(3) Provide the name and address of the licensed engineer, architect or surveyor who prepared the data.

(4) Be signed and sealed by a licensed engineer, architect and land surveyor.

(5) Reserve space on the plan for approved stamps and signatures.

(6) Show an appropriate title by including the words "Site Plan for _____," indicating the intended use of the site.

(7) Show a key map, locating streets and streams within 2,000 feet of the site.

(8) Give the date the plan was completed and revision dates, if any.

(9) Indicate the zone or zones.

(10) Show the buffer areas, the existing and proposed screening materials, landscaping, fences and all trees within the street rights-of-way. For applications in the Pinelands

Area, landscaping plans shall incorporate the elements set forth in § 150-172D. In addition, applicants shall consider and the appropriate board may utilize the landscaping and revegetation guidelines,set forth in N.J.A.C. 17:50-6.26. **[Added 6-2-1997 by Ord. No. 444]**

(11) Show existing and proposed utility lines and the location of poles.

(12) Show existing and proposed on-site lighting, type and location.

(13) Show grade elevations at all corners of buildings and structures.

(14) Show contour lines based on United States Coast and Geodetic Survey (USCGS) data or bench marks approved by the Borough Engineer.

(15) Show proposed grading at maximum one-foot intervals, for sufficient distance to define runoff paths.

(16) Provide a stormwater system with details and design data to support adequacy to handle storm flows of a fifty-year design frequency.

(17) Provide an on-site disposal system or details of connection to the sewer main.

(18) Provide details of the water supply system.

(19) Provide street improvements and show the location, type, size and typical construction details.

(20) Provide on-site service areas, with locations dimensioned.

(21) Show retaining walls and walkways, with locations dimensioned.

(22) Show all easements and the purpose of easements, located and dimensioned.

(23) Show lands to be dedicated to public use, dimensioned on the plan, and provide the written descriptions.

(24) Show contiguous lands owned by the applicant.

(25) Show center-line elevations of the existing streets.

(26) Show future street extensions as indicated on the Master Plan of Street Extensions.

(27) Provide other data which may pertain to the particular site and use, including traffic and environmental studies or impact analysis.

(28) Provide proof that all taxes are paid to date.

§ 150-75. Improvements.

A. For major subdivision developments, the applicant shall install:

(1) New streets and, where required, street improvements in abutting streets.

(2) Shade trees.

(3) Stormwater drainage facilities.

(4) Water supply facilities.

(5) Sanitary sewer facilities.

(6) Topsoil, as follows: at least four (4) inches throughout the site, stabilized by seeding and planting on slopes of less than twelve percent (12%) or by sodding on slopes of twelve percent (12%) or over. No topsoil shall be removed from the site or used as fill.

(7) Monuments, as specified under Section 4 of Chapter 358 (Laws of 1953),[26] placed according to state standards. In addition, all corners and angle points of the outbounds shall be monumented.

(8) Curbs, except where ninety percent (90%) of the proposed lot frontages are one hundred sixty (160) feet or more.

(9) Other improvements which, due to the nature of the use or to the condition of the particular site, are deemed necessary by the Planning Board to protect the public health and safety.

(10) Sidewalks.

B. For all site plan developments, the applicant shall install:

(1) Street improvements, including but not limited to concrete driveway aprons, curb and gutters.

(2) On-site parking.

(3) On-site lighting.

(4) Screening materials.

(5) Buffer areas.

(6) Stormwater drainage facilities.

(7) Water supply facilities.

(8) A sanitary sewer system.

(9) Other improvements which, due to the nature of the use or to the condition of the particular site, are deemed necessary by the Planning Board to protect the public health and safety.

(10) Sidewalks.

C. In all developments, the following improvements shall be installed by the appropriate authority and assessed to the developer:

(1) Streetlights.

(2) Street signs.

D. Sidewalks shall not be required unless one (1) or both of the following apply:

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26 Editor's Note: Said statute was repealed by P.L. 1960, c. 141, § 8. See now the Map Filing Law, N.J.S.A. 46:23-9.9 et seq.

(1) Sidewalks exist along the frontage of the abutting property.

(2) The Board finds that by reason of the particular conditions of the site, its location or surroundings, sidewalks are required to protect the public safety.

E. Off-tract improvements, if required, shall be in accordance with the provisions of § 150-76 of this Article.

§ 150-76. Off-tract improvements.

A. Where off-tract water, sewer, drainage and street improvements are necessitated by a proposed development, the Planning Board may, as a condition of approval, require that:

(1) The cost of the off-tract improvement be borne solely by the applicant if no other property owner receives a special benefit; or

(2) The cost of the off-tract improvement be shared if other property owners receive a special benefit.

B. Procedure for sharing costs of off-tract improvements.

(1) If the Planning Board determines that properties outside a proposed development will benefit from the required off-tract improvements, the Board shall send to the governing body a list of the required off-tract improvements and request advice as to the procedure for installation. The Board shall act within one hundred twenty (120) days if no determination is received from the governing body.

(2) The governing body shall advise the Planning Board within ninety (90) days that the improvements shall be installed pursuant to one (1) of the following:

(a) As a general improvement with the cost borne at public expense, including a contribution from the developer;

(b) As a local improvement, with the cost assessed against the properties directly benefited, including a contribution from the developer; or

(c) As a direct cost to the developer under a formula for partial reimbursement.

(3) If the governing body determines that the improvements shall be installed as a general improvement, the Board shall approve the estimate by which the total cost exceeds the total amount of benefit to all the properties, including the development property, and the developer shall be liable to the borough for such excess.

(4) If the governing body determines that the improvements shall be installed as a local improvement, the Board shall estimate the difference between the total cost and the total amount of benefit to the subject properties, including the development property, and the developer shall be liable for such difference as well as for the amount assessed to the development property.

(5) If the governing body determines that the improvements shall be installed as a direct cost to the developer, the Board shall estimate the total cost and apportionment attributable to the development property. The developer shall be reimbursed by the borough for the cost not attributable directly to the development property. Such

reimbursement shall be made if, as and when assessments against other properties benefiting are received by the borough. The assessment against the development property shall be marked paid and satisfied in consideration of the improvements installed solely by the developer.

(6) The governing body shall adopt an ordinance authorizing any assessments as provided by law.

§ 150-77. Requirements for affordable housing.

For all major subdivisions of twenty (20) or more dwelling units, the applicant shall reserve a minimum of ten percent (10%) of the units for affordable housing in accordance with the applicable regulations of the Council on Affordable Housing (COAH).

§ 150-78. Exceptions.

The following shall not be considered subdivisions if no new streets are involved:

A. Divisions found by the Planning Board to be for agricultural use where all resulting parcels are five (5) acres or larger in size.

B. Divisions of property by testamentary or intestate provisions.

C. Divisions of property upon court order, including but not limited to judgments of foreclosure.

D. The consolidation of existing lots by deed or other recorded instrument.

E. The conveyance of one (1) 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 Secretary of the Planning Board to conform to the development regulations of this chapter and which are shown as separate lots, tracts or parcels on the Tax Map of Buena Borough.

ARTICLE IX
Drainage Standards

§ 150-79. Rationale.

The importance of properly designed drainage from an economic, safety and public relations standpoint warrants a hydraulic analysis. Good drainage design anticipates where surface water will accumulate and makes provisions for the removal of excess water as rapidly as possible in order to prevent unusual damage to private property, undue interference with the operation of motor vehicles or traffic flow and excessive maintenance burden.

§ 150-80. Accumulation of preliminary data.

A. The accumulation of specific information by office and field investigations is required for proper drainage analysis. It is necessary that plans be prepared indicating topography, preliminary alignment and profile information.

B. In addition to the above, plans shall show:

(1) All proposed curb and superelevation data.

(2) The station of low and high points.

(3) Existing drainage facilities.

(4) Ditch and stream slopes.

(5) The drainage area from the proposed topography.

(6) Areas of sharp grades in excess of four to one (4:1) slopes.

(7) Drainage areas from United States Geological Survey (USGS) maps or other sources.

(8) The preliminary location of proposed drainage facilities.

(9) The known high water marks.

§ 150-81. Maximum expected discharge (MED).

A. The maximum expected discharge may be defined as the maximum expected quantity of water, created by the design storm, arriving at a particular location such as an inlet or ditch. The MED from drainage areas shall be determined by the Rational Equation or "Q = CIA," where "Q" equals the maximum expected discharge in cubic feet per second; "C" equals the runoff factor expressed as a percent of the total water falling on an area; "I" equals the rate of rainfall expressed in inches per hour for a fifty-year storm frequency; and "A" equals the drainage area expressed in acres.

B. The above equation assumes that one (1) inch of rainfall falling on (1) acre of land falls at the rate of one (1) cubic foot per second; thus the total quantity of water falling on an area is represented by "1A." It is necessary to adjust the 1A because a certain percentage of the water is dissipated by evaporation, transpiration, percolation, ponding and physical features. Therefore C, the runoff factor, is introduced in the Rational Equation to account for the dissipated water. The runoff factors for various types of drainage areas are found in Table 1:

Table 1
Runoff Factors for the Rational Equation

Type of Drainage Area or Surface	Runoff Factor "C" Minimum	Maximum
Roofs	0.90	1.00
Pavements, concrete or bituminous concrete	0.75	0.95
Pavements, bituminous macadam or surface-treated gravel	0.65	0.80
Pavements, gravel, macadam, etc.	0.25	0.60

Type of Drainage Area or Surface	Runoff Factor "C" Minimum	Maximum
Sandy soil, cultivated or light growth	0.10	0.30
Sandy soil, woods or heavy brush	0.10	0.30
Gravel, bare or light growth	0.20	0.40
Gravel, woods or heavy brush	0.10	0.35
Clay soil, bare or light growth	0.25	0.75
Clay soil, woods or heavy growth	0.15	0.60
Borough business sections	0.60	0.80
Dense residential sections	0.50	0.70
Suburban, normal residential areas	0.35	0.60
Rural areas, parks and golf courses	0.10	0.30

NOTE: In selecting the C factor, high values shall be applied to denser soils and steep slopes; consideration shall be given to the future land uses in the drainage area; and a weighted value of C shall be given to a drainage area which contains several different types of ground cover.

C. The rainfall intensity "I" curve for Atlantic County shall be used which is approximated by the equation "I = 190/25 + t," where "I" equals the rate of rainfall expressed in inches per hour for a fifty-year storm and "t" equals the time of concentration.

D. The fifty-year storm frequency shall be used for all systems.

E. To determine storm duration, the time of concentration approach shall be used. "Time of concentration" may be defined as the interval of time required for water from the most remote portion of the drainage area to reach the point in question. The time of concentration may be influenced by the type of terrain over which the water must flow and stream velocities; prior to reaching the point in question, the water may flow over land and subsequently flow into a stream.

F. Stream velocities shall be calculated from Manning's Equation. The average velocities of runoff flow for time of concentration area shall be as follows:

Table 2
Recommended Average Velocities of Runoff Flow for Determining Time of Concentration

Description of Course of Runoff Water	Velocities in Feet Per Second (slope in percent) 0.5	1.0	1.5	2.0	2.5	3.0	3.5	4.0	4.5	5.0
Paved	.79	.93	1.00	1.05	1:10	1.13	1.14	1.19	1.22	1.26
Bare shaley soil	.61	.70	.75	.80	.83	.85	.89	.90	.93	.96
Bare soil	.51	.55	.58	.63	.65	.66	.68	.70	.72	.74
Wild grass	.34	.39	.42	.46	.47	.48	.49	.51	.52	.54
Average grass	.26	.30	.32	.34	.35	.37	.38	.40	.41	.42
Dense grass	.20	.23	.25	.27	.28	.29	.30	.30	.31	.32

G. The time of concentration shall be determined and considered as representing the duration of the storm.

H. On-site retention conditions. The runoff from four and five-tenths (4.5) inches of rainfall, less dissipation, for a twenty-four-hour period must be stored. The storage volume shall not be less than that anticipated by the runoff from one and five-tenths (1.5) inches of rainfall. Dissipation will not affect the minimum storage capacity since this amount of rainfall is anticipated to fall in a very short time. In calculating dissipation, only the bottom area of the trench or basin shall be utilized. The bottom surface of the leaching area shall be at least one (1) foot above the seasonal high groundwater table. Soil logs and percolation tests shall be made within the area of the proposed leaching system.

I. Retention basins, if permitted, shall be protected from public intrusion by both fencing and screening and shall be maintained by the developer. The basin shall have side slopes of one to four (1:4) or shallower to prevent erosion, to make maintenance easier and to increase the safety factor should anyone become trapped inside. The retention basin will also be required to meet the current soil erosion and sediment control standards to obtain a permit from the New Jersey Soil Conservation District Office.

J. Drainage area. The extent of the drainage area which is independent of the development itself shall be determined from photogrammetric plans, roadway design plans, field observations and USGS topographic maps.

§ 150-82. Capacity of waterway areas.

A. Section 150-81 established the criteria for determining the maximum expected quantity of water; this section deals with the removal of the water arriving at a particular location. The drainage facilities must have adequate capacity.

B. Some facilities that can be utilized are shoulders, curbed sections, inlets, storm pipes, ditches and grassed waterways.

C. The capacity of drainage facilities is measured in terms of discharge and may be determined by the equation of continuity: "Q = AV," where "Q" equals the discharge of water in cubic feet per second; "A" equals the net effective area in square feet provided by the drainage facility; and "V" equals the velocity of water in feet per second. NOTE: The discharge capacity for a drainage facility at a particular location shall be at least equal to the MED for that location.

D. Additional design criteria for specific drainage facilities:

(1) Shoulders. Water flowing in the shoulder shall not encroach more than two-thirds (⅔) of the shoulder width. Inlets shall be provided to control encroachment and velocity.

(2) Curbed sections. Inlets shall be provided to prevent encroachment on roadway pavement.

(3) Inlets. The assumed inlet capacity shall be six (6) cubic feet per second. If the capacity of the shoulder or curbed section exceeds the assumed inlet capacity, the

inlet capacity shall govern the spacing of inlets. If the capacity of the shoulder or curbed section is less than the inlet capacity, the shoulder, grassed waterway, curbed section or depressed section capacity shall govern the spacing of inlets. On shoulder and curbed sections, the maximum spacing of inlets shall not exceed five hundred (500) feet. Sufficient inlets shall be installed at street intersections to avoid gutter overflow. Inlets shall be placed at the low point on sag vertical curves.

(4) Storm pipes. Where headroom is restricted, equivalent pipe arches may be used in lieu of circular pipe. The minimum diameter of storm pipe shall be eighteen (18) inches. Abrupt changes in the direction or slope of pipe shall be avoided, and, if required, an inlet or manhole shall be placed at the point of change. The minimum slope in a pipe shall maintain a two-feet-per-second velocity in the pipe. The top of the pipe shall not be less than one (1) foot below subgrade or as recommended by the manufacturer, whichever is greater. Longitudinal pipes may serve as combination storm sewer and foundation underdrain pipe. A typical computation table for storm sewer design shall be submitted.

(5) Ditches and grassed waterways. Ditches and grassed waterways are open channels which carry runoff. Transverse ditches shall not intersect parallel ditches at right angles but shall join them at an angle of thirty degrees (30°) in order to minimize scour and sedimentation.

§ 150-83. Erosion control of drainage facilities.

A. The need for erosion prevention extends throughout the development and shall be considered an essential feature of good drainage design.

B. Erosion and maintenance are minimized by the use of flat side slopes blended with natural terrain drainage channels designed with due regard to location, width, depth, slopes, alignment and protective treatment; proper facilities for groundwater interception; and dikes, berms and protective ground cover.

C. Erosion control of culvert outlets. Since culverts create serious erosion problems in unprotected channels, it is necessary to provide a channel treatment which will control erosion and dissipate the excess energy of the discharge. For culvert outlets, channel treatment based on outlet velocities and alignment shall be provided.

D. Erosion control of drainage channels. Within practical limits, the possibility of erosion should be eliminated. Where channel scour is indicated, a means for reducing velocity or for protecting the channel should be provided.

E. Erosion control devices for channel protection.

(1) Grass-lined channels. Permissible velocity within channels depends upon the type and condition of the grass cover and the texture of the soil comprising the bed. Capacity should be computed for taller grass than is expected to be maintained and velocity computed for a lower grass height which is likely to be maintained.

(2) Concrete-lined channels. The use of concrete paved gutters to control erosion is essential when the developed velocity exceeds that which sod can withstand. A paved

channel should be located after consideration of aesthetics. Concrete linings can be used on very flat slopes to increase the velocity of flow to a nonsilting velocity, to more efficiently remove water from ponded areas or to reduce the size of channel needed to carry the design discharge.

(3) Channels lined with stone. Such linings can be constructed of dumped, hand-placed or grouted stone. The channel bed and slope can be lined, or stone can be used in combination with grass or concrete. A dumped stone lining is the most flexible since it readily adjusts itself to uneven bank settlement.

(4) Riprap for bank protection. Riprap slope protection shall be used if there is any indication that erosion may occur along the bank of the channel. Types of riprap include dumped, hand-placed, wire-enclosed, grouted, concrete-slab or concrete riprap in bags.

F. Compliance with the construction standards shall be required for all site improvements. See Article XII.

G. Compliance with soil erosion and sediment control standards as set by the United States Conservation District Office may be required.

§ 150-84. Pinelands Area. [Added 9-8-1992 by Ord. No. 404]

In the Pinelands Area of the borough, the standards set forth in Article XVIII, § 150-176, shall apply.

ARTICLE X
Buffer Screening; Shade Trees; Landscaping Standards

§ 150-85. Purpose.

Buffer strips, screening, shade trees and landscaping shall be used to achieve the following:

A. The maximum harmony possible between land uses and land users.

B. The reduction of glare, noise and pollution levels.

C. The reduction of the volume of stormwater runoff required to be carried away from the site.

D. A safer means of controlling access to and from public streets.

E. A safer functional pattern for on-site traffic circulation and circulation between connected but separate uses.

F. Improved protection of privacy and property rights.

G. Improved protection of the quality of the environment.

H. The provision of areas of shade which reduce temperature and energy costs during hot weather.

I. The provision for natural wind screens which protect from exposure and reduce energy costs during cold weather.

J. The creation of a more visually pleasing site which contributes to the maintenance of an attractive community in which to live and work.

K. The preservation of some land in a natural state to offset the monotony of continuous pavement and to improve the quality of the urban scene.

L. The protection of environmentally sensitive areas.

M. A means to conceal service and trash collection areas from public view.

N. A means to generally preserve the amenities within public areas which provide some relief from the adverse affects of stress engendered by ever-increasing urbanization.

§ 150-86. General provisions.

A. The dimension standards set forth in this section are part of the area, yard and bulk requirements of the zoning schedules, as set forth herein under Article XVI.[27] An exception or change may be permitted after public hearing, upon a clearly demonstrated need based on the specific conditions or constraints of the particular site.

B. These standards shall not be applied to an existing site development approved prior to the adoption of this chapter unless such site development is enlarged or expanded, in which case the standards of this chapter shall apply to the areas of enlargement or expansion. However, these standards shall apply in all cases where the existing conditions are found to be hazardous to pedestrian or vehicular traffic or where a specific parking or drainage problem can be relieved by their application. In such case, the Board shall require that revisions be made, but only to the extent necessary to alleviate the problem, as a condition for approval of the enlargement or expansion of the use.

C. A buffer strip area shall be an integral part of a development plan or an expansion, shall be permanently maintained and shall not be encroached upon or reduced in any way.

D. Natural features, such as drainage swales, scenic views, trees and such indigenous vegetation, shall be made part of the development to the fullest possible extent. Such features shall be properly maintained, as well as such newly planted vegetation as may be required for screening purposes.

E. The cost of providing, planting and maintaining the required shade trees and screening materials shall be placed under surety, including any fences, walls or berms which may be part of the screening requirement.

F. It shall be the responsibility of the owner and/or lessee to carry out a care and maintenance program which assures that the required shade trees and screening materials are kept in good condition and that such plantings as do not survive are replaced as soon as possible.

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27 Editor's Note: See the Schedule of Area, Yard, Height and Parking Requirements at the end of this chapter.

G. In the Pinelands Area of the borough, the landscaping and vegetation standards set forth in Article XVIII, § 150-172, shall apply. [Added 9-8-1992 by Ord. No. 404]

§ 150-87. Buffer areas.

A. Side and rear buffer strips required in commercial and industrial zones shall be a minimum of five (5) feet in width, except as modified below, and shall be provided for all developments which require site plan approval. No parking shall be permitted therein, nor shall such buffers be paved except at locations which provide for access across.

B. Side and rear line buffer strips which abut a residential use or residential zone shall be a minimum of fifteen (15) feet in width for all developments which require a site plan approval, except as modified below in the R-1 and B-1 Zones, and shall be provided with screening to create a visual barrier.

C. In lieu of side and rear line buffer strips, solid fences or walls at least six (6) feet high may be erected behind the minimum front yard building line in the R-1 and B-1 Zones to screen commercial or industrial activities which abut a residential use or residential zone.

D. Front buffer strips, at least ten (10) feet wide, shall be provided along street frontages for all developments which require site plan approval. No parking or paving shall be permitted within the front buffer strip.

E. Ground cover such as grass, ivy or decorative stone landscaping, shall be provided on all the areas of a site which are not used for buildings, walkways, service areas, access drives and parking; and such ground cover shall be maintained continuously.

F. Parking areas which provide two hundred (200) or more parking spaces shall use at least five percent (5%) of the land within said areas for divider strips or islands in order to alleviate an otherwise barren expanse of paved, open space and to provide locations for the required on-site shade trees.

G. Divider strips located between rows of parking spaces shall be at least seven and one-half (7½) feet wide in order to accommodate car overhang and to allow passage between bumpers.

H. Island spaces placed at the end of parking rows shall be a minimum of ten (10) feet wide. The height of landscaping materials placed within such islands shall not interfere with visibility necessary for safe traffic circulation.

§ 150-88. Screening.

A. Screening shall be required on all on-site developments which abut residential uses or residential zones. In cases where development is limited to a portion of a lot, the Board may limit screening to that portion plus such reasonable extension as will protect the adjacent residents from lights, noise, nuisance or other intrusions of privacy.

B. Screening may consist of evergreen trees planted in two (2) staggered rows, massed evergreens or a wall or solid fence with some shrubbery to break up the monotony of the

wall or fence. The method, materials and arrangements shall create an effective visual barrier at least six (6) feet high within two (2) years of planting.

C. The height of screening located within a front buffer strip, if screening is required therein, or any front landscaping shall not rise above four (4) feet nor obstruct visibility at points of access. If a wall or fence is used, it may be solid only up to thirty (30) inches above grade, shall be at least seventy percent (70%) open in the remaining eighteen (18) inches and shall be placed ten (10) feet back from the front property line.

D. Service areas and refuse stations shall be completely screened from streets and adjacent properties by means of a wood fence or a wall enclosure or by evergreen plantings.

§ 150-89. Shade trees.

A. All development which requires site plan approval shall provide one (1) shade tree for each fifty (50) feet of street frontage, planted within the front buffer zone. Trees shall not be planted where roots or branches can interfere with drainage facilities or utility lines.

B. Within the parking area of a commercial or industrial site, one (1) shade tree for each twenty-five (25) parking spaces shall be provided.

C. Existing shade trees may be counted to meet the above if their location, size and condition substantially comply.

D. Trees having widespreading roots, such as sycamores or willows, shall not be planted where they can disrupt paving or underground facilities.

E. Trees which are resistant to motor exhausts, such as the London plane, are recommended.

F. Trees which resist salt and de-icing compounds, such as locusts and oaks are recommended, particularly along public thoroughfares.

G. Trees which are particularly susceptible to insects and disease, such as the American elm, shall be avoided.

H. Trees shall be of such type, selection and size as will have the best chance to survive. Those indigenous to the southern New Jersey area, such as maples and oaks, are recommended.

I. Tree planting specifications are fairly standard, being balled, burlapped and properly staked. To assure survival, new trees should be thoroughly watered biweekly for at least two (2) years during spring, summer and fall months.

J. Though forest or wild trees do not do well when their habitat is drastically altered, as many existing trees as possible should be retained. Survival depends on finished grade variations which do not vary more than six (6) to twelve (12) inches (unless wells are used); on careful pruning of roots and limbs (over a two- to three-year period); and on the erection of protective fences, particularly during site construction. Such trees survive better in groupings. Very old or disease-prone trees should not be retained. Under most circumstances, nursery grown stock has the best chance for survival and growth.

K. Deciduous trees shall have at least one and three-fourths (1¾) inches caliper at the time of planting.

§ 150-90. Landscaping.

A. Places appropriate for landscaping may include raised walkways, sidewalks and building walls, the ends of parking bays or in islands created within a parking area, as well as around sign pylons, sign walls and entranceways and along fences.

B. Landscaping in narrow places shall utilize low-lying shrubs.

C. Where landscaping materials are used to screen, hemlocks, white pines, cedars and yews are recommended.

D. Shrubs shall have a minimum height of two (2) feet and a minimum width of eighteen (18) inches at the time of planting.

E. Decorative natural materials such as woodchips or stones shall not be used between curbs and sidewalks.

§ 150-91. Enforcement.

The continued maintenance of all site improvements shall be enforced by the Zoning Officer, who shall notify the property owner that a violation exists and that sixty (60) days is given to correct the violation.

ARTICLE XI
Parking and Access Standards

§ 150-92. Purpose.

The purpose of this Article is to set the minimum standards for the regulation of parking areas and parking lots in order to assure safety, appearance and convenience.

§ 150-93. General provisions.

A. The standards set forth under Article X, § 150-86A and B, shall also apply to parking and access standards.

B. Parking and service areas shall be integral parts of a site development plan or an expansion of an existing development and shall be properly paved and illuminated.

C. Parking and service areas shall be so located that they do not interfere with proper drainage and so graded that water does not collect and remain on the surface.

D. The cost of parking and service area construction shall be placed under surety.

E. It shall be the responsibility of the owner or lessee to carry out a care and maintenance program which assures that the parking and service areas are kept in good condition and that parking space lines are clearly visible.

F. The standards shall not be applied to off-street parking for one- or two-family residences of traditional developments.

G. No commercial vehicle over one (1) ton in weight shall be parked overnight on any residential lot or anywhere in a residential zone except that this provision shall not apply to a farm use nor shall it pertain to privately owned recreation or camping vehicles.

§ 150-94. Standards.

A. When the computation to determine the number of required parking spaces results in a fractional space, any fraction up to one-half (½) shall be disregarded and any fraction one-half (½) or over shall require one (1) space.

B. Parking areas or lots which provide space for more than fifty (50) vehicles shall provide on-site groundwater recharge where deemed necessary by the Borough Engineer and approved by the Planning Board.

C. Parking areas or lots which provide two hundred (200) or more spaces shall provide divider strips between rows and/or landscaped islands in accordance with Article X, § 150-87F, G and H.

D. Parking areas or lots which include twenty-five (25) spaces or more shall provide one (1) shade tree for each twenty-five (25) spaces, to be planted within the parking area or lot, in addition to the required street shade trees.

E. Where curbing or wheel bumpers are used, the length of the paving in the parking space may be reduced by two and one-half (2½) feet, provided that the car overhang shall not intrude into the required buffer space or reduce abutting walkways to less than three (3) feet.

F. Where wheel bumpers are used, they shall be precast concrete securely anchored by long pins into the pavement and shall be designed to butt against the front wheels. Wheel bumpers are not recommended because they can be, and often are, pushed out of place, making snow removal and cleanup difficult.

G. Old telephone poles or railroad ties laid on the ground to serve as bumpers shall not be approved.

H. All parking spaces shall be delineated by painted lines. Hairpin marking is recommended for ninety-degree parking.

I. Parking areas or lots shall be illuminated between sunset and sunrise when the use is in operation. All illumination shall be nonglare, focused downward and away from adjacent residential uses and public streets.

J. Grass or similar ground cover is difficult to maintain under car overhang areas because of grease or radiation overrun. Either the sidewalk, usually placed in front of the building,

shall be extended to include the overhang area or a two-and-one-half-foot-wide strip of stones or other material shall be tamped down within this space.

K. In planning the parking arrangements, the developer shall focus on ease of public use. End slots are difficult to use unless the spaces are angled. If parking is perpendicular [ninety degrees (90°)], the end slot space shall be widened or a five-foot indentation shall be placed at the end of the bay.

L. Provisions shall be made for ramps and extra-wide spaces for the handicapped in accordance with the New Jersey Barrier Free Code.

M. Ramps shall be set to a maximum of ten percent (10%); breakover angles shall not exceed ten degrees (10°).

N. Slopes around parking areas in excess of two to one (2:1) shall be avoided. A ratio of three to one (3:1) is recommended with ground cover, such as ivy, crown vetch or similar material, planted to stabilize the slope. When excessive grading is required, parking should be terraced.

O. Parking lots shall provide on-site turnaround space to permit cars to exit in a forward position.

P. Paving standards for industrial or commercial sites.

(1) The minimum standard shall be two (2) courses of oil and stone on a six-inch base of Type 2A or 2B gravel base course.

(2) For moderate truck traffic, there shall be two (2) inches of FABC on a six-inch base of Type 2A or 2B gravel base course.

(3) For heavy truck traffic, there shall be two (2) inches of FABC on four (4) inches of bituminous stabilized base course on a six-inch base of Type 2A or 2B gravel.

(4) For display vehicles, there shall be six (6) inches of Type 2A or 2B gravel or four (4) inches of tamped down trap rock.

Q. Parking standards for multifamily housing developments shall be as follows:

(1) Location. Parking facilities shall be located as close as possible to the building or dwelling unit it will serve.

(2) Groupings. Parking spaces shall be located in small bays rather than strung along access drives.

(3) Walkways. Paved walks shall be provided from parking areas to the buildings they serve.

(4) Layout. Safe and convenient parking can be provided by arranging the buildings into a square and parking on the outside of the square, thus leaving the interior as open space.

R. Compliance with the construction standards shall be required for all site improvements. See Article XII.

ARTICLE XII

Street, Easement and Construction Standards; Traffic Assessments

§ 150-95. Purpose.

The purpose of this Article is to classify streets based on their function, to provide standards of design and construction, to provide regulations which protect the integrity of the circulation plan and thereby to increase public safety.

§ 150-96. General provisions.

A. The movement of people and vehicles is an important element of the development review. The circulation plan is based on a logical process. For example: in driving to work, one usually proceeds from a minor or local street to a collector which leads to an arterial roadway. Most drivers are willing to use roundabout routes to avoid heavy traffic. The development plan for circulation should provide for obvious preferences.

B. Separate pedestrian and bicycle path systems are encouraged to ensure safe segregation from vehicular traffic.

C. The utilization of culs-de-sac and loop streets is encouraged where appropriate. Such streets offer maximum privacy and safety and do not permit shortcuts by through traffic.

D. The internal system should be determined by the demands of the site, the traffic needs of the area and the volume to be generated by the development. One (1) system may be incorporated within another. For example: a loop within a grid system which functions to separate slow and fast traffic.

E. Intersections should be as close as possible to right angles.

§ 150-97. Classification of specific streets.

The following streets shall be classified as listed:

A. Minor arterial:

(1) United States (U.S.) Route 40 (Harding Highway).

(2) Wheat Road.

(3) Central Avenue.

(4) Brewster Road.

(5) Weymouth Road.

B. Major collector:

(1) Forest Grove Road.

(2) Summer Road.

(3) Railroad Boulevard.

(4) Lincoln Avenue.

C. Minor collector:

(1) West Avenue.

(2) Franklin Street.

(3) Plymouth Street.

§ 150-98. Building line modification for minor arterials.

The building line setback along minor arterials shall be a minimum of one hundred (100) feet from the center line of the street.

§ 150-99. Street width and length standards.

A. The following shall be standard:

Street Classification	Right-of-Way Width (feet)	Cartway Width (feet)	Maximum Length (feet)	Maximum Number of Dwellings
Cul-de-sac, permanent only	40 (R=50)	24	750	25
Loop	40	24	2,600	50
Minor or local	50	30	—	—
Minor collector	60 to 70	40	—	—
Major collector	66 to 100	40 to 60	—	—
Minor arterial	66 to 100	40 to 60	—	—

B. All new streets, public or private, shall conform to the construction standards as approved and amended. See § 150-101 of this Article.

C. Circulation plans and intersections shall be compatible with the county road system and the surrounding communities' systems.

D. The location of new streets shall conform to the Master Plan of Street Extensions as duly adopted and revised by the Planning Board.

E. All street intersections shall be at right angles as nearly as possible, but in no case less than sixty degrees (60°).

F. Intersecting street lines shall connect with a curve having a minimum radius of twenty (20) feet.

G. If a proposed street cannot be aligned with a street existing on the opposite side of the road, the center line of the proposed street shall be placed at least one hundred fifty (150) feet away from the center line of the existing street.

H. At least two (2) means of ingress and egress shall be provided for residential developments which comprise more than fifty (50) dwelling units. While the primary purpose of an interconnected system is to safely and efficiently distribute traffic throughout the site and to the adjacent streets, an important secondary purpose is to ensure access by emergency vehicles.

I. The radius of the curbs on an access road shall be at least thirty-five (35) feet when connecting to arterials or collector streets.

J. Dead-end streets which are to be extended at some future time shall provide a turnaround radius of fifty (50) feet, measured from the center line of the right-of-way, and shall dedicate the full width of the street along the property line beyond which the street will extend. The building line along the lots fronting on the cul-de-sac shall conform as nearly as possible to the required setback, but in no case shall be closer than fifteen (15) feet to the property line of the temporary cul-de-sac.

K. Stub-end streets required to be dedicated to protect the integrity of the Master Plan of Street Extensions need not provide a turnaround if they are less than one hundred fifty (150) feet long.

L. A tangent of not less than one hundred (100) feet shall connect reverse curves on local or minor streets. A tangent of not less than three hundred (300) feet shall apply to all other streets.

M. When connecting street lines deflect from each other by more than ten degrees (10°) [but by less than forty-five degrees (45°)] they shall be joined by a curve having a radius of not less than four hundred (400) feet for minor or local streets. For all other streets, the connecting curve shall have a radius of at least seven hundred fifty (750) feet.

N. Grades on minor or local streets shall not exceed ten percent (10%). No street shall be graded at less than one-half of one percent (½ of 1%). Within fifty (50) feet of an intersection with an arterial or collector, the maximum grade shall be two percent (2%).

O. All changes in grade shall be connected by vertical curves of sufficient length to provide smooth transition and proper sight distance.

P. No street shall duplicate the name or so nearly duplicate it as to be confused with an existing street name. Street names proposed by the developer shall be designated on the initial submission and shall be subject to approval of the Planning Board. If names are not designated, the Planning Board shall name the streets.

Q. Driveways on all lots, except within residential zones, shall be designed to provide on-site turning space to avoid the necessity of motor vehicles backing into the street.

R. The proposed street plan shall be designed to minimize the necessity for driveway openings on existing arterial or collector streets. New residential development which abuts such streets shall provide reverse frontage access from a minor street for the proposed housing.

S. The recommended minimum distances between center lines of arterial and collector streets is one thousand (1,000) feet; between arterials (or collectors) and minor streets is six hundred (600) feet; and between minor streets is two hundred (200) feet.

§ 150-100. Easement standards.

As a rule, utility distribution lines, such as water mains, sewer lines, drainage facilities and electric, gas and telephone service lines are located within public rights-of-way. Sometimes, however, other locations become necessary and easements must be considered.

A. Location. Easements shall be located in accordance with the approval of the appropriate authority and the Planning Board and shall not be placed in any buffer which is required to be planted in order to provide or preserve the required screening.

B. Width. Easements shall be at least twenty (20) feet wide.

C. Width along watercourses. Easements measuring twenty-five (25) feet in width on each side of watercourses, streams or channels shall be required.

D. Natural features shall be disturbed as little as possible within easement areas.

E. Legal descriptions setting off the areas of the easement by metes and bounds shall be submitted prior to final approval of a development or any phase of a development.

F. Compliance with the construction standards shall be required for site improvements. See § 150-101 below.

§ 150-101. Construction standards.[28]

All required improvements shall comply with the construction standards herein provided pertaining to:

A. Drainage (inlets).

B. Drainage (manholes).

C. Street improvements.

D. Street construction.

E. Water, sewer and driveways.

F. Soil erosion and sediment controls.

G. Tree planting and soil erosion regarding stream channels.

§ 150-102. Traffic assessments.

A. The following written assessment shall be submitted with applications for preliminary approval of major subdivision plats and all site plans except minor site plans:

(1) A description of the traffic expected to be generated by the proposed development.

(2) A description of the current traffic loads on the surrounding streets.

(3) The probable impact of the development on capacities and service levels.

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28 Editor's Note: See the various details and illustrations included at the end of this chapter.

(4) The improvements required to ease congestion and maintain capacity and service.

B. When reviewing the assessment of traffic, the Board shall consider the following:

(1) The recommendations of the Police Department.

(2) The recommendations of the Planning Board Engineer.

(3) The existing and projected capacity of streets and intersections at the level of Service "C."

(4) The number and location of driveways and intersections.

(5) Existing and proposed traffic signals, pedestrian crossings and channelization.

(6) The following guidelines for traffic volumes on residential streets, which volume is generally less than its physical or optimum capacity:

Type of Street	Average Daily Traffic	Type of Residential use
Minor or local	0 to 2,000	Single-family detached
Collector	2,000 to 5,000	Single and multi-units on limited or reversed frontage lots
Arterial	5,000 and over	Multi-unit developments with limited access

C. In assessing traffic volumes generated by different uses, consideration shall be given to the following:

Type of Use	1-Way Vehicular Trips Per Day
Single-family detached unit	Between 10 and 15
Multifamily units	Between 4 and 8
Senior citizen housing	Fewer than 4

NOTE: All figures include delivery and service vehicles. The higher figures apply to high-income, low-density areas where two (2) to three (3) cars per unit are common. The number designated for multifamily units generally depends on the size of the unit and the proximity to public transportation.

§ 150-103. Traffic impact statements (TIS) and environmental impact statements (EIS).

A. After the assessment of existing and potential traffic cited under § 150-102, the Board may require a traffic impact statement.

(1) The contents of a TIS shall pertain to the particular site under study and shall:

(a) Provide findings which represent the prevailing traffic conditions and roadway capacities by the use of studies which reveal the annual average traffic counts, the peak hour counts, the turning movements and the directional flow of traffic at intersections, the traffic accident records and the classification counts of vehicles segregated by type, size and weight.

(b) Provide a description of the proposed development and the surrounding land uses.

(c) Provide an assessment of the probable impact the completed development will have upon prevailing traffic conditions and anticipated future conditions.

(d) Provide an analysis of the probable impact on traffic flows which may occur during the construction period.

(e) Describe steps proposed by the developer to minimize any adverse impacts during construction and after completion of the project.

(f) Provide any other data which may be needed to evaluate the effect the development will have on existing traffic conditions.

(2) The Planning Board shall emphasize safety features under consideration.

B. The Board may require an environmental impact statement.

(1) The contents of an EIS shall pertain to the particular site under study and shall:

(a) Provide an inventory of the existing environmental conditions at the site and the surrounding areas, which include air and water quality, water supply, hydrology, geology, soil, topography, vegetation, wildlife, aquatic organisms, pollution sources, ecology, demography, land uses, aesthetics, history and archaeology.

(b) Provide an assessment of the probable impact of the proposed development upon all inventory items.

(c) Provide a list of all the adverse environmental impacts which cannot be avoided.

(d) Describe the steps proposed by the developer to minimize the adverse impacts during and after construction.

(e) Describe what alternatives exist to the proposed development.

(f) Provide such other information necessary to evaluate the impact of the development upon the environment.

(2) The environmental resource inventory prepared by the Environmental Commission, if any, and/or the Pinelands Area natural resource inventory shall serve as a critical area evaluation and shall aid the Planning Board in establishing the suitability of the specific areas for specific uses. The protection of shade trees shall be given particular attention.

ARTICLE XIII
Fences and Signs

§ 150-104. Fences.

A. Purpose. The purpose of this section is to provide standards for regulating the use of fences.

B. General provisions.

(1) All fences shall be erected within the owner's property lines.

(2) No fence shall encroach on a public right-of-way or easement.

(3) No fence shall obstruct visibility or create a potential hazard.

(4) All fences shall be owner-maintained in a safe, sound and upright condition on secure foundations.

(5) Reconstruction, relocations or alterations of existing fences shall conform to the standards of this section.

C. Fences in residential zones. Fences in residential zones shall conform to the following standards:

(1) Height standard: six (6) feet maximum from the building line back; three (3) feet maximum from the property line to the building line.

(2) Open standard: fences located in front yards which exceed thirty (30) inches in height shall be upon on the vertical faces on that portion above thirty (30) inches.

(3) Tennis courts: ten (10) feet minimum height, open-wire type.

(4) Swimming pools: four (4) feet minimum height for in-ground pools.

D. Fences in business and industrial zones. Fences in business and industrial zones shall conform to the following standards:

(1) Height standard: eight (8) feet maximum, including barbed wire placed no closer than twenty (20) feet to the front property, said twenty-foot setback being the boundary of the required front yard buffer.

E. Fences for public areas. A fence having a maximum height of ten (10) feet may enclose public playgrounds, public parks or school properties.

F. Exceptions. These regulations shall not be applied to restrict the erection of a wall for the purpose of retaining earth, nor shall they be applied to public utility installations.

G. Enforcement.

(1) If the Zoning Officer upon report and inspection finds that any fence or portion thereof is not maintained as specified herein, the Officer shall notify the owner in writing, state his findings, the reasons for said findings and order such fence or portion repaired or removed within thirty (30) days of the notice.

(2) If, after notice, the fence is not repaired or removed within the time given, the owner shall be subject to the provisions herein and governing violations and penalties.[29]

§ 150-105. Signs.

A. Purpose.

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29 Editor's Note: See § 150-129.

(1) The purpose of this section is to regulate the use of exterior signs so as to protect health, safety and morals and to promote the public welfare. These regulations are intended to address the following conditions and shall be applied to stem or reverse the indicated adverse trends:

(a) In order to maintain the same level of attention, signs have become more aggressive, more numerous and more expensive. In some areas, signs are threatening to go out of control and in so doing may defeat the very purpose for which they were created.

(b) Lack of control causes conflict between advertising signs and traffic control signs, thus destroying the effectiveness of both. The tremendous increase in motor vehicle traffic aggravates this danger.

(c) Suspended signs or signs placed on top of other structures or signs placed close to walkways can also be dangerous to the public, especially during high winds.

(d) The uncontrolled use of signs, their shapes, motions, colors and illumination and their insistent and distracting demand for attention can be injurious to the mental and physical well-being of the public.

(e) The uncontrolled use of signs can be destructive to adjacent property values and to natural beauty.

(2) Therefore, in order to reduce destructive competition between signs, ensure public safety, preserve property values, protect the natural environment and improve the quality of life in the public interest, it is necessary to regulate and control the use of exterior signs as provided by this section in such manner as will support these objectives and complement the land use standards of this chapter.

(3) The Table of Sign Standards under Article XVI (Zoning Districts; Standards), § 150-122, Zoning schedules,[30] are standards which represent findings of actual experience based on sign variance applications of the past decade; hence, they have been proven to be reasonable and workable.

B. Applicability. A sign erected prior to the adoption of this chapter shall not be rebuilt or relocated; nor shall a nonconforming sign be enlarged or changed in nature, purpose or type unless it shall conform to the schedules of Article XVI (Zoning Districts; Standards), § 150-122, Zoning schedules, and to the provisions of this section.

C. Permitted signs. See schedules under Article XVI (Zoning Districts; Standards), § 150-122, Zoning schedules.[31]

D. Prohibited signs. The following signs shall not be permitted anywhere in Buena Borough:

(1) Signs which project into or over a public walkway or a public right-of-way.

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30 **Editor's Note: The Table of Sign Standards is included at the end of this chapter.**

31 **Editor's Note: The Table of Sign Standards is included at the end of this chapter.**

(2) Signs which simulate in color, form, character, shade or lighting or which could otherwise be mistaken for functional, directional or warning signals maintained by government agencies, railroads or public utilities.

(3) Signs which are placed in a position or location that can endanger street traffic or traffic entering a street, and signs which obscure proper sight distances.

(4) Signs which state or imply that a property may be used for any purpose not permitted by the zoning regulations of this chapter.[22]

(5) Signs or posters attached to or painted on fences, curbs, poles, walks, lamps, hydrants, benches, refuse containers, weather shelters and bridges, or unauthorized signs placed on government property.

(6) Signs which have as the dominant theme or purpose an appeal to prurient interests.

(7) Flashing signs.

(8) Signs which violate the National Electrical Safety Code for power line clearance.

(9) Billboards, except that existing lawful billboards in existence as of January 14, 1981, shall be permitted in the P-R3, P-R4, P-B2 and P-I Zones. **[Amended 6-2-1997 by Ord. No. 444]**

E. Signs, or sign functions, requiring no permit shall be as follows:

(1) Real estate sale signs.

(2) Changing of copy on an approved changeable copy sign.

(3) Repainting or cleaning an existing sign.

(4) Repairing a sign, provided that no structural change is made.

(5) Trespassing notices.

(6) Construction site signs.

(7) Directory signs.

(8) Governmental signs.

F. Applications for sign permits. No sign shall be erected, reconstructed or relocated prior to the issuance of the required permits. Applications for permits shall be made to the Zoning Officer and shall contain the following information:

(1) The applicant's name, address and telephone number.

(2) The name, address and telephone number of the sign company which will erect the sign.

(3) The block and lot numbers of the property on which the sign will be erected, as carried by the Tax Assessor.

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22 **Editor's Note: See Article XV et seq. of this chapter.**

(4) A plot plan giving the dimensions of the lot and showing the exact location of the sign. The location shall be referenced by distances to the front and side property lines. The location of all buildings and their size shall be given, referenced by dimensions.

(5) The elevation view of any building on which a wall sign is to be attached or painted, showing the dimensions of the total and the dimensions of the sign or of the area to be covered; also, the location and size of all existing and proposed freestanding signs, referenced by dimensions.

(6) A detailed drawing of the proposed signs with dimensions, showing construction details; also, the dimensions of the smallest rectangle which will enclose the extreme points and edges of the sign.

G. Construction and installation. The construction and installation of signs shall conform to the provisions of the New Jersey Uniform Construction Code.

H. Compliance with sign standards. Signs shall comply with the schedules established under Article XVI, § 150-122, Zoning schedules, Table of Sign Standards.[23]

I. Regulations pertaining to temporary signs.

(1) The advertisement carried on temporary signs shall pertain to, and be limited to, the business conducted on the premises.

(2) Temporary signs shall be placed no closer than 15 feet to the street property line, said distance comprising one-half (½) of the right-of-way plus 15 feet from the center line of the street.

(3) Temporary signs shall be limited to 60 days per year, per site.

J. Regulations pertaining to political signs. Signs advertising political parties or candidates for public office may be erected and maintained for a period not to exceed 60 days, provided that:

(1) No political sign shall exceed 32 square feet in area.

(2) The authorized agent shall deposit with the Borough Clerk the sum of $100 for each 100 signs, or fraction thereof, as surety for the removal of the signs within 20 days after the election to which the signs relate.

K. Removal of obsolete signs. Any sign now or hereafter existing which no longer advertises a bona fide business being conducted on the premises shall be removed from said premises by the record owner or beneficial user of the premises within 30 days from the receipt of a written order to do so from the Borough Building Inspector. In default of said removal, the Building Inspector is authorized to effectuate the removal of said sign and to charge all costs incident to the same to either the record owner or the beneficial user of the premises, or to both, provided that there shall be no duplication of the payment of said costs.

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23 **Editor's Note: The Table of Sign Standards is included at the end of this chapter.**

L. Notice to repair or remove certain signs. If at any time the Building Inspector shall determine that any sign in the borough constitutes a menace to the health, safety or general welfare of the community, he shall notify the record owner and the beneficial user of the premises on which said sign is located by serving a written notice upon him, together with a written notice of demand that the condition be remedied within thirty (30) days from the receipt of said notice and demand. If the condition is not so remedied, the Building Inspector shall undertake the necessary steps to rectify the same, charging all costs incident to said efforts to either the record owner or the beneficial user of the premises, or both, provided that there shall be no duplication of the payment of said costs.

M. Permits. Sign permits shall be required for all signs greater than two (2) square feet in area.

ARTICLE XIV
Layout of Blocks and Lots

§ 150-106. Block regulations.

A. Blocks shall be of such shape and size as will properly accommodate the lot sizes specified for the zone under the schedules of Article XV (General Zoning Provisions).[34]

B. Block boundaries shall be designed to facilitate safe control of the anticipated street traffic.

C. Block lengths shall not exceed one thousand three hundred twenty (1,320) feet except where they abut arterial streets.

D. Blocks shall conform to the Master Plan of Street Extensions unless revisions are duly approved by the Planning Board after public hearing.

E. Block numbers shall be assigned to conform to the system governing tax maps and shall be approved by the Tax Assessor.

§ 150-107. Lot regulations.

A. Lot sizes shall meet the minimum requirements set under the zoning schedules of Article XV (General Zoning Provisions).[35]

B. A condition of subdivision approval for a conditional development plan shall be that lots shall front on streets which are or shall be dedicated to public use in accordance with the standards set herein.

C. Where extra width is required to be dedicated to widen an existing right-of-way, the lot lines shall begin at the extra width line, the lot area shall be calculated from this line and the building setback shall be measured from it.

D. The minimum depth of a lot shall be measured along a horizontal distance between the front and rear lines which is perpendicular to the street; or, in the case of curved streets and

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34 Editor's Note: The zoning schedules are included at the end of this chapter.

35 Editor's Note: The zoning schedules are included at the end of this chapter.

cul-de-sac lots, shall be measured along a radial line which intersects the midpoint of the lot frontage.

E. The frontage of a lot shall be measured along the street right-of-way line which, on standard width streets, is twenty-five (25) feet from the center line.

F. Corner lots and other-double frontage lots shall be subject to two (2) front yard and two (2) side yard requirements.

G. Lot lines shall be represented by bearings and distances based on actual field survey.

H. In the case of reverse frontage lots, the street line which parallels the arterial or major street shall be considered the frontage. No other access to reverse frontage lots shall be permitted.

I. In the case of lots having nonparallel side lines, the frontage shall be measured along the building line set for the zone.

J. In the case of lots which abut curved streets or front on culs-de-sac, the frontage shall be measured along the tangent of the center of the arc at the building line set for the zone.

K. Insofar as is practical and whenever possible, lot side lines shall be at right angles to straight streets and shall be radial to curved streets and to culs-de-sac.

ARTICLE XV
General Zoning Provisions

§ 150-108. Power to zone.

A. The municipal power to zone is a delegation of state powers. The preconditions for municipal zoning are:

(1) The adoption by the Planning Board of the land use and housing elements of the Master Plan.

(2) That the zoning regulations are substantially consistent with the provisions of the Master Plan or designed to effectuate said provisions.

(3) That the zoning regulations are drawn with reasonable consideration of the character of each district and the suitability for particular uses.

(4) That the regulations are uniform throughout each district for each type of building or structure or use of land.

B. No zoning ordinance, amendment thereto or revision shall be submitted to or adopted by initiative or referendum.

C. The zoning ordinance shall provide for the regulation of any airport hazard areas delineated under the Air Safety and Hazardous Zoning Act of 1983, P.L. 1983, c. 260 (N.J.S.A. 6:1-80 et seq.), in conformity with standards set by the Commissioner of Transportation.

D. The zoning ordinance shall provide for the regulation of land adjacent to state highways in conformity with the State Highway Access Management Code adopted by the Commissioner of Transportation under Section 3 of the State Highway Access Management Act, P.L. 1989, c. 32 (N.J.S.A. 27:7-91); for the regulation of land with access to county roads and highways in conformity with any access management code adopted by the county under N.J.S.A. 27:16-1; and for the regulation of land with access to municipal streets and highways in conformity with any municipal access management code adopted under N.J.S.A. 40:67-1. This subsection shall not be construed as requiring a zoning ordinance to establish minimum lot sizes or minimum frontage requirements for lots adjacent to but restricted from access to a state highway.

§ 150-109. Protest.

A protest against any proposed amendment or revision of a zoning ordinance may be filed with the Borough Clerk, signed by the owners of twenty percent (20%) or more either of the area of the lots or land included in such proposed change or of the lots or land extending two hundred (200) feet in all directions therefrom, inclusive of street space, whether within or without Buena Borough. Such amendment or revision shall not become effective following said protest, except by the favorable vote of two-thirds (⅔) of all the members of the Buena Borough governing body.

§ 150-110. Referral to Planning Board.

Prior to the hearing on the adoption of a zoning ordinance or any amendments thereto, the governing body shall refer any such proposed ordinance or amendment to the Planning Board as set forth under Article II, § 150-30.

§ 150-111. Purpose of zoning.

The provisions of these Articles shall be applied to:

A. Limit and restrict buildings and structures to specified districts and regulate them according to type, nature and extent of their use, as well as regulate the nature and extent of the use of land for commerce, industry, residence, agriculture or other purpose.

B. Regulate bulk, height, number of stories, orientation and size of buildings and structures; the percentage of a lot or development area that may be occupied by buildings or structures; lot areas and dimensions; and, for these purposes, specify regulatory techniques to govern the intensity of land use and the provisions of adequate light and air, including but not limited to the potential for utilization of renewable energy sources.

C. Establish reasonable standards of performance and standards for the provision of adequate physical improvements under surety.

D. Designate and regulate areas subject to flooding.

E. Provide for and regulate conditional uses.

F. Provide for senior citizen community housing.

G. Require, as a condition of development approval, that no taxes or assessments for local improvements are due or delinquent on the property for which any application is made.

H. Preserve the integrity of the Pinelands Area and historical sites.

I. Implement the purposes of Article I, § 150-2.

§ 150-112. Model homes; day schools; foster children.

A. Model homes or sales offices within a subdivision and only during the period necessary for the sale of new homes within such subdivision shall not be considered a business use.

B. The provisions of this chapter shall not be construed to discriminate between public and private nonprofit day schools of elementary or high school grades accredited by the New Jersey State Department of Education.

C. The provisions of this chapter shall not be construed to discriminate between children who are members of families by their relationship through blood, marriage or adoption and foster children placed within such families by the Division of Youth and Family Services or a duly incorporated child care agency and children placed pursuant to law in single-family dwellings known as "group homes."

§ 150-113. Community residences for developmentally disabled and community shelters for victims of domestic violence.

A. Community residences for the developmentally disabled and community shelters for victims of domestic violence shall be permitted in all residential zones.

B. The requirements pertaining to such residences or shelters shall be the same as for single-family dwelling units located within said residential zones, except that:

(1) Those residences or shelters housing more than six (6) persons, exclusive of resident staff, shall require a conditional use permit in accordance with the provisions of § 150-116 herein;

(2) The Planning Board may deny approval of such permit to any residence or shelter to be located within one thousand five hundred (1,500) feet of an existing community residence or shelter; and

(3) The Planning Board may deny any additional such permits if the number of persons, other than resident staff, residing at such residences or shelters within the municipality exceeds fifty (50) persons or zero and five-tenths percent (0.5%) of the municipal population, whichever is greater.

§ 150-114. Family day-care homes.

Notwithstanding the provisions of any law to the contrary, family day-care homes shall be deemed to be a home occupation and they shall not be subject to more stringent restrictions than exist or apply to all other home occupations in the particular residential zone in which they may be located.