

**COUNCIL OF THE TOWNSHIP OF MONROE**  
**MINUTES**  
**REGULAR MEETING - - JULY 2, 2012**

The Council of the Township of Monroe met in the Municipal Building, 1 Municipal Plaza, for a Regular Meeting.

The Regular Meeting was Called to Order at 7:00 p.m. by Council President Gerald W. Tamburro with a Salute to the Flag.

**UPON ROLL CALL** by Township Clerk, Sharon Doerfler, the following members of Council were present: Councilman Stephen Dalina, Councilwoman Leslie Koppel, Councilman Michael Leibowitz, Council Vice-President Henry L. Miller and Council President Gerald W. Tamburro.

**ALSO PRESENT** for Council was: Mayor Richard Pucci, Township Attorney Joel L. Shain and Township Engineer Ernest W. Feist.

**ABSENT:** Business Administrator Wayne R. Hamilton

There were approximately 20 members of the Public present in the audience.

Council President Tamburro requested the following **SUNSHINE LAW** be read into the record:

In accordance with the Open Public Meetings Act, it is hereby announced and shall be entered into the Minutes of this meeting that adequate notice of this meeting has been provided by the following:

1. Posted on January 6, 2012 on the Bulletin Board of the Office of the Township Clerk in the Municipal Building, 1 Municipal Plaza and remains posted at that location for public inspection;
2. Printed in the **HOME NEWS TRIBUNE** and the **CRANBURY PRESS** on January 6, 2012;
3. Posted on January 6, 2012 on the Bulletin Boards within the Municipal Complex;
4. Posted on the Monroe Township website; and
5. Sent to those individuals who have requested personal notice.

In accordance with Chapter 3, Section 17 of the Monroe Township Code, Public Comment shall be limited to five (5) minutes unless further time is granted by the Council President.

**UPON MOTION** made by Councilwoman Koppel and seconded by Councilman Dalina, the **CLAIMS** per run date of **06/22/2012** were approved for payment as presented.

ROLL CALL:	Councilman Stephen Dalina	Aye
	Councilwoman Leslie Koppel	Aye
	Councilman Michael Leibowitz	Aye
	Council Vice-President Henry L. Miller	Aye
	Council President Gerald W. Tamburro	Aye

**UPON MOTION** made by Councilman Leibowitz and seconded by Councilwoman Koppel, the **MINUTES** of the **April 30, 2012 Special & Agenda Meeting, May 7, 2012 Regular Meeting, May 14, 2012 Special Meeting, May 30, 2012 Special & Agenda Meeting** and the **June 6, 2012 Regular Meeting** were approved as written and presented.

ROLL CALL:	Councilman Stephen Dalina	Aye
	Councilwoman Leslie Koppel	Aye
	Councilman Michael Leibowitz	Aye
	Council Vice-President Henry L. Miller	Aye
	Council President Gerald W. Tamburro	Aye

**UPON MOTION** made by Councilman Dalina and seconded by Councilman Leibowitz, an Ordinance of which the following is the title was moved on second reading for final passage: **ORDINANCE AMENDING CHAPTER 108 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED "LAND DEVELOPMENT"**.

**ORDINANCE** as follows: (O-7-20112-014)

**BE IT ORDAINED** by the Township Council of the Township of Monroe, County of Middlesex, and State of New Jersey that the Code of the Township of Monroe, Chapter 108 entitled, "Land Development" shall be amended as follows:

**SECTION 1. Purpose.** The purpose of this Ordinance is to make comprehensive amendments to the "Land Development" Ordinance to conform to the Master Plan adopted July 6, 2011 by the Monroe Township Planning Board.

**SECTION 2. Ordinance Amendments** to Chapter 108, "Land Development":

**§ 108-2.3. Terms Defined.**

**§108-2.3 is hereby amended and replaced in its entirety to read as follows:**

**ADMINISTRATIVE OFFICER** – The "Planning Administrator", unless a different municipal official or officials are designated by ordinance or statute.

**ADULT COMMUNITY** – See "Planned retirement community."

**ADVERTISEMENT** – The use of any outdoor display or sign or real property within public view, which is intended to invite or draw the attention of the public to any goods, merchandise, property, business, services, entertainment, amusement or other commercial or noncommercial messages. Stationary vehicles shall not be used for advertising purposes.

**ADVERTISING STRUCTURE** – Any rigid or semi-rigid material, with or without advertisement displayed thereon, situated upon or attached to real property outdoors, primarily or principally for the purpose of furnishing a background or base of support upon which an advertisement may be posted or displayed.

**AGRICULTURE** – The production, storage, keeping, harvesting, grading, packaging, processing, boarding or maintenance, for sale, lease, or use of plants and animals useful to humans, including but not limited to: forage and sod crops; grain and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts, and berries; vegetables; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program.

**AIRPORT SAFETY ZONE** – The Airport Safety Zone is delineated on the zoning map in compliance with N.J.S.A. 6:1-81, et seq., the Air Safety Zoning Act of 1983, P.L. 1983, c. 260, as amended by P.L. 1991, c. 445.

**AMUSEMENT CENTER** – A business establishment utilized, in whole or in part, for the accommodation of six (6) or more coin-operated amusement devices, machines, apparatuses, contrivances, appliances or devices which may be operated or played upon by the placement and depositing therein of any coin, check, slug, ball or any other article or device or by paying therefor either in advance or after use, and open to the public for use as a game, entertainment or amusement.

**AMUSEMENT OR MECHANICAL DEVICE MACHINE** – Shall include devices such as marble machines, skeeball, pinball, mechanical grab machines, machines or contrivances commonly known as "bagatelle," "baseball," "football," "hockey," "pool table," "target shooting," "shuffleboard," or "shuffle alley," "electronic video games," "miniature bowling machines," or any similarly named device, or any device which utilizes an electronic display to reproduce symbolic figures and lines intended to be representative of a real game or activities. Specifically excluded shall be any device, whether operated by coin or not, which merely provides a ride, sensation, electronic reading or weight for use by and for the amusement of the public or the dispensing or

dispensing or vending of merchandising or music or any mechanical or amusement device which is otherwise the subject of regulation and licensure by the Township of Monroe.

**APPLICANT** – A person or entity submitting an application for development.

**APPLICATION FOR DEVELOPMENT** – The application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or direction of the issuance of a permit pursuant to Section 25 or Section 27 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-34 or N.J.S.A. 40:55D-36).

**APPROVING AUTHORITY** – The Planning Board of the municipality, unless a different agency is designated by ordinance when acting pursuant to the authority of P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.).

**AQUIFER** – A subterranean bed or stratum of earth, gravel, porous stone or sand that contains water and forms a natural reservoir of underground water.

**AUTOMOTIVE GASOLINE STATION** – An establishment servicing motor vehicles with fuel and oil, but not including repairs, changing of tires or any other replacement of accessory parts.

**AUTOMOTIVE REPAIR GARAGE** – An establishment servicing motor vehicles, including major repair services, vehicle parts sales, wrecker and hauling services, body work and painting and heavy repair requiring engine or drive-train dismantling. Whenever trucks or heavy equipment are repaired even for oil changes, lubrication, minor tune-ups, installation of batteries, tires, wiper blades and similar minor repairs, the establishment at which said repairs are made shall be considered to be an "automotive repair garage."

**AUTOMOTIVE SALES AND SERVICES** – Any retail establishment selling motor vehicles, new or used, and supplies and accessories, including service and repair facilities.

**AUTOMOTIVE SERVICE STATION** – Any establishment servicing motor vehicles with gas, oil lubrication services, lubricants and other vehicle maintenance supplies and parts and equipment not requiring extensive or prolonged mechanical work for installation. Service work offered should be limited to towing, oil changes, lubrication, minor tune-ups, installation of batteries, tires, wiper blades and similar equipment, wheel balancing and alignment and the replacement of minor mechanical parts such as hoses, spark plugs, ignition wiring, points, alternators, water pumps and similar parts not requiring engine or drive-train dismantling.

**BASEMENT** – That portion of a building which is partly below and partly above grade, and having one-half (1/2) or more of its height above grade.

**BERM** – A mound of earth specified in the Landscaping and Buffer Regulations, Article VIII of this Chapter.

**BOARD OF ADJUSTMENT** – The board established pursuant to Section 56 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-69).

**BOARDING OR ROOMING HOUSE** – A building, or part thereof, other than a hotel or motel, wherein furnished or unfurnished rooms, with or without cooking facilities, are provided for compensation for two (2) or more adult persons not related to the owner or proprietor.

**BUFFER** – An area consisting of trees, shrubs, solid fencing, berms or a combination thereof so installed as to provide a complete visual and an acoustical barrier between properties. Solid fencing may be substituted to meet only part of the requirement and must be supplemented with planting to soften the appearance and constructed in compliance with the Landscaping and Buffer Regulations, Article VIII of this Chapter.

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

**BUILDING, ACCESSORY** – A building in which an accessory use is contained.

**BUILDING HEIGHT** – The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof. Chimneys, spires, water towers, elevator penthouses, tanks and similar projections, other than signs, shall be included in calculating a "building height."

**CABLE TELEVISION COMPANY** – A cable television company as defined pursuant to Section 3 of P.L. 1972, c. 186 (N.J.S.A. 48:5A-3).

**CAPITAL IMPROVEMENT** – A governmental acquisition of real property or major construction project.

**CAR WASH (AUTO LAUNDRY)** – A building or structure, or portion thereof, where motorized vehicles are washed or cleaned, in whole or in part, with the use of mechanical devices.

**CHILD-CARE CENTER** – Any facility which is maintained for the care, development or supervision of six (6) or more children who attend the facility for less than twenty-four (24) hours a day. In the case of a center operating in a supervisor's home, children who reside in the home shall not be included when counting the number of children being served. This term shall include, but shall not be limited to, day care centers, drop-in centers, nighttime centers, recreation centers sponsored and operated by a county or municipal government recreation or park department or agency, day nurseries, nursery and play schools, cooperative child centers, centers for children with special needs, centers serving sick children, infant-toddler programs, school age child care programs, employer supported centers, centers that had been licensed by the Department of Human Services prior to the enactment of the "Child Care Center Licensing Act," P.L. 1983, c. 492 (N.J.S.A. 30:5B-1 et seq.) and kindergartens that are not an integral part of a private educational institution or system offering elementary education in grades kindergarten through sixth, seventh or eighth.

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

**CLEAR CUTTING** – The removal of all standing trees on a lot or portion of a lot.

**CLINIC** – Any place used for the administering of medical, chiropractic, acupuncture or dental treatment free or at a low cost, or any place used as an inpatient or outpatient treatment center wherein certain conditions and disorders are treated primarily through surgical intervention that is not commonly performed in normal, private medical or dental practice.

**CLUB** – A nonprofit corporation, organization or association of persons who are members thereof which owns or leases a building, or part thereof, for the use of members or guests. Said "clubs" or "lodges" shall have been principally established for the promotion of a common objective and shall be distinctly not considered as a semi-public use under the provisions of this Chapter. Food, meals and alcoholic beverages may be served as an incidental function of this use, provided that adequate facilities are present, and further provided that all federal, state, and municipal laws are complied with.

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

**COMMUNITY RESIDENCE FOR DEVELOPMENTALLY DISABLED** – A community residential facility licensed pursuant to P.L. 1977, c. 448 (N.J.S.A. 30:11B-1, et seq.), providing food, shelter and personal guidance under such supervision as required to not more than fifteen (15) developmentally disabled or mentally ill persons who require assistance, temporarily or permanently, in order to live in the community, and shall include but not be limited to group homes, halfway houses, intermediate care facilities, supervised apartment living arrangements and hostels.

**COMPLETE APPLICATION** – An application certified as complete by the Administrative Officer when it meets all of the submission requirements as specified in this Chapter. When the application is certified complete, the time period commences for Board review.

**CONDITIONAL USE** – A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in this Chapter and upon the issuance of an authorization therefor by the Planning Board.

**CONDOMINIUM** – A form of ownership of real property combining ownership in fee simple of a dwelling unit and undivided ownership in common with other purchasers of the common elements in the structure, the land, and its appurtenances.

**CONVENTIONAL** – Development other than planned development.

**COUNTY MASTER PLAN** – A composite of the master plan for the physical development of the county in which the municipality is located, with the accompanying maps, plats, charts and descriptive and explanatory matter adopted by the County Planning Board pursuant to N.J.S.A. 40:27-2 and N.J.S.A. 40:27-4.

**COUNTY PLANNING BOARD** – The County Planning Board, as defined in Section 1 of P.L. 1968, c. 285 (N.J.S.A. 40:27-6.1), of the county in which the land or development is located.

**COURTYARD** – An open, unoccupied space bounded on at least two (2) opposing sides by a building wall, but not a front, side or rear yard. "Courtyard" shall apply to multi-family or high-rise buildings only.

**CURB LEVEL** – The grade of the curb in front of the midpoint of the lot as established by the Municipal Engineer.

**DAYS** – Means calendar days.

**DENSITY** – See "Residential density."

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

**DEVELOPMENT** – The division of a parcel of land into two (2) or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure or of any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, including alteration to a site, for which permission may be required pursuant to this Chapter.

**DEVELOPMENT REGULATION** – A zoning ordinance, subdivision ordinance, site plan ordinance, official map ordinance or other municipal regulation of the use and development of land, or amendment thereto adopted and filed pursuant to this Chapter.

**DRAINAGE** – The removal of surface water or groundwater from land by drains, grading or other means and includes control of runoff during and after construction or development to minimize erosion and sedimentation, to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, to lessen nonpoint pollution, to maintain the integrity of stream channels for their biological functions as well as for drainage, and the means necessary for water supply preservation or prevention or alleviation of flooding.

**DRIVE-IN ESTABLISHMENT** – An establishment which is designed to provide, whether wholly or in part, service to customers while in their automobiles parked or standing upon the premises.

**DWELLING UNIT** – A house, or other structure or part thereof designed, arranged or used for living quarters for one (1) or more persons living as a single housekeeping unit with cooking and bathroom facilities, but not including units in hotels or other structures designed for transient residence.

**EASEMENT** – A grant of one (1) or more property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

**ELEVATION** – (1) A vertical distance above or below a fixed reference level; (2) A flat scale drawing of the front, rear or side of a building.

**ENVIRONMENTAL COMMISSION** – A municipal advisory body created pursuant to P.L. 1968, c. 245 (N.J.S.A. 40:56A-1, et seq.).

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

**EXTENDED CARE FACILITY** – A long-term facility or a distinct part of a facility licensed or approved as a nursing home, infirmary unit of a home for the aged, or a government medical institution. See **LONG-TERM CARE FACILITY**.

**FAMILY DAY CARE HOME** – A private residence in which child care services are provided for a fee to no less than three (3) and no more than five (5) children at any one time for no less than fifteen (15) hours per week, and which is registered under the Family Day Care Provider Registration Act, P.L. 1987, c. 27 (N.J.S.A. 30:5B-16, et seq.).

**FARM** – Any parcel of land, five (5) acres or larger in size, exclusive of any portion of the lot that is used for residential purposes, and which is engaged in and devoted to horticultural use as defined in N.J.S.A. 54:4-23.4, or agricultural use as defined in N.J.S.A. 54:4-23.3.

**FAST-FOOD RESTAURANT** – A restaurant, which may or may not have tables but which is essentially designed to dispense quick, ready-made food of a limited variety. The patron obtains food directly from the dispensing counter for consumption on or off such premises. The term "fast-food restaurant" shall include drive-in restaurants.

**FEE SIMPLE** – Ownership of real property combining ownership of a dwelling unit and the lands upon which it is situated.

**FENCE** – A structure constructed of wood, masonry, stone, wire, metal or any other manufactured material or combination of materials serving as an enclosure, barrier or boundary.

**FENCE, OPEN** – A fence in which at least two-thirds (2/3) of the area between grade level and the top cross member (wire, wood or other material) is open.

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

**FINAL PLAT** – The final map of all or a portion of the subdivision which is presented to the municipal agency as provided for in this Chapter.

**FLAG LOT** – A lot which may or may not front or abut a public or private road but where access to the public or private road is by a narrow private right-of-way, easement or fee simple ownership of a strip of land.

**FLEA MARKET** – An indoor or outdoor market at which new or secondhand merchandise is sold by individual vendors from booths, stalls or parked vehicles.

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

**GARAGE, PRIVATE** – An accessory building or part of a principal building used only for the storage of motor vehicles as an accessory use. In a residential zone, a "garage" is intended for and used for storing privately owned motor vehicles, boats, trailers, and personal belongings of the family or families resident in the principal residential use on the lot.

**GARAGE, PUBLIC** – A building or part thereof, other than a private garage used for the storage, care or repair of motor vehicles for profit, including the sale of motor vehicles, fuels, or accessories, or the hiring of the same.

**GARAGE SALE** – The sale or offering for sale to the general public of items of personal property by the owner or tenant of an improved lot in a residential district, whether within or outside any building.

**GENERAL DEVELOPMENT PLAN** – A comprehensive plan for the development of a planned development, as provided in Section 4 of P.L. 1987, c. 129 (N.J.S.A. 40:55D-45.2).

**GENERAL TERMS AND CONDITIONS** – The conditions under which preliminary approval is granted, including zoning plat details, improvements, off-site improvements and design standards.

**GOLF COURSES** – Any area of fifty (50) or more acres containing a golf course, at least nine (9) holes in length, together with the necessary and usual accessory uses and structures such as, but not limited to: Club House Facilities; Dining and Refreshment Facilities; Swimming Pools; Tennis Courts and the like, provided that the operation of such facilities is incidental and subordinate to the operation of the golf course.

**GOVERNING BODY** – The chief legislative body of the municipality.

**GRADE FINISHED** – The completed surfaces of lawns, walks and roads brought to grade as shown on official plans or designs relating thereto.

**GROSS FLOOR AREA** – The area of all floors of a building including interior halls and mezzanines but excluding exterior balconies. Garages shall not be used in calculating "gross floor area" in residences. All horizontal dimensions of each floor area to be measured by the exterior faces of walls of each such floor.

**HALF-STORY** – That portion of a building situated above a full-story and having at least two (2) opposite exterior walls meeting a sloping roof at a level not higher above the floor in a distance equal to one-half (1/2) the floor to ceiling height of the story below.

**HISTORIC DISTRICT** – One (1) or more historic sites and intervening or surrounding property significantly affecting or affected by the quality and character of the historic site or sites.

**HISTORIC SITE** – Any real property, man-made structure, natural object or configuration or any portion or group of the foregoing of historical, archeological, cultural, scenic or architectural significance.

**HOME OCCUPATION** – Any nonresidential use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and in connection with which there is no display, no stock-in-trade or commodities sold upon the premises, unless these commodities sold are clearly secondary to and identified with the permitted occupation. Beauty shops, barber shops and similar occupations shall not be included as permitted "Home Occupations."

**HOMEOWNERS' ASSOCIATION** – A community association which is organized in a development in which individual owners share common open space or facilities.

**HOSPITAL** – An institution which maintains and operates organized facilities and services for the diagnosis, treatment or care of persons suffering from illness, injury or deformity and/or obstetrics and in which all diagnosis, treatment and care are administered by or performed under the direction of persons licensed to practice medicine or osteopathy in the State of New Jersey. Said institution shall also conform to the revised standards for hospital facilities as adopted by the State Board of Control or the Department of Health and applicable New Jersey Law.

**HOTEL AND MOTOR INN** – A facility on a minimum of 5 acres and of at least 100 rooms, offering transient lodging accommodations to the general public and which may include additional facilities and services, such as a pool, health club, restaurants, meeting rooms, entertainment, personal services and recreational facilities.

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

**INTERMEDIATE CARE FACILITY (ICF)** – A facility that provides, on a regular basis, personal care, including dressing and eating and health-related care and services, to individuals who require such assistance but who do not require the degree of care and treatment that a hospital or skilled nursing facility provides.

**JUNK OR SALVAGE YARD** – A lot or structure, or part thereof, used primarily for the collection, storage and sale of wastepaper, rags, scrap metal or discarded material, or for the collection, dismantling, storage and salvaging of machinery and/or motor vehicles or parts thereof.

LAND – Includes improvements and fixtures on, above or below the surface.

LANDSCAPED AREA – Areas containing trees, shrubs and ground covers, pedestrians and recreation areas, ponds, streams or any other areas or features which can be reasonably included, but shall not include areas occupied by buildings or structures, paving for parking, loading or access thereto, required buffers or areas utilized for outside storage.

LANDSCAPE BUFFER AREA – A solid and continuous landscaping screen consisting of berms, lawn, mulch beds, detention and retention ponds, irrigation and massed evergreen and deciduous trees and shrubs of such species and density as will provide within two (2) growing seasons a solid and continuous screen, viewed from public areas, right-of-way and streets to the landscape buffer area, from onsite to public areas, rights-of-way and streets, and from site to site along side and rear yards, throughout the full course of the year per §108-8.1 Buffer area and landscaping.

LANDSCAPE BUFFER STRIP – An area consisting of shade trees, perennial-planting beds, annual flowerbeds or a combination thereof so installed as to provide both a landscape buffer between properties or rights-of-way per §108-81 Buffer area and landscaping.

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

LONG-TERM CARE FACILITY – An institution or a part of an institution that is licensed or approved to provide health care under medical supervision for twenty-four (24) or more consecutive hours to two (2) or more patients who are not related to the facility's authority or its members by marriage, blood, or adoption.

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

LOT AREA – An area of land which is determined by the limits of the lot lines bounding the area and shall be expressed in terms of square feet. Any portion of a lot included in a street right-of-way shall not be included in calculating "lot area".

LOT, CORNER – A lot at the junction of and fronting on two (2) or more intersecting streets or on two (2) parts of the same street when the interior angle of intersecting streets does not exceed one hundred twenty (120) degrees. In a residential zone, the front yard shall coincide with the front of the house that is facing the street, and the side opposite the front yard shall be considered the rear yard.

LOT COVERAGE – The proportion of the area of a lot, expressed as a percentage, that is covered by the building or buildings, including accessory buildings. An above-ground swimming pool shall not be included in determining the percentage of "lot coverage," but a below-ground swimming pool shall be included in determining the percentage.

LOT DEPTH – The shortest horizontal distance between the street line and the nearest part of a rear lot line. The greater frontage on a corner lot shall be its depth.

LOT FRONTAGE – The horizontal distance between side lot lines measured along the street line. The minimum "lot frontage" shall be the same as the lot width, except that on curved alignments with an outside radius of less than five hundred (500) feet, the minimum distance between the side lot lines measured at the street line shall not be less than sixty percent (60%) of the required minimum lot width.

LOT, INTERIOR – A lot other than a corner lot.

LOT LINE – The boundary line of a parcel of land as shown on a certified filed map or as defined by a filed map, or both. A "lot line" shall not be considered unless legally subdivided.

LOT, THROUGH – A lot running through from one (1) street to another.

**LOT WIDTH** – The straight and horizontal distance between side lot lines at setback points on each side lot line measured an equal distance back horizontally from the street line. The minimum "lot width" shall be measured at the minimum required building setback line. Where side lot lines are not parallel, the minimum lot width at the street line shall be not less than sixty percent (60%) of the required minimum lot width. The lesser frontage of a corner lot shall be its width.

**MAINTENANCE GUARANTEE** – Any security which may be accepted by the municipality for the maintenance of any improvements required by this Chapter, including but not limited to surety bonds, letters of credit under the circumstances specified in Section 16 of P.L. 1991, c. 256 (N.J.S.A. 40:55D-53.5), and cash.

**MAJOR SITE PLAN** – Any site plan not classified as a minor site plan.

**MAJOR SUBDIVISION** – Any subdivision not classified as a minor subdivision.

**MANAGEMENT PLAN** – Plan for the management of timbered or forested lands developed by the New Jersey Department of Environmental Protection, Bureau of Forestry, or similar state or federal agency or the Township Forester.

**MASTER PLAN** – A composite of one (1) or more written or graphic proposals for the development of the municipality as set forth and adopted pursuant to Section 19 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-28).

**MAYOR** – The chief executive of the municipality.

**MINOR SITE PLAN** – A development plan of one or more lots which proposes: (1) improvement of no more than five (5) parking spaces or no more than three hundred (300) square feet of new construction; (2) does not involve planned development, any new street or extension of any off-tract improvement which is to be prorated pursuant to Section 30 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-42); and (3) contains the information reasonably required in order to make an informed determination as to whether the requirements established by this Chapter for approval of a minor site plan have been met.

**MINOR SUBDIVISION** – A subdivision of land that does not involve the creation of four (4) or more lots, provided that such subdivision does not involve: (1) a planned development; (2) any new street; or (3) the extension of any off-tract improvement, the cost of which is to be prorated pursuant to Section 30 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-42). The creation of lots may include the two (2) new lots plus the lands remaining. Only one (1) "minor subdivision" shall be permitted on one (1) parcel of land during any twelve-month period.

**MOTEL** – See "Hotel."

**MUNICIPAL AGENCY** – A municipal planning board or board of adjustment, or a governing body of a municipality, when acting pursuant to this Chapter, and any agency which is created by or responsible to one (1) or more municipalities when such agency is acting pursuant to this Chapter.

**MUNICIPAL BUILDING** – Any building used, or facility owned, operated, subsidized or otherwise assisted by act of the Township of Monroe.

**MUNICIPAL RESIDENT** – A person who is domiciled in the municipality.

**MUNICIPAL TREE PLANTING PLAN** – A specific plan adopted by the Township Council of the Township of Monroe for the location and placement of trees on public property.

**MUNICIPALITY** – See "Township."

**NONCONFORMING LOT** – A lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

**NONCONFORMING STRUCTURE** – A structure the size, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

**NONCONFORMING USE** – A use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

**NURSERY, LANDSCAPING AND HORTICULTURE** – An area or site where plants, trees, and shrubs are grown or stored for transplanting, for use as stocks, for budding and grafting or for sale. Landscaping Nurseries also include office space, equipment and vehicle storage for uses incidental to landscaping businesses.

**NURSERY SCHOOL** – See "Family day care home" and "Child care center."

**NURSING HOME** – See "Extended care facility."

**OCCUPANCY** – The residing of an individual or individuals overnight in a dwelling unit or the storage or use of equipment, merchandise, or machinery in any public, commercial, or industrial building; (2) holding real property by being in possession.

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

**OFFICIAL MAP** – A map adopted by ordinance pursuant to Article 5 of P.L. 1975, c. 291.

**OFF-PREMISES ADVERTISEMENT** – An advertisement used to advertise goods, merchandise, property, business services, entertainment or amusement not sold on the premises or an advertisement intended to invite or draw the attention of the public to another premises.

**OFF-SITE** – Located outside the lot lines of the lot in question but within the property of which the lot is a part, which is the subject of a development application or the closest half of the street or right-of-way abutting the property of which the lot is a part.

**OFF-TRACT** – Not located on the property which is the subject of a development application nor on the closest half of the abutting street or right-of-way.

**ON-SITE** – Located on the lot in question and excluding any abutting street or right-of-way.

**ON-TRACT** – Located on the property which is the subject of a development application or on the closest half of an abutting street or right-of-way.

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

**OWNER** – Any individual, firm, association, syndicate, corporation, partnership or other entity having a proprietary interest in the land which is the subject of a development application.

**PARK AND RIDE FACILITY** – A parking area designated as a transportation intermodal transfer point terminal, most frequently for transfer from private automobile to bus or other common carrier or public transportation.

**PARKING SPACE** – An off-street space available for the parking of a motor vehicle, which in this Chapter is held to be a minimum area of ten (10) feet wide and twenty (20) feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto, except that all parallel off-street parking spaces shall have an area of ten (10) feet wide and twenty-two (22) feet long.

**PARTY IMMEDIATELY CONCERNED** – For purposes of notice, means any applicant for development, the owners of the subject property and all owners of property and government agencies entitled to notice under Section 7.1 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-12).

**PARTY WALL** – A common shared wall between two (2) separate structures, buildings or dwelling units.

**PATIO HOME** – A single-family detached housing type on a separate lot, characterized by a zero lot line configuration with little or no side yard setback on one (1) boundary and outdoor living space (patio and courts) integrated into the building design.

**PENNY ARCADE** – An establishment with more than two (2) coin operated amusement games, such as pinball machines, electric games, coin operated bowling games and the like or more than one (1) jukebox.

**PERFORMANCE GUARANTEE** – Any security, which may be accepted by a municipality, including but not limited to surety bonds, letters of credit under the circumstances specified in Section 16 of P.L. 1991, c. 256 (N.J.S.A. 40:55D-53.5), and cash.

**PLANNED COMMERCIAL DEVELOPMENT** – An area of a minimum contiguous or noncontiguous size as specified by this Chapter to be developed according to a plan as a single entity containing one (1) or more structures with appurtenant common areas to accommodate commercial or office uses or both and any residential and other uses incidental to the predominant use as may be permitted by this Chapter.

**PLANNED DEVELOPMENT** – Planned unit development, planned unit residential development, residential cluster, planned commercial development or planned industrial development.

**PLANNED INDUSTRIAL DEVELOPMENT** – An area of a minimum contiguous or noncontiguous size as specified by this Chapter to be developed according to a plan as a single entity containing one (1) or more structures with appurtenant common areas to accommodate industrial uses and any other uses incidental to the predominant use as may be permitted by this Chapter.

**PLANNED RETIREMENT COMMUNITY** – A residential community provided for permanent residents, in which the residential property and related open space are owned by a mutual nonprofit corporation, condominium association or other homeowners association or entity, where one hundred percent (100%) of the dwellings are occupied by at least one (1) person age fifty-five (55) or over and no other permanent occupant is under the age of forty-eight (48), except that if a legal occupant over forty-eight (48) but under fifty-five (55) is widowed, legally separated or divorced from an over fifty-five (55) legal occupant, prior to attaining age fifty-five (55), his or her occupancy status shall be protected, provided such entity, corporation or association is established in accordance with the laws of the State of New Jersey and qualifies for a Housing for Older Persons ("HOPA") exemption under the Fair Housing Act, 42 U.S.C. 3601, et seq.

**PLANNED UNIT DEVELOPMENT** – An area with specified minimum contiguous or noncontiguous acreage of ten (10) acres or more to be developed as a single entity according to a plan, containing one (1) or more residential clusters or planned unit residential developments and one (1) or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified in this Chapter.

**PLANNED UNIT RESIDENTIAL DEVELOPMENT** – An area with a specified minimum contiguous or noncontiguous acreage of five (5) acres or more to be developed as a single entity according to a plan containing one (1) or more residential clusters, which may include appropriate commercial, or public or quasi-public uses all primarily for the benefit of the residential development.

**PLANNING BOARD** – The Municipal Planning Board established pursuant to Section 14 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-23).

**PLAT** – A map or maps of a subdivision or site plan.

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

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

**PRELIMINARY PLAT** – The preliminary map filed in accordance with this Chapter.

**PRINCIPAL BUILDING** – A building in which is conducted the main or principal use of the lot on which said building is situated.

**PROFESSIONAL OFFICE** – The office of a member of a recognized profession, licensed by the State of New Jersey, including doctors, ministers, dentists, architects, professional engineers, lawyers and other similar professional occupations.

**PROJECTION** – An extension of a building which protrudes or juts out from the vertical plane of the building not more than two (2) feet.

**PUBLIC AREAS** – Parks, playgrounds, trails, paths, and other recreational areas and open spaces; scenic and historic sites; schools and other buildings and structures; and other places where the public is directly or indirectly invited to visit or permitted to congregate.

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

**PUBLIC DRAINAGE WAY** – The land reserved or dedicated for the installation of stormwater sewers or drainage ditches, or required along a natural stream or watercourse for preserving the biological as well as drainage function of the channel, and providing for the flow of water to safeguard the public against flood damage, sedimentation and erosion and to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical and to lessen nonpoint pollution.

**PUBLIC OPEN SPACE** – An open space area conveyed or otherwise dedicated to the municipality, municipal agency, Board of Education, state or county agency, or other public body for recreational, conservational or other municipal or public uses. Municipal or public uses as used herein shall include, but not be limited to, such lawful purposes as parks, playgrounds, schools, recreational facilities, community centers, rights of way required for the health and safety of the public, protection of major streams or open drainage ways, and buffer areas.

**PUBLIC UTILITY** – Any public utility regulated by the Board of Regulatory Commissioners and defined pursuant to N.J.S.A. 48:2-13.

**QUASI-PUBLIC USE** - Churches, synagogues, mosques, parish houses and similar religious uses, including parochial and private schools.

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

**RECREATIONAL VEHICLE** – A vehicle-type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as a temporary living accommodation for recreational, camping and travel use including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

**REPLACEMENT TREE** – A nursery grown certified tree, properly balled, and marked with a durable label indicating genus, species and variety, and satisfying the standards for nursery stock and installation thereof, set forth by the American Association of Nurserymen.

**RESERVE STRIP** – A privately owned strip of land of less width than the lot depth required by the Land Development Ordinance and bounded on one (1) side by a proposed street and on the other by the boundary of a subdivision containing said proposed street.

**RESIDENTIAL CLUSTER** – A contiguous or noncontiguous area to be developed as a single entity according to a plan containing residential housing units which have a common or public open space area as an appurtenance.

**RESTRICTIVE COVENANT** – A restriction on the use of land usually set forth in the deed and which is binding upon subsequent property owners.

**RESIDENTIAL DENSITY** – The number of dwelling units per gross acre of residential land area including streets, easements and open space portions of a development.

**RESUBDIVISION** – (1) The further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or (2) the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but not including conveyances so as to combine existing lots by deed or other instrument.

**RIGHT-OF-WAY (R.O.W.), PRIVATE** – A private strip of land over which other parties have the right to pass, traverse or install utilities.

**RIGHT-OF-WAY (R.O.W.), PUBLIC** – A publicly owned strip of land over which the general public has the right to pass, traverse or install utilities.

**SATELLITE ANTENNA** – An apparatus or structure which is designed for the purpose of receiving or transmitting television, radio, microwave, satellite or similar signals and is commonly referred to as a dish-type antenna.

**SCHOOL, PAROCHIAL** – A use primarily engaged in the education and instruction of individuals in academic or religious subjects and not operated for profit, from kindergarten through Grade 12, and administered, supervised and directly affiliated with an exempt, nonprofit religious organization.

**SCHOOL, PRIVATE** – A use primarily engaged in the education and instruction of individuals in academic or religious subjects and not operated for profit, from pre-kindergarten through Grade 12.

**SCHOOL, PUBLIC** – Any school operated under the administrative authority of a duly constituted state, county, regional or municipal Board of Education.

**SCREENING** – A visual barrier made up of planted or architectural materials for the purpose of preventing the view of an object or area by the general public.

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

**SENIOR HOUSING COMMUNITY** – See "Planned retirement community."

**SERVICE DRIVE** – A roadway at least twenty-four (24) feet in width which provides common access to two (2) or more uses and, where adjacent to a public right-of-way, is separated from the right-of-way by a planting strip at least five (5) feet wide.

**SETBACK** – The minimum horizontal distance between the street, rear or side lot lines and the closest part of any building. When two (2) or more lots under one ownership are used, the exterior property lines so grouped shall be used in determining "setbacks". The front "setback" shall be measured from any future right-of-way line as adopted in the Master Plan.

**SHOPPING CENTER, COMMUNITY** – Features an anchor tenant such as a supermarket, occupies 10 acres of land, and draws its clientele from a 15 to 20 minute driving radius from the center. A community shopping center consists of one or more retail buildings with no single use that exceeds 50,000 square feet and having a maximum gross floor area of 300,000 square feet for the entire center, creating a unified commercial village with a single architectural motif, which shall be in character with the surrounding residential area.

**SHOPPING CENTER, NEIGHBORHOOD** – Generally offers goods necessary to meet daily needs, occupies 5 acres of land, and draws its clientele from a 5 minute driving radius from the center. A neighborhood shopping center consists of one or more retail buildings with no single use that exceeds 10,000 square feet and having a maximum gross floor area with 50,000 square feet for the entire center, creating a unified commercial village with a single architectural motif, which shall be in character with the surrounding residential area.

**SHOPPING CENTER, REGIONAL** – Generally contains a wide range of retail and service establishments, occupies 25 or more acres of land, has several anchor stores and draws its clientele from a 45 minute driving radius from the center. A regional shopping center consists of one or more retail buildings and has a maximum gross floor area of 300,000 square feet for the entire center, creating a unified commercial village with a single architectural motif, which shall be in character with the surrounding residential area.

**SIGHT TRIANGLE** – A triangular shaped area of land established at street intersections in which nothing is permitted to be erected, placed, planted or allowed to grow in such a manner as to impair or obstruct the line of sight of motorists entering or leaving the intersections.

**SIGN** – Any outdoor display or advertising on real property within public view which is intended to attract, or which does attract, the attention of pedestrians or vehicle operators, attendants, or passengers of vehicles; and shall include any writing, printing, painting, display, emblem, drawing or other device whether placed on the ground, rocks, trees, tree stumps or other natural structures, or on a building, structure, signboard, billboard, wallboard, roofboard, frame, support, fence, or elsewhere, and any lighting or other accessories used in conjunction therewith.

**SIGN AREA** – The maximum projected area of the shape which enclosed the sign, device or representation. In the case of lettering attached to building façades, the "sign area" shall be the product of the maximum vertical dimension multiplied by the maximum horizontal dimension of all lettering and symbols which form the sign, including the empty space between the letters and symbols.

**SIGN, FREESTANDING** – A sign mounted on a structure, not attached to any building.

**SIGN, OVERHANGING** – A sign attached perpendicularly to an exterior wall of a building.

**SIGN, ROOF** – A sign attached on a roof that projects higher than the highest part of the building; also includes signs inscribed or painted on a roof, except as required by the Federal Aviation Administration or similar governmental agency regulating aeronautics.

**SIGN SURFACE** – The total surface area of a sign upon which advertising may be placed, including cutouts and extensions, but excluding decorative bases and supports. The base shall not exceed the width of the sign by twenty percent (20%).

**SITE PLAN** – A development plan of one or more lots on which is shown (1) the existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, floodplains, marshes and waterways; (2) the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting, screening devices; and (3) any other information that may be reasonably required in order to make an informed determination where review and approval of site plans is required by the Planning Board or Board of Adjustment pursuant to this Chapter.

**SKETCH PLAT** – The sketch map of a subdivision of sufficient accuracy to be used for the purpose of discussion and classification and meeting the sketch plat detail requirements of this Chapter.

**SOLAR ACCESS** – A property owner's right to have the sunlight shine on his land.

**STANDARDS OF PERFORMANCE** – Standards (1) adopted by ordinance pursuant to Subsection 52d (N.J.S.A. 40:55D-65), regulating noise levels, glare, earthborne or sonic vibrations, heat, electronic or atomic radiation, noxious odors, toxic matters, explosive and inflammable matters, smoke and airborne particles, waste discharge, screening of unsightly objects or conditions and such other similar matters as may reasonably be required by the municipality; or (2) required by applicable federal or state laws or municipal ordinances.

**STORY** – A portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. Underground space shall be considered a "story" when the upper surface of the floor next above is more than six (6) feet above the adjacent ground elevation at any point.

**STREAM RIGHT-OF-WAY** – The distance or width located on both sides of a stream or watercourse which has been dedicated, deeded or granted by easement to any government agency or a stream right-of-way which has been indicated in an officially adopted stream improvement program.

**STREET** – Any street, avenue, boulevard, road, parkway, viaduct, drive or other way (1) which is an existing state, county or municipal roadway; or (2) which is shown upon a plat heretofore approved pursuant to law; or (3) which is approved by official action as provided by this act; or (4) which is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

**STREET LINE** – The line determining the limit of the right-of-way whether existing or contemplated. Where a definite right-of-way has not been established, the street line shall be assumed to be at the future right-of-way line as adopted in the Master Plan.

**STREET, RESIDENTIAL** – A street, or portion thereof, which is located in a residential zone.

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

**STRUCTURE, PERMANENT** – A structure which is safe and stable, including but not limited to stadiums, platforms, radio towers, storage bins, and swimming pools.

**STRUCTURE, TEMPORARY** – A structure without any foundation or footings, which is removed when a specifically designated time period, activity or use for which the temporary structure was erected has ceased.

**SUBDIVISION** – The division of a lot, tract or parcel of land into two (2) or more lots, tracts, parcels or other divisions of land for sale or development. The following shall not be considered "subdivisions" within the meaning of this Chapter, if no new streets are created: (1) divisions of land found by the municipal agency or subdivision committee thereof appointed by the Chairman to be for agricultural purposes where all resulting parcels are five (5) acres or larger in size; (2) divisions of property by testamentary or intestate provisions; (3) divisions of property upon court order, including but not limited to judgments of foreclosure; (4) consolidation of existing lots by deed or other recorded instrument; and (5) 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 Administrative Officer to conform to the requirements of this Chapter and are shown and designated as separate lots, tracts or parcels on the tax map or atlas of the municipality. The term "subdivision" shall also include the term "resubdivision."

**SWIMMING POOL, PRIVATE** – A swimming pool located as an accessory use on the same lot as the principal use it serves, is utilized only by the owner or his nonpaying guests and is not operated for profit.

**SWIMMING POOL, PUBLIC** – A swimming pool open to the general public or open to members only of a club or organization, whether operated for profit or not.

**TOWNHOUSE**– A townhouse is one (1) of a series of attached single-family dwelling units designed for conveyance either as a condominium or in fee simple, attached (on either both sides or one (1) side depending upon whether the unit is an interior unit, or whether the unit is at the end of a townhouse dwelling structure, thereby having one (1) common and one (1) exterior wall), with private or semi-private front and rear yard areas.

**TOWNSHIP** – The Township of Monroe.

**TRAILER** – A structure standing on wheels, towed or hauled by another vehicle and used for short-term human occupancy, carrying materials, goods or objects, or as a temporary office.

**TRAILER HOME** – Any dwelling unit for living or sleeping purposes which is equipped with wheels or some device used for the purpose of transporting such unit from place to place, whether by motor vehicle or other means, or any factory built unit equipped with wheels used for living or sleeping purposes, whether the same is on blocks, posts or any other type of foundation. "Mobile home" shall be synonymous with "trailer home."

TRANSCRIPT – A typed or printed verbatim record of the proceedings or reproduction thereof.

TRANSFER STATION – An intermediate destination for solid waste.

TRIP – A single or one-way vehicle movement either to or from a subject property or study area.

TRIP GENERATION – The total of trips produced or expected to be produced by a specific land use activity.

TRUCK TERMINAL – An area and building designed with cross docking facilities, used exclusively for the transfer of cargo between trucks rather than storage, distribution, assembly or processing of cargo. Cross transfer of cargo may also occur between trucks and fully loaded trucks may be parked on site prior to the cross loading of cargo.

TURNPIKE – A limited access highway known as the New Jersey Turnpike.

USE – The specific purpose for which a land or building is designed, arranged, intended, or for which it may be occupied or maintained.

USE, ACCESSORY – A use which is incidental to that of a principal use on the same lot.

USE, PERMITTED – A use of a building or land that conforms to the provisions of this Chapter.

USE, PRINCIPAL – A use which is the major use of a lot. In any residential zone, a dwelling on a lot shall be deemed the "principal use" of that lot.

USE, PUBLIC – Any use of land or structures thereon which is owned and used by federal, state, county, or municipal governments. "Public use" shall also include property not owned by a governmental entity but which is leased or used for that purpose.

USE, QUASI-PUBLIC – Any use which is public in nature but which is owned and used by a private interest group. "Quasi-public use" includes churches, parish houses, parochial schools, historical sites and similar uses, but does not include clubs, lodges or similar private uses.

USE, RESIDENTIAL – The use of a building or part as a dwelling unit.

VACANCY – Any unoccupied land, structure or part thereof available and suitable for occupancy.

VARIANCE – Permission to depart from the literal requirements of a zoning ordinance pursuant to Section 47 (N.J.S.A. 40:55D-60) and Subsections 29.2b., 57c. and 57d. of the Municipal Land Use Act (N.J.S.A. 40:55D-40 and 40:55D-70).

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

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

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

YARD – An open space on the same lot with a principal building, which is open, unoccupied and unobstructed by buildings from the ground to the sky, except as otherwise provided in this Chapter.

YARD, FRONT – The yard extending across the entire width of the lot between the street line and the nearest part of the principal building.

YARD, REAR – The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building.

YARD, SIDE – The yard extending across the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest part of the principal building.

ZONING PERMIT – A document signed by the Planning Administrator or Zoning Officer: (1) which is required by this Chapter as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building; and (2) which acknowledges that such use, structure or building complies with the provisions of the Township ordinance or variance therefrom duly authorized by the appropriate municipal agency pursuant to N.J.S.A. 40:55D-60 and 40:55D-70.

**§108-5.3. Yard areas.**

**§108-5.3 is hereby amended and replaced in its entirety to read as follows:**

- A. No yard or other open space provided around any building for the purpose of complying with the provisions of this Chapter shall be considered as providing a yard or open space for any other buildings, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.
- B. All yards facing on a public street shall be considered front yards and shall conform to the minimum front yard requirements for the zone in which it is located, except as otherwise provided in this Article.
- C. Every part of a required yard shall be open and unobstructed from its lowest level to the sky, except for the ordinary projections allowed by the State Uniform Construction Code, including but not limited to sills, belt courses, chimneys, flues, buttresses, ornamental features and eaves; provided, however, that none of the aforesaid projections shall project into the minimum required yards more than twenty-four (24) inches, unless otherwise permitted by this Chapter. Unroofed entrance porches or terraces, which do not rise above the height of the floor level on the ground floor, may extend into any yard, provided that the total area of all such porches, which extend into such yards, does not exceed one thousand (1,000) square feet.
- D. A minimum rear yard area of 3,000 square feet, contiguous to the proposed building footprint and unencumbered by freshwater wetlands and associated buffers, floodplains, State open waters, waterways or other environmental constraints shall be required for all building lots within the RR-FLP, R-3A, R-60, R-30, and R-20 zones. The ratio width to depth for each rear yard area shall not exceed 2.5 to 1. This minimum rear yard area shall not be accomplished via wetlands buffer averaging.

ARTICLE VI  
**Zoning District Regulations**

**§108-6.1 hereby amended and replaced in its entirety to read as follows:**

**§ 108-6.1. Zoning districts**

- A. For the purpose of this Chapter, the Township of Monroe is divided into the following zoning districts:
  - R-3A Rural Residential
  - VC-1 Village Center Overlay
  - R-60 Residential
  - R-30 Residential
  - R-20 Residential
  - R-10 Residential
  - R-7.5 Residential
  - R-5 Residential

RR-FLP	Rural Residential-Farmland Preservation District
PD-AH/NC	Planned Development-Affordable Housing/Neighborhood Community
PRD-AH	Planned Residential Development- Affordable Housing
PRD-AH-AR	Planned Residential Development-Affordable Housing-Age Restricted District
PD-SH	Planned Development-Senior Housing
PRGC	Planned Residential Golf Community
PRC	Planned Retirement Community
PRC-2	Planned Retirement Community-Two
PRC-3	Planned Retirement Community-Three
POCD	Planned Office Commercial Development
OP	Office Professional
NC	Neighborhood Commercial
CC	Community Commercial District
HD	Highway Development
AHMUD/HD	Affordable Housing Mixed Use Development Overlay VC-2 Village Center Overlay
LI	Light Impact Industrial
FHC	Flood Hazard Conservation
ASOZ	Airport Safety Overlay Zone

**§ 108-6.2. Official Zoning Map.\***

- A. The "Official Zoning Map" of Monroe Township, New Jersey, dated March 30, 2012, is attached hereto and made a part hereof.
- B. Maintenance. Said original tracing of the Official Zoning Map shall be maintained in the office of the Township Clerk and shall be made available for public reference. Copies of the Official Zoning Map shall be reproduced for public distribution with the complete Zoning Ordinance. However, the original tracing of the Official Zoning Map maintained in the office of the Township Clerk shall be used as the final authority as to the current status of zoning districts in Monroe Township.
- C. Changes. When in accordance with the provisions of this Chapter and of the State Law, changes are made in district boundaries or other matters portrayed in the Official Zoning Map, such changes will not become effective until the Official Zoning Map has been amended.
- D. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Municipal Council may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may contain corrected drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Zoning Map or any amendment thereof.
- E. Unless the prior Zoning Map has been lost or totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

**§ 108-6.3. Interpretation of zoning district boundaries.**

- A. In determining the boundaries of districts shown on the Zoning Map, the following rules shall apply:

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\* Editor's Note: The Zoning Map referred to herein is located on file in the office of the Township Clerk.

- (1) The zone boundary lines are intended generally to follow the center lines of streets, the center lines of railroad rights-of-way, existing lot lines, the center lines of rivers, streams and other waterways or municipal boundary lines, all as shown on the Zoning Map; but where a zone boundary line does not follow such a line, its position is shown on said Zoning Map by a specific dimension expressing its distance in feet from a street line or other boundary line as indicated.
- B. Where such boundary lines are indicated as approximately following the property lines of parks or other publicly owned lands, such lines shall be construed to be such boundaries.
- C. In all cases where a district boundary line divides a lot in one (1) ownership and more than fifty percent (50%) of the area of such lot lines is in the less restricted district, the regulations prescribed by this Chapter for the less restricted district shall apply to such portion of the more restricted portion of said lot.
- D. In all cases where a district boundary line is located not farther than fifteen (15) feet away from a lot line of record, such boundary line shall be construed to coincide with such lot line.
- E. In all other cases where dimensions are not shown on the map, the location of district boundary lines shown on the map shall be determined by the use of the scale appearing hereon.
- F. In cases of uncertainty or disagreement as to the true location of any zone boundary line, the determination thereof shall lie with the Board of Adjustment as hereinafter provided.
- G. Vacation of streets or other public ways. Where a vacated right-of-way is bounded on either side by more than one (1) district, the former center line of such right-of-way becomes the new district line.

#### **§ 108-6.4. Schedule of Area, Yard and Building Requirements.\***

The schedule of area, yard and building requirements is shown on the schedule listed as Schedule of Area, Yard and Building Requirements.

#### **§ 108-6.5. Effect of establishment of zoning districts.**

Following the effective date of this Chapter:

- A. No building shall be erected, moved, altered, rebuilt or enlarged except as specified elsewhere in this Chapter, nor shall any land or building be used, designed or arranged to be used for any purpose or in any manner except in conformity with all regulations, requirements and/or restrictions specified in this Chapter for the district in which such building or land is located.
- B. No yard or open space required in connection with any building or use shall be considered as providing a required open space for any other building on the same or any other lot.
- C. No lot shall be formed from part of a lot already occupied by a building unless such building, all yards and open spaces connected therewith and the remaining lot comply with all requirements prescribed by this Chapter for the district in which said lot is located. No permit shall be issued for the construction of a building on any new lot thus created unless such building and lot comply with all the provisions of this Chapter.
- D. The omission of any use or type of use from said schedule shall be deemed to be an exclusion thereof from all districts.

#### **§ 108-6.6. Description of zoning districts.**

The following zoning districts and regulations as enumerated herein shall apply to the development of all land and as further defined in Article VI of this Chapter.

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\* Editor's Note: The Schedule of Area, Yard and Building Requirements is located at the end of this Chapter.

**§ 108-6.7. R-3A Residential-Agricultural District.**

The following regulations shall apply in the R-3A Residential Agricultural District.

- A. Permitted uses.
  - (1) Single-family dwellings.
  - (2) Farms, truck gardens, and other agricultural activities subject to the following:
    - (a) Stables housing horses shall not be located closer than one hundred (100) feet to any property line.
    - (b) The number of horses on the site shall be limited to a ratio of one (1) horse for each forty thousand (40,000) square feet of the site or major fraction thereof in excess of the first acre of lot area.
  - (3) Parks, playground and other recreation facilities operated by Monroe Township.
  - (4) Township municipal offices, library, fire, first aid, municipal utilities, police stations, schools and other buildings.
- B. Permitted accessory uses.
  - (1) Private garages for the storage of vehicles used by the residents on the premises.
  - (2) Private swimming pools for use by the residents on the premises as per the requirements of Article XII of this Chapter.
- C. The area, yard and building requirements are as specified for this zone in the schedule of requirements in § 108-6.4 of this Article and the applicable subsections of this Chapter.
- D. Conditional uses requiring a conditional use permit, subject to the provisions of Article VII of this Chapter.
  - (1) Farm stand or market.
  - (2) Parks, playgrounds and other public recreation facilities not operated by Monroe Township.
  - (3) Home Occupations.
  - (4) Nursery, landscaping and horticulture.
  - (5) Public utility installations.
  - (6) Community residences for the developmentally disabled.
  - (7) Satellite antennas.
- E. Cluster development. For the purpose of facilitating sound planning, encouraging coordinated community development and preserving open space, certain deviations from the above requirements may be permitted if appropriate conditions prevail and the standards and regulations are met for the R-3A Residential-Agricultural District and the cluster provision of § 108-6.8.1 and § 108-6.4. A cluster of noncontiguous properties may be permitted between the R3-A, R-60, R-30 and the R-20 zone. The Planning Board may approve the development of a noncontiguous cluster, provided it serves municipal purposes and is suitably located to preserve open space, farmland or parks, consistent with the Monroe Township Open Space and Recreation Plan.
- F. Signs are permitted as per Article X of this Chapter.
- G. Parking is required as per Article IX of this Chapter.
- H. Fences are permitted as per Article VIII of this Chapter.
- I. Landscape buffer requirements. A buffer area sixty (60) feet in width shall be provided along any road frontage, and along any side or rear lot line that abuts a nonresidential zone. The buffer shall consist of a minimum six (6) foot high sculptured, undulating berm that has a top of berm width ranging from ten (10) to twenty (20) feet. The top of the berm will be planted with a mass of evergreen trees with an average height of eight (8) feet. This evergreen stand shall be planted in a natural pattern which achieves a full screening effect. The Planning Board or Board of Adjustment shall have the right to require a continuous six (6) foot berm as a particular case may warrant. The sides of the berm shall be established with shrubs and ground cover. The landscaping and plant material shall conform to §108-8.1J. The landscaped berm shall be installed and

established prior to the commencement of construction. No structures, fences, walls or accessory buildings shall be located within the buffer area. If the frontage contains woodland, the Planning Board or Board of Adjustment shall determine the extent of any supplemental planting.

J. VC-1 Village Center Overlay

- (1) Purpose: The purpose for the VC-1 Overlay is to promote a range of commercial, office and residential land uses within a newly created, pedestrian-friendly, mixed-use environment that will serve local and community-wide needs and create new business and employment opportunities. Pedestrian movement is encouraged to flow throughout the overlay zone area by generally permitting stores and shops and personal service establishments on the ground floor of buildings and promoting the use of upper floors for office and, in certain circumstances, residential dwelling units. Land uses within the overlay zone should be arranged to provide for commercial and office uses with and without residential uses on upper floors in the vicinity of the crossroads. The balance of the residential uses should be developed in areas extending outward in a grid-like pattern from the commercial and office uses.
- (2) General Goals:
  - (a) Proper screening and buffering around the perimeter of the area and along surrounding roads;
  - (b) Adequate building setbacks from surrounding roads;
  - (c) Well-landscaped interior spaces for residential and non-residential land uses;
  - (d) Open space for active and passive recreational amenities for residential land uses;
  - (e) Public amenities including, but not limited to, pedestrian plazas and sitting areas;
  - (f) Opportunities for shared off-street parking and stormwater management facilities;
  - (g) Off-street parking that is well screened from public view;
  - (h) Controlled and coordinated internal circulation system for pedestrians and vehicles; and
  - (i) Coordinated design themes, i.e., buildings, streetscapes, parking areas, landscaping, lighting and signage.
- (3) Minimum Tract Size: Fifty (50) acres.
- (4) Permitted Principal Uses:
  - (a) Non-residential uses located along Spotswood-Englishtown Road and Mounts Mills Road beginning at the intersection of these two roads and extending away from the intersection:
    - [1] Retail stores and shops that are permitted in the NC Neighborhood Commercial zone;
    - [2] Personal service establishments permitted in the NC Neighborhood Commercial zone;
    - [3] General and administrative offices;
    - [4] Professional offices;
    - [5] Restaurants, cafes, luncheonettes and delicatessens, excluding curb service and drive-through facilities for all eating and drinking establishments;
    - [6] Instructional studios and fitness centers;
    - [7] Banks and similar financial institutions, excluding check-cashing businesses, and drive-through facilities should be permitted only in locations where such a facility is not a dominant visual element and not located adjacent to residential dwellings;
    - [8] Retail dry cleaning and laundry services;
    - [9] Art galleries and similar facilities;
    - [10] Childcare centers.



[3] Yard requirements for principal buildings and structures for lots along perimeter of tract along existing municipal roads:

<u>Description</u>	<u>Requirement</u>
Minimum front yard	25 feet
Minimum side yard	15 feet
Minimum rear yard	40 feet

[4] Yard requirements for principal buildings and structures for internal lots within tract:

<u>Description</u>	<u>To Internal Lot Property Line</u>	<u>To Curb Line of Internal Road<sup>1</sup></u>
Front yard minimum	0 feet	10 feet
Front yard maximum	10 feet	20 feet
Side yard minimum for non-residential use to non-residential use	15 feet	--
Side yard minimum for non-residential use to residential use within development	25 feet	--
Rear yard minimum	40 feet	--

[5] Maximum building height:

<u>Description</u>	<u>Requirement</u>
Principal building, including 100 percent non-residential and mixed non-residential and residential	3 stories of occupied space 50 feet
Accessory building	1 story 25 feet

[6] Minimum separation between buildings on lot with multiple buildings:

<u>Description</u>	<u>Requirement</u>
Side of building to side of building	30 feet
Rear of building to rear of building	50 feet
Rear of building to side of building	35 feet

(b) Residential Uses:

[1] Minimum lot area: 5 acres

[2] Minimum lot dimensions:

<u>Description</u>	<u>Requirement</u>
Frontage	300 feet
Width	300 feet
Depth	300 feet

[3] Yard requirements for principal buildings and structures:

<u>Description</u>	<u>Tract Boundary</u>	<u>Internal Lots</u>	<u>To Curb Line of Internal Road</u>
Minimum front yard	50 feet	20 feet	25 feet for front yard with driveway to front of dwelling unit
Minimum side yard	50 feet	10 feet	--
Minimum rear yard	50 feet	20 feet	--

<sup>1</sup> Internal road applies to either a road dedicated to the municipality or a private road.

[4] Maximum building height:

<u>Description</u>	<u>Requirement</u>
Principal building, townhouse and multi-family	3 stories 36 feet
100 percent affordable multi-family	3 stories of occupied space 50 feet
Accessory building	1 story 25 feet

[5] Minimum separation between buildings on lot with multiple buildings:

<u>Description</u>	<u>Requirement</u>
Side of building to side of building	20 feet
Rear of building to rear of building	50 feet
Rear of building to side of building	40 feet

(8) Landscape buffer requirements for non-residential uses:

- (a) Minimum width of buffer area along existing municipal roads shall be twenty (20) feet. A six (6)-foot wide concrete sidewalk that is parallel to existing municipal roads and offset three (3) feet from the curb line of the existing roads shall be provided. Street trees shall be provided within the landscape buffer area along the sidewalks. Street furniture, such as benches, trash receptacles and other amenities, may be required along the sidewalks by the approving Board. Fencing, masonry walls and/or hedges, all of which shall not exceed three (3) feet in height, may be required within the landscape buffer area along the street right-of-way line by the approving Board.
- (b) Minimum width of buffer area along tract boundary other than along roadways shall be forty (40) feet.
- (c) Minimum width of buffer area for side and rear yards when non-residential uses abut non-residential uses shall be ten (10) feet.
- (d) Minimum width of buffer area for side yards when non-residential uses abut residential uses within development shall be twenty (20) feet.

(9) Landscape buffer requirements for residential uses:

- (a) Minimum width of buffer area along existing municipal roads and tract boundary shall be fifty (50) feet.
- (b) Landscape buffer areas shall comply with § 108-6.7.I., except for minimum width requirements as indicated in previous paragraphs of this subsection, and with § 108-8.1.J. and any other sections of this Chapter. Brick walls for enhancement are encouraged.
- (c) An all-purpose meandering path having a width of six (6) feet shall be provided within the landscape buffer along Mounts Mills Road and Spotswood-Englishtown Road, and shall transition in width and location to join the concrete sidewalk required for non-residential uses. The specification of material and design of the path shall be determined by the Township Engineer.

(10) Traffic and circulation:

- (a) A detailed traffic study analyzing the development's impact on the existing road system including, but not limited to, Mounts Mills Road, Spotswood-Englishtown Road, the full intersection of the two aforementioned roads, and proposed road intersections with any of the surrounding roads shall be filed with the development application.

- (b) A primary access road in the form of a boulevard with a treed center median that interconnects Mounts Mills Road and Spotswood-Englishtown Road through the VC-1 Village Center Overlay zone shall be provided.
  - (c) No curb cuts for residential driveways shall be permitted along Mounts Mills Road and Spotswood-Englishtown Road. In order to create an internal road system with limited access to existing municipal roads, all access from the two aforementioned roads shall be achieved by a primary access road with driveways and roads intersecting the primary access road within the internal areas of the development, and from secondary access roads that intersect Mounts Mills Road, Spotswood-Englishtown Road and the primary access road with driveways and roads intersecting the secondary roads within the internal areas of the development.
  - (d) Street trees shall be provided in accordance with the provisions of this Chapter.
  - (e) Multi-purpose sidewalks and paths linking all sections of development within the overlay zone shall be provided.
- (11) Open space:
- (a) Conservation areas that include wetlands, wetland buffers and 100-year flood plains should be preserved and monumented.
  - (b) Walking trails through open space areas shall be provided.
  - (c) Formal public spaces, i.e., sitting areas, within the “downtown” commercial areas shall be provided.
- (12) Signage:
- (a) All signage shall comply with the provisions of this Chapter except as set forth below.
  - (b) Freestanding identification signs shall be monument signs restricted to a size and scale that are appropriate for the type of road from which the signs are viewed as set forth below:
    - [1] Signage along Mounts Mills Road and Spotswood-Englishtown Road:
      - [a] One (1) monument sign shall be permitted at each intersection of the primary access road and Mounts Mills Road and Spotswood-Englishtown Road into each non-residential section of the development.
      - [b] The monument sign shall be set back at least ten (10) feet from the right-of-way line for existing municipal roads and twenty (20) feet from the curb line of the main access road into the site.
      - [c] The maximum height of the monument sign shall be twenty (20) feet.
      - [d] The maximum area of each face of the monument sign shall be one hundred (100) square feet.
    - [2] Façade signage for non-residential buildings facing Mounts Mills Road and Spotswood-Englishtown Road shall comply with the provisions for NC Neighborhood Commercial zone set forth in this Chapter. No individual freestanding signs for individual non-residential uses are permitted.
    - [3] Signage within the development along internal roads shall comply with the provisions for NC Neighborhood Commercial zone set forth in this Chapter.
- (13) Parking and loading:
- (a) All provisions of this Chapter regarding parking and loading shall apply to the VC-1 Village Center Overlay zone.
- (14) Lighting: Site and street lighting shall comply with the provisions of this Chapter.
- (15) Fences and walls: Fences and walls shall comply with the provisions of this Chapter.

(16) Design standards:

(a) General standards:

[1] A planned village center development shall be conceived, designed, subdivided, site planned and approved by the Township Board having jurisdiction as a single development with a comprehensive site development plan. The developer shall establish site landscaping, building design and common area maintenance guidelines and control standards.

[2] The entirety of a planned village center development shall be developed with a common architectural theme which shall be subject to site plan approval by the Township Board having jurisdiction. The architectural theme shall include buildings, signing, fencing, lighting, curbing, landscaping and other similar and related physical features and improvements.

[3] Building design:

[a] The treatment of side and rear walls of any building in terms of building materials and colors shall be similar to the treatment of the front façade.

[b] All buildings shall be designed to convey a small-scale village character. Buildings included in the VC-1 Village Center Overlay Zone shall contain the following design elements:

(i) Building exteriors shall have vertical and/or horizontal offsets to create visual breaks on the exterior.

(ii) The exterior of all buildings in the development, including any permitted accessory buildings, shall be architecturally compatible and be constructed of complementary materials. Design guidelines for future building improvements shall be prepared by the applicant to ensure the ongoing design integrity of the development.

(iii) Architectural detail, style, color, proportion and massing shall reflect the features of a traditional village center neighborhood.

(iv) Provide for an orderly relationship among windows, doors, porches and roof forms.

[4] The scale and massing of buildings on any given street shall be harmonious.

[5] The design of all internal streets shall comply with State of New Jersey Residential Site Improvement Standards. Main streets through developments shall be designed to have divided landscape medians so as to create a boulevard that has street trees, sidewalks, curbing and ornamental street lighting along both sides of the boulevard, pedestrian crosswalks constructed of material differing from the street pavement, street signage that announces sharing the street with bicyclists, and street furniture such as benches and trash receptacles.

[6] Special ground texture treatment shall be required for pedestrian crossings in streets and elsewhere to include bricks, stone, cobbles and/or other suitable material.

[7] Street furniture such as benches, street lamps, bicycle racks, trash receptacles, tree grates, bus stops, landscape planters and other amenities shall be provided.

[8] All streets, sidewalks and pathways shall connect to other streets within the village center development and connect to existing streets outside the village center development, as appropriate. Dead-end streets are generally not permitted within the village center developments unless such condition is unavoidable, as determined by the Board having jurisdiction.

[9] Adequate internal buffering between residential and non-residential uses, particularly for screening parking lots, loading areas and refuse enclosures shall be provided.

[10] All utilities shall be installed underground.

[11] To the extent practical and reasonable "green" building and site design techniques and technology, i.e., solar panels on roofs and in parking areas, "green" roofs for lowering energy consumption and improving stormwater management, rain gardens for improving water quality and reducing quantity from stormwater runoff, and other innovations shall be incorporated in the development plan.

(b) Non-residential uses:

[1] The location of non-residential and mixed-use building entrances and orientation of buildings shall minimize distance to walk from one building to another. Buildings with more than one façade facing a public street, internal road, parking lot or open space shall be required to provide multiple front façade treatments.

[2] All uses shall be conducted within completely enclosed buildings unless otherwise specified herein.

[3] Non-residential and mixed-use buildings shall be provided with off-street loading and service areas separate from parking spaces and shall be situated as much as possible to the rear of the building and out of the general traffic flow.

[4] Street-level store fronts and building entrances shall be open and inviting to pedestrians.

[5] Air-conditioning units, heating, ventilating and air-conditioning (HVAC) systems, exhaust pipes or stacks, satellite dishes and other telecommunication receiving devices shall be screened or otherwise specially treated to be, as much as possible, inconspicuous as viewed from the public view and adjacent properties.

(c) Residential uses:

[1] Townhouse buildings shall consist of no more than eight (8) townhouse dwelling units in order to prevent the development of long and monotonous buildings. No more than two adjacent townhouse units shall have the same building offset, which shall vary by at least four (4) feet.

[2] The front façade of a townhouse unit shall reflect a traditional village character. Awnings, open and usable porches, stoops, bay windows and/or balconies and other decorative entries may encroach into building setback lines.

[3] Garages for townhouse buildings may be front-, side- or rear-entry types. Sufficient storage area to accommodate automobiles, automotive accessories, tools, trash/recycle materials and other items typically found in garages shall be provided.

[4] Townhouse dwelling units shall have private outdoor space, which may include a deck, patio and/or terrace. Such outdoor space shall be screened with landscaping and/or fencing that shall not exceed five (5) feet in height.

[5] Multifamily dwelling units shall have access provided by an outside entrance or stairway serving the residential units exclusively.

**§ 108-6.8. R-60 Residential District.**

The following regulations shall apply in the R-60 Residential District.

A. Permitted uses.

(1) Single-family dwellings.

(2) Farms, truck gardens, and other agricultural activities subject to the following:

(a) Stables housing horses shall not be located closer than one hundred (100) feet to any property line.

(b) The number of horses on the site shall be limited to a ratio of one (1) horse for each forty thousand (40,000) square feet of the site or major fraction thereof in excess of the first acre of lot area.

(3) Parks, playground and other recreation facilities operated by Monroe Township.

(4) Township municipal offices, library, fire, first aid, municipal utilities, police stations, schools and other buildings.

- B. Permitted accessory uses.
  - (1) Private garages for the storage of vehicles used by the residents on the premises.
  - (2) Private swimming pools for use by the residents on the premises as per the requirements of Article XII of this Chapter.
- C. The area, yard and building requirements are as specified for this zone in the schedule of requirements in § 108-6.4 of this Article and the applicable subsections of this Chapter.
- D. Conditional uses requiring a conditional use permit, subject to the provisions of Article VII of this Chapter:
  - (1) Farm stand or market.
  - (2) Parks, playgrounds and other public recreation facilities not operated by Monroe Township.
  - (3) Home Occupations.
  - (4) Public utility installations.
  - (5) Community residences for the developmentally disabled.
  - (6) Satellite antennas.
- E. Cluster development. In order to facilitate sound planning and to encourage coordinated community development and to preserve open space, certain deviations from the above requirements may be permitted where appropriate conditions prevail and the standards and regulations are met relative to the R-60 Residential Zone, as well as the cluster provisions of § 108-6.8-1 and § 108-6.4 of this Article.

A cluster of noncontiguous properties may be permitted between the R3-A, R-60, R-30 and R-20 zone. The Planning Board may approve the development of a noncontiguous cluster, provided it serves municipal purposes and is suitably located to preserve open space, farmland or parks, consistent with the Monroe Township Open Space and Recreation Plan.
- F. Signs are permitted as per Article X of this Chapter.
- G. Parking is required as per Article IX of this Chapter.
- H. Fences are permitted as per Article VIII of this Chapter.
- I. Cluster provisions.
  - (1) Cluster provisions.
    - (a) Definition. A "cluster development" is defined as a development of single-family detached dwellings which will preserve desirable open spaces, conserve floodplains, wetlands, and farmlands, provide open space recreational parks and lands for other public or quasi-public purposes compatible with residential uses by permitting a reduction of lot size and the application of certain other regulations hereinafter stated without increasing the number of lots, i.e., the gross density, in the total areas to be developed.
    - (b) Cluster development may be permitted in the R-3A Residential-Agricultural Zone, R-60 Single-Family Residential Zone, R-30 Single-Family Residential Zone, R-20 Single-Family Residential Zone and any single-family residential zones to be created with a lower permitted gross density than the R-3A Zone.
    - (c) Schedule of minimum requirements. The lot area, minimum lot width and lot frontage required for the R-3A, the R-60 and the R-30 standards, or standards applicable to any newly created single-family residential zone in which clustered development may be permitted under this section, may be reduced to the R-20 standards, as set forth in § 108-6.4 of this Article. In order to obtain this cluster option, the approval of the Planning Board is required and all the requirements set forth herein must be met.
      - [1] A cluster development must consist of at least one (1) tract of land without any intervening roads, with each tract containing not less than fifteen (15) acres. When a tract of land less than fifteen (15) acres in area is contiguous to existing open space and would contribute to the fulfillment of the Township's Open Space and Recreation Plan, the Board may consider a variance to this provision.

- [2] Any tract of land to be utilized for a cluster option with a proposed lot size of less than sixty thousand (60,000) square feet must be serviced by municipal water supply and municipal sanitary sewer system.
- [3] Density. The permitted gross density of a cluster development shall not exceed the permitted gross density set forth in the Schedule of Area, Yard and Building Requirements, § 108-6.4 of this Article, for a zone where the tract is located. Applicants shall be required to submit a lot yield plan showing the development of the tract(s) using the conventional zone district requirements. Applicants shall demonstrate that all lots are usable as set forth herein. The number of building lots shown on the lot yield plan shall be the maximum number of lots permitted under the cluster subdivision option. For a lot to be usable it must comply with all of the standards set forth below.
  - [a] The lot yield plan shall clearly show all state-regulated freshwater wetlands and associated buffers, floodplains, state open waters and waterways.
  - [b] The lot yield plan shall demonstrate that each usable lot contains a minimum of ten thousand (10,000) square feet for building and yard areas unencumbered by electric and gas transmission rights-of-way, freshwater wetlands and associated buffers, floodplains, buffers required under this Chapter, state open waters, waterways or other environmental constraints.
  - [c] A minimum rear yard area of three thousand (3,000) square feet, contiguous to the proposed building footprint and unencumbered by freshwater wetlands and associated buffers, floodplains, state open waters, waterways or other environmental constraints shall be shown for each usable building lot depicted on the yield plan.

The ratio width to depth for each rear yard area shall not exceed two and one-half to one (2.5 to 1).
  - [d] Building footprint dimensions, for the purposes of the yield map, shall be a minimum of sixty (60) feet in width and forty (40) feet in depth.
  - [e] Storm water management facilities, including, but not limited to, detention and retention basins, shall be included on the yield plan. In no case, shall the total area and volume for storm water management facilities shown on the yield plan be less than that shown on the cluster plan.
  - [f] All required setbacks and buffers shall be shown on the yield map.
- (d) Open space standard.
  - [1] Of the required open space in the cluster development, no more than forty percent (40%) thereof may be lands from one (1) or more of the following categories:
    - [a] Floodway and flood hazard areas as defined or established in the floodways and floodplain provisions.
    - [b] Existing watercourses, ponds, bogs and swamps.
    - [c] Lands classified as flood hazard area or State-regulated freshwater wetlands and buffers.
  - [2] Each open space shall contain a minimum of five (5) acres and meet the requirements of paragraph [1] above.
  - [3] Open space areas shall not be less than twenty (20) feet in width at any location.
  - [4] Open space areas should weave between and periodically widen out significant and usable recreation areas.

- [5] Open space lands shall be so located as to meet the needs, as shown on the Master Plan or Official Map of the Township, for open space, parks, playgrounds, school sites, rights-of-way required for the health and safety of the public while minimizing impacts on environmentally sensitive lands, protection of major streams or open drainage ways, buffer areas or to provide additional neighborhood area for recreational purposes or for any other lawful purpose, consistent with the definition of Open Space, as determined by the governing body. Not only shall municipal requirements be satisfied, but "open space" shall be located so as to meet any potential needs of the neighborhood.
  - [6] The configuration of open space should be so arranged that connections can be made to existing or future adjacent open spaces.
  - [7] Land so reserved for open spaces shall include, wherever feasible, natural features such as streams, brooks, wooded areas, steep slopes and other natural features of scenic or conservation value. The developer may be required to plant trees or other similar landscaping improvements in order to qualify for approval by the Planning Board.
  - [8] Where it is considered appropriate by the Planning Board, portions of the open space may be designated for passive and/or active recreational activities consistent with the Monroe Township Open Space and Recreation Plan. Recreational activities may include, but not be limited to, swimming pools, tennis courts and ball fields.
  - [9] Within open space areas the Planning Board may, upon review by the Environmental Commission and the Shade Tree Commission, require the developer to make certain site preparation improvements which may include, but are not limited to, the following:
    - [a] Removal of dead or diseased trees.
    - [b] Thinning of trees or other growth to encourage more desirable growth.
    - [c] Removal of trees in areas planned for ponds, lakes or active recreational facilities.
    - [d] Grading and seeding.
    - [e] Improvement or protection of the natural drainage system through the use of protective structures, stabilization measures and similar improvements.
    - [f] Any removal of trees and replacement of same shall also be subject to the Township's Tree Removal Ordinance<sup>\*</sup>, where applicable.
  - [10] Storm water management facilities, including, but not limited to, detention and retention basins and electric and gas transmission rights-of-way shall not be included in the open space calculation.
- (e) Open space ownership.
- [1] The type of ownership of land dedicated for open space purposes shall be subject to approval of the Planning Board, and where dedication to the Township is recommended, the Township Council.
  - [2] Any lands reserved or dedicated for open space purposes shall contain appropriate covenants and deed restrictions approved by the Planning Board and Township Council which ensure that:
    - [a] The open space area will not be subdivided in the future.
    - [b] The use of the open space areas will continue in perpetuity of the open space.

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<sup>\*</sup>Editor's Note: See Volume I, Chapter 97, Tree Preservation.

- [3] When the Planning Board determines that it is in the best interests of Monroe Township for open space to remain as farmland under private ownership, deed restrictions consistent with and approved by the State of New Jersey Farmland Preservation Program shall be required.
  - [4] Subject to approval by the Township Council, where required, the transfer or deed restriction of open space shall take place simultaneously with the filing of the final subdivision plats.
  - [5] The developer shall also provide such covenants, agreements and/or means to provide adequate maintenance facilities necessary to control soil erosion and sedimentation on the subject property, which may include, but not be limited to retention ponds, both intermittent and permanent, siltation basins, floodways, excessive slopes and other similar conditions.
- (f) Other regulations. The owner, developer or applicant shall provide all on- and off-site improvements in the cluster provisions or as determined by the Monroe Township Planning Board. The on- and off-site improvements shall be installed in conformance with the land subdivision provisions and upon review and approval of all improvement design standards by the Township Engineer.
- (g) If required, the Developer shall provide for an open space organization in accordance with and under the standards described in N.J.S.A. 40:55D-43.
- J. Landscape buffer requirements. A buffer area sixty (60) feet in width shall be provided along any road frontage, and along any side or rear lot line that abuts a nonresidential zone. The buffer shall consist of a minimum six (6) foot high sculptured, undulating berm that has a top of berm width ranging from ten (10) to twenty (20) feet. The top of the berm will be planted with a mass of evergreen trees with an average height of eight (8) feet. This evergreen stand shall be planted in a natural pattern which achieves a full screening effect. The Planning Board or Board of Adjustment shall have the right to require a continuous six (6) foot berm as a particular case may warrant. The sides of the berm shall be established with shrubs and ground cover. The landscaping and plant material shall conform to § 108-8.1J. The landscaped berm shall be installed and established prior to the commencement of construction. No structures, fences, walls or accessory buildings shall be located within the buffer area. If the frontage contains woodland, the Planning Board or Board of Adjustment shall determine the extent of any supplemental planting.

**§ 108-6.9. R-30 Residential District.**

The following regulations shall apply in the R-30 Residential District.

- A. Permitted uses.
- (1) Single-family dwellings.
  - (2) Farms, truck gardens, and other agricultural activities subject to the following:
    - (a) Stables housing horses shall not be located closer than one hundred (100) feet to any property line.
    - (b) The number of horses on the site shall be limited to a ratio of one (1) horse for each forty thousand (40,000) square feet of the site or major fraction thereof in excess of the first acre of lot area.
  - (3) Parks, playground and other recreation facilities operated by Monroe Township.
  - (4) Township municipal offices, library, fire, first aid, municipal utilities, police stations, schools and other buildings.
- B. Permitted accessory uses.
- (1) Private garages for the storage of vehicles used by the residents on the premises.
  - (2) Private swimming pools for use by the residents on the premises as per the requirements of Article XII of this Chapter.

- C. The area, yard and building requirements are as specified for this zone in the schedule of requirements in § 108-6.4 of this Article and the applicable subsections of this Chapter.
- D. Conditional uses requiring a conditional use permit, subject to the provisions of Article VII of this Chapter.
  - (1) Farm stand or market.
  - (2) Parks, playgrounds and other public or private recreation facilities not operated by Monroe Township.
  - (3) Annual membership clubs, including country, golf, tennis and swim clubs.
  - (4) Quasi-public uses.
  - (5) Home occupations.
  - (6) Community residences for the developmentally disabled.
  - (7) Extended, intermediate and long-term care facilities.
  - (8) Satellite antennas.
  - (10) Public utility installations.
- E. Cluster development. For the purpose of facilitating sound planning, encouraging coordinated community development and preserving open space, certain deviations from the above requirements may be permitted if appropriate conditions prevail and the standards and regulations are met for the R-30 Residential Zone, and the cluster provisions of § 108-6.8.I and § 108-6.4.

A cluster of noncontiguous properties may be permitted between the R3-A, R-60, R-30 and the R-20 zones. The Planning Board may approve the development of a noncontiguous cluster, provided it serves municipal purposes and is suitably located to preserve open space, farmland or parks, consistent with the Monroe Township Open Space and Recreation Plan.
- F. Signs are permitted as per Article X of this Chapter.
- G. Parking is required as per Article IX of this Chapter.
- H. Fences are permitted as per Article VIII of this Chapter
- I. Landscape buffer requirements. A buffer area sixty (60) feet in width shall be provided along any road frontage, and along any side or rear lot line that abuts a nonresidential zone. The buffer shall consist of a minimum six (6) foot high sculptured, undulating berm that has a top of berm width ranging from ten (10) to twenty (20) feet. The top of the berm will be planted with a mass of evergreen trees with an average height of eight (8) feet. This evergreen stand shall be planted in a natural pattern which achieves a full screening effect. The Planning Board or Board of Adjustment shall have the right to require a continuous six (6) foot berm as a particular case may warrant. The sides of the berm shall be established with shrubs and ground cover. The landscaping and plant material shall conform to § 108-8.1J. The landscaped berm shall be installed and established prior to the commencement of construction. No structures, fences, walls or accessory buildings shall be located within the buffer area. If the frontage contains woodland, the Planning Board or Board of Adjustment shall determine the extent of any supplemental planting

**§ 108-6.10. R-20 Residential District.**

The following regulations shall apply in the R-20 Residential District.

- A. Permitted uses.
  - (1) Single-family dwellings.
  - (2) Farms, truck gardens, and other agricultural activities subject to the following:
    - (a) Stables housing horses shall not be located closer than one hundred (100) feet to any property line.

- (b) The number of horses on the site shall be limited to a ratio of one (1) horse for each forty thousand (40,000) square feet of the site or major fraction thereof in excess of the first acre of lot area.
- (3) Parks, playground and other recreation facilities operated by Monroe Township.
- (4) Township municipal offices, library, fire, first aid, municipal utilities, police stations, schools and other buildings.
- B. Permitted accessory uses.
  - (1) Private garages for the storage of vehicles used by the residents on the premises.
  - (2) Private swimming pools for use by the residents on the premises as per the requirements of Article XII of this Chapter.
- C. The area, yard and building requirements are as specified for this zone in the schedule of requirements in § 108-6.4 of this Article and the applicable subsections of this Chapter.
- D. Conditional uses requiring a conditional use permit, subject to the provisions of Article VII of this Chapter.
  - (1) Farm stand or market.
  - (2) Parks, playgrounds and other public or private recreation facilities not operated by Monroe Township.
  - (3) Annual membership clubs, including country, golf, tennis and swim clubs.
  - (4) Quasi-public uses.
  - (5) Home Occupations.
  - (6) Community residences for the developmentally disabled.
  - (7) Extended, intermediate and long-term care facilities.
  - (8) Satellite antennas.
  - (9) Public utility installations.
- E. Signs are permitted as per Article X of this Chapter.
- F. Parking is required as per Article IX of this Chapter.
- G. Fences are permitted as per Article VIII of this Chapter.
- H. Landscape buffer requirements. A buffer area sixty (60) feet in width shall be provided along any road frontage, and along any side or rear lot line that abuts a nonresidential zone. The buffer shall consist of a minimum six (6) foot high sculptured, undulating berm that has a top of berm width ranging from ten (10) to twenty (20) feet. The top of the berm will be planted with a mass of evergreen trees with an average height of eight (8) feet. This evergreen stand shall be planted in a natural pattern which achieves a full screening effect. The Planning Board or Board of Adjustment shall have the right to require a continuous six (6) foot berm as a particular case may warrant. The sides of the berm shall be established with shrubs and ground cover. The landscaping and plant material shall conform to § 108-8.1J. The landscaped berm shall be installed and established prior to the commencement of construction. No structures, fences, walls or accessory buildings shall be located within the buffer area. Minor subdivisions on existing roadways are exempt from landscape buffer requirements; however, they are still subject to Shade Tree Commission requirements and approval. If the frontage contains woodland, the Planning Board or Board of Adjustment shall determine the extent of any supplemental planting.

**§ 108-6.11. R-10, R-7.5 Residential District.**

The following regulations shall apply in the R-10, R-7.5 Residential District.

- A. Permitted uses.
  - (1) Single-family dwellings.
  - (2) Parks, playgrounds and other recreation facilities operated by Monroe Township.
  - (3) Township municipal offices, library, fire, first aid, municipal utilities, police stations, schools and other buildings.

- B. Permitted accessory uses.
  - (1) Private garages for the storage of vehicles used by the residents on the premises.
  - (2) Private swimming pools for use by the residents on the premises as per the requirements of Article XII of this Chapter.
- C. The area, yard and building requirements are as specified for this zone in the schedule of requirements in § 108-6.4 of this Article and the applicable subsections of this Chapter.
- D. Conditional uses requiring a conditional use permit, subject to the provisions of Article VII of this Chapter.
  - (1) Parks, playgrounds and other public recreation facilities not operated by Monroe Township.
  - (2) Home occupations.
  - (3) Satellite antennas.
  - (4) Public utility installations.
- E. Signs are permitted as per Article X of this Chapter.
- F. Parking is required as per Article IX of this Chapter.
- G. Fences are permitted as per Article VIII of this Chapter.

**§ 108-6.12. R-5 Residential District.**

The following regulations shall apply in the R-5 Residential District.

- A. Permitted uses.
  - (1) Single-family dwellings.
  - (2) Parks, playgrounds and other recreation facilities operated by Monroe Township.
  - (3) Township municipal offices, library, fire, first aid, municipal utilities, police stations, schools and other buildings.
  - (4) Zero lot line dwelling units subject to the following side yard regulations: The minimum side yard for zero lot line dwelling units shall be fifteen (15) feet on one side and zero feet on the zero lot line side, provided the adjoining unit is also a zero lot line with a minimum of fifteen (15) feet side yard.
- B. Permitted accessory uses.
  - (1) Private garages for the storage of vehicles used by the residents on the premises.
  - (2) Private swimming pools for use by the residents on the premises as per the requirements of Article XII of this Chapter.
- C. The area, yard and building requirements are as specified for this zone in the schedule of requirements in § 108-6.4 of this Article with the exception of the zero lot line unit as specified in subsection A(4) above.
- D. Conditional uses requiring a conditional use permit, subject to the provisions of Article VII of this Chapter.
  - (1) Parks, playgrounds and other public recreation facilities not operated by Monroe Township.
  - (2) Home Occupations.
  - (3) Satellite antennas.
  - (4) Public utility installations
- E. Signs are permitted as per Article X of this Chapter.
- F. Parking is required as per Article IX of this Chapter.
- G. Fences are permitted as per Article VIII of this Chapter.

**§ 108-6.13. PD-AH/NC Planned Development Affordable Housing/Neighborhood Commercial District.**

- A. The purpose of this section is to establish the standards and requirements for planned developments that include a mix of market-priced housing and housing affordable to low and moderate income households, as well as neighborhood commercial facilities. The affordable housing will assist the Township in meeting its constitutional and statutory obligations to provide a realistic opportunity for the construction of its fair share of its region's needed low and moderate income housing.
- B. The following shall be requirements of the PD-AH/NC District, in addition to other provisions, not inconsistent with this Article. In case of conflict with the provisions of other ordinances, the provisions of this section shall govern.
- C. Permitted uses:
  - (1) Single-family detached dwellings.
  - (2) Zero lot line dwelling units.
  - (3) Townhouses.
  - (4) Flats.
  - (5) Open space and recreation facilities.
  - (6) Neighborhood shopping center on a maximum of six percent (6%) of the tract area, with the following permitted uses in a center:
    - (a) Retail sale of goods.
    - (b) Personal service establishments.
    - (c) Business and professional offices.
    - (d) Banks and other fiduciary institutions.
    - (e) Restaurants, lunch rooms, bars and other eating and drinking establishments, including drive-in restaurants.
- D. The area, yard and building requirements are as specified for this zone in the schedule of requirements in § 108-6.4 of this Article and the applicable subsections of this Chapter.
- E. Permitted Accessory Uses.
  - (a) Private swimming pools for use by the residents on the premises as per the requirements of Article XII of this Chapter.
  - (b) Sheds for use by the residents on the premises, located in the rear yard within the building envelope. No shed shall be larger than 10 feet by 10 feet.
  - (c) Decks for use by the residents on the premises, located in the rear yard within the building envelope. No deck shall be larger than 20 feet by 30 feet; in no case shall the deck extend beyond the exterior side walls of the principal structure.
- F. Establishment of open space organization required.
  - (1) The developer shall provide for an organization or organizations for the ownership and maintenance of any common open space and recreation facilities, landscaped areas and internal roadways for the benefit of owners and residents of the development.
  - (2) The establishment and operation of the open space organization(s) shall be governed by applicable law N.J.S.A. 40:55D-43.
- G. Recreation facilities.
  - (1) The areas within the common open space reserved for recreation shall be developed with appropriate recreation facilities for all age groups.
  - (2) The common open space and recreation facilities of the tract shall be available on an equal basis to residents of all parts of the tract.

- (3) The recreation facilities shall include a central recreation complex with one (1) swimming pool (including a separate wading pool for children), two (2) tennis courts, one (1) basketball court, a picnic area and a tot lot. If feasible within the natural environmental constraints of the site, this central recreation complex shall also include multi-purpose fields for soccer and baseball. In addition, at least fifteen percent (15%) of the developed open space of the tract shall include equipped playgrounds and tot lots within the open space system.
- (4) The recreation facilities shall include a meandering open space and trails system linking residential clusters with the tract's principal recreation complex.

H. Sidewalks and walkways.

- (1) A system of continuous walkways not less than four (4) feet in width shall be provided throughout the development, including its common open space, for safe pedestrian movement. Such walkways shall link the primary entrance(s) of the development with offsite Township, County or State roads. Such walkways need not be parallel to local streets.
- (2) Paved sidewalks shall be provided adjacent to subcollector and local residential service streets on one (1) side of the roadway.
- (3) Walkways shall connect sidewalks along streets with the walkways of the common open space system such that the common open system is physically accessible from all streets and their associated sidewalks within seven hundred (700) feet of every residential lot.

I. Buffers.

- (1) To the maximum extent possible, lots bordering on perimeter roadways of the development shall have reverse frontage.
- (2) Buildings shall be set back a minimum of fifty (50) feet from the property lines of the tract. At least thirty (30) feet of this setback area shall either be preserved with its natural vegetation or landscaped to provide a reasonable visual buffer from adjacent property.
- (3) Buffering shall provide a year-round visual screen in order to minimize adverse impacts on a site from adjacent areas. Buffering shall also ensure privacy for dwelling units and minimize adverse impacts from traffic, noise and glaring light.
- (4) Buffering shall consist of a berm and either fencing or evergreens, retention and detention ponds or combinations of materials, to achieve the stated buffering objectives.

J. Landscaping, shade trees and tree preservation.

- (1) Existing mature trees and wooded areas shall be preserved to the maximum extent practicable.
- (2) Street trees shall be planted on both sides of all streets, either massed at critical points or spaced evenly no more than fifty (50) feet apart along the street, or both, to create a street canopy effect. This spacing standard may be modified as reasonably necessary to accommodate driveway cuts and road intersections or to preserve existing mature trees, provided that the average spacing standard of at least one (1) tree for every fifty (50) feet of street frontage is maintained. All trees shall have a caliper of two (2) inches and shall be nursery grown, of substantially uniform size and shape and have straight trunks. Trees shall be properly planted and staked. The developer shall make provisions for regular watering and maintenance of the street trees until they are established. Dead or dying trees shall be replaced by the developer during the next planting season.
- (3) At least five percent (5%) of the interior parking area of common parking areas shall be landscaped with plantings, which shall be in protected areas, such as along walkways, in center islands, at the end of bays or in diamonds between parking stalls. At least one (1) tree for each ten (10) parking spaces shall be planted or preserved. A mixture of hardy flowering and/or decorative evergreen and deciduous trees may be planted. The areas between trees shall be planted with shrubs or ground cover.
- (4) Ground cover grass shall be planted over all disturbed land areas.

- (5) All plant material shall be of nursery stock, healthy and free of disease.
- (6) All plantings shall be watered regularly and in a manner appropriate for the specific plant species through the first growing season, and dead or dying plants shall be replaced by the developer during the next planting season.

K. Low and moderate income housing.

- (1) Required percentage of affordable units built on-site. The developer shall designate and set aside seventeen and one-tenth percent (17.1%) of the dwelling units to be built on-site to be sold or rented at prices or rents that are affordable to low and moderate income households.
- (2) Required bedroom mix.
  - (a) At a minimum, thirty-five percent (35%) of all low and moderate income units shall have two (2) bedrooms.
  - (b) At a minimum, fifteen percent (15%) of all low and moderate income units shall have three (3) bedrooms.
  - (c) No more than twenty percent (20%) of all low and moderate income units may be efficiency units [i.e. a unit with not more than one (1) habitable room with kitchen and sanitary facilities].
- (3) Low and moderate income split.
  - (a) At least fifty percent (50%) of all units designated for low and moderate income households shall be affordable to low income households.
  - (b) At least fifty percent (50%) of all units in each bedroom mix shall be available for low income households.
  - (c) At least fifty percent (50%) of all rental units designated for low and moderate income households shall be available for low income households.
- (4) Construction phasing of market-priced and low and moderate income units.
  - (a) Low and moderate income units shall be built in accordance with the following schedule:

<b>Minimum Percentage of Low and Moderate Units Completed</b>	<b>Percentage of Market-Priced Units Completed</b>
0	25
10	25, plus 1 unit
50	50
75	75
100	90

- (b) A unit is deemed complete when its certificate of occupancy has been issued. This schedule shall apply unless an accelerated schedule has been agreed to by the Township and the developer.
- (5) Age restrictions. There shall be no age restrictions on the occupants of the designated low and moderate income units.
- (6) Location and design of low and moderate income housing within the tract.
  - (a) The low and moderate income units shall be sited on the tract in locations at least as accessible to common open space and community facilities as market-priced dwelling units.
  - (b) The exterior design of the low and moderate income units shall be harmonious in scale, texture and materials with the market priced units on the tract.
- (7) Compliance with Affordable Housing Ordinance. The developer shall comply with the controls on affordability, pricing, rent level and purchaser and tenant screening provisions of the Township's Affordable Housing Ordinance (Chapter 131 of the Code of the Township of Monroe).

- (8) Flats, apartments and townhouses in other zones. Any development for which any variance or approval is granted after the effective date of this Chapter permitting the construction of flats, apartments or townhouses at a gross density greater than four (4) units per acre in any zone other than the PD-AH/NC Zone shall, at the discretion of the Planning Board, be subject to a mandatory set aside requirement of twenty percent (20%) low and moderate income housing and compliance with all of the other pertinent standards of the Planned Development-Affordable Housing/Neighborhood Commercial District if the Board finds that the development of additional affordable housing through a mandatory set aside will assist the Township in continuing to comply with the constitutional obligation to provide a realistic opportunity for the construction of its fair share of the region's need for low and moderate income housing.
- L. Application procedure.
- (1) Procedure for review and decision on a proposed planned development.
    - (a) The Planning Board shall review applications for approval of a planned development.
    - (b) Public notice of a hearing(s) on an application for a planned development shall be given as required by statute, N.J.S.A. 40:55D-12.
    - (c) Upon submission to the administrative officer of a complete application, the Planning Board shall grant or deny approval to the planned development within ninety-five (95) days of the date of submission or within such further time as may be consented to by the applicant. Failure of the Board to act within the prescribed time shall constitute approval.
  - (2) Subdivision/site development plan. The developer shall submit a subdivision/site development plan that meets the subdivision and site plan requirements of this Chapter.
  - (3) Developer's affordable housing plan. The developer shall submit ten (10) copies of a developer's affordable housing plan that demonstrate compliance with the low and moderate income housing requirements of this Chapter and the controls on affordability requirements of the Affordable Housing Ordinance (Chapter 131 of the Code of the Township of Monroe).
  - (4) Expedited hearings before the Planning Board. Upon submission of a complete application, the Planning Board shall hold biweekly hearings, as necessary, for a thorough but expedited decision on the application for a planned development in the PD-AH/NC District.
  - (5) Waiver of application fees for low and moderate income units. Notwithstanding the provisions of any ordinance to the contrary, including fees, no application fees shall be required for designated low and moderate income units.

**§ 108-6.14 Planned Retirement Community District (PRC).**

- A. Establishment authorized. Any other provisions of this Chapter to the contrary notwithstanding, there is hereby permitted and authorized the establishment of a planned retirement community within the PRC district as shown on the Official Zoning Map of the Township of Monroe, County of Middlesex, State of New Jersey and as herein defined, in accordance with the provisions and requirements of this Chapter. This provision shall only apply to existing planned retirement communities as shown on the Official Zoning Map of Monroe Township or planned retirement communities having an existing valid site development plan approved prior to the enactment of this Chapter.
- B. Definitions. As used in this Article, the following terms shall have the meanings indicated:

PLANNED RETIREMENT COMMUNITY – A residential community provided for permanent residents, in which the residential property and related open space are owned by a mutual nonprofit corporation, condominium association or other homeowners association or entity, where one hundred percent (100%) of the dwellings are occupied by at least one (1) person age fifty-five (55) or over and no other permanent occupant is under the age of forty-eight (48), except that if a legal occupant over forty-eight (48) but under fifty-five (55) is widowed, legally separated or divorced from an over fifty-five (55) legal occupant, prior to attaining age fifty-five (55), his or her occupancy status shall be protected, provided such entity, corporation or association is established in accordance with the laws of the State of New Jersey and qualifies for a Housing for Older Persons ("HOPA") exemption under the Fair Housing Act, 42 U.S.C. 3601, et seq.

SENIOR HOUSING COMMUNITY — See "Planned retirement community."

- C. Purpose. The purpose and intent of the PRC District is to enable the planned development of a residential retirement community which shall also contain recreational, medical and shopping facilities and similar services required by the residents thereof in accordance with comprehensive site development plan approved by the Planning Board of the Township of Monroe.
- D. Permitted and required uses.
- (1) In a planned retirement community, no building, structure or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained except for the following planned retirement community uses on a reasonable basis essentially for the residents of the community, their guests and reasonable use by others designated by those holding title:
- (a) Dwellings for owner-occupancy.
  - (b) The following required recreational uses, at least one (1) of each:
    - [1] Golf course. One (1) nine-hole golf course having an area of at least seventy-five (75) acres shall be provided for each three thousand two hundred (3,200) dwelling units. If an eighteen-hole golf course is provided, it shall be at least one hundred fifty (150) acres in size, and a thirty-six hole golf course shall be at least two hundred twenty-five (225) acres in size.
    - [2] Clubhouse. Each clubhouse shall provide at least six hundred (600) square feet of multipurpose space, not including indoor swimming pools, for each fifty (50) dwelling units. In addition, fully equipped facilities such as game rooms, art and crafts rooms, a kitchen, office space and service facilities shall also be provided in the clubhouse. One (1) off-street parking space shall be provided for each four (4) dwelling units, except that this requirement may be reduced to the extent that other conveniently accessible and available off-street parking facilities could feasibly be substituted.
    - [3] Swimming pool. A minimum of one (1) swimming pool shall be provided for each six hundred (600) dwelling units at a ratio of one and seven-tenths (1.7) square feet of water surface area for each dwelling unit which the pool will serve. There shall also be provided an improved sitting area, contiguous to all sides of the pool, having an area two (2) times the water surface area of the pool. A twenty-five (25) meter pool shall have a minimum width of forty-five (45) feet, and a fifty (50) meter pool shall have a minimum width of sixty (60) feet.
    - [4] Lake.
    - [5] Shuffleboard court.
- (2) The following other required accessory uses shall also be provided:
- (a) Medical facilities. There shall be sufficient building space to adequately allow for the provision of all medical facilities for retirement communities as required by any applicable Federal, State or local regulations. There shall also be provided conveniently located on-site loading space and accessways for use by emergency vehicles.
  - (b) Site for place of worship. For each place of worship contained in the overall site development plan there shall be a site of at least one (1) acre. Off-street parking facilities shall be provided as required in this Article.
- (3) In addition to the above required uses, a planned retirement community may also include the following:
- (a) Motels shall not exceed one hundred (100) units of occupancy.
  - (b) Retail commercial center, designed as a neighborhood type which does not use more than five percent (5%) of the gross area of the overall PRC site.

- (c) Riding stables and bridle paths subject to any conditions required by the Township of Monroe.
  - (d) Fire station or fire protection facilities.
  - (e) Administration, maintenance and security buildings.
- E. Development standards. No building permit shall be issued for construction or other improvement for a planned retirement community except in accordance with a site development plan for the overall site and an engineering and improvement plan for each section that has been approved by the Planning Board of the Township of Monroe, as prescribed in this Chapter. Such site development and engineering and improvement plans and each subsection thereof shall meet the following minimum requirements:
- (1) Minimum area. The minimum site area for a planned retirement community shall be at least four hundred (400) acres contained in one (1) or more adjoining parcels of land bisected by a public roadway or railroad right-of-way; however, where a contiguous parcel of land is proposed to be added to an approved PRC of four hundred (400) acres or more, said addition may be less than four hundred (400) acres. There is no minimum land area requirement for a subsection.
  - (2) Residential density.
    - (a) In each residential section of a planned retirement community there shall be not more than seven (7) dwelling units for each gross acre of said residential section which includes, in addition to the land covered by buildings, landscaped open space, parking and circulation aisles and interior roads not dedicated for public use.
    - (b) Notwithstanding the provisions of subsection 2(a) above, any planned retirement community which has received a site development plan approval prior to the effective date hereof shall be permitted to have a density of not greater than fourteen (14) dwelling units for each gross acre of said residential section which includes, in addition to the land covered by buildings, landscaped open space, parking and circulation aisles and interior roads not dedicated for public use. For the purposes hereof, any lands which shall be incorporated hereafter in any amendment to any such approved site development plan shall be permitted a density not greater than seven (7) dwelling units for each gross acre of said residential section which includes, in addition to the land covered by buildings, landscaped open space, parking and circulation aisles and interior roads not dedicated for public use. However, that part of any amended site development plan which has theretofore been part of an approved site development plan shall be permitted to have a density not greater than fourteen (14) dwelling units for each gross acre for said residential section, which includes, in addition to the land covered by buildings, landscaped open space, parking and circulation aisles and interior roads not dedicated for public use.
  - (3) Lot coverage by buildings. Not more than twenty percent (20%) of the gross area of each residential section shall be covered by all buildings.
  - (4) Landscaped open space. Each residential section in a PRC Development shall contain at least sixty percent (60%) of said section as landscaped open space or green area, which shall not include paved streets and parking areas. However, where a PRC contains an improved golf course, with an area of at least seventy-five (75) acres, that is provided for the residents of said PRC, then at least fifty percent (50%) of any residential section thereof shall be landscaped open space as described in this Chapter. The percentage of landscaped open space shall not be cumulative and shall be applicable to each individual section of the PRC Development.
  - (5) Building height. No buildings shall exceed a height of two (2) stories or thirty-five (35) feet, except that the height of water tanks, towers and church spires shall be permitted up to fifty-five (55) feet. For sections of a PRC whose site development plan was approved prior to the adoption of this Zoning Ordinance, at least eighty percent (80%) of the total number of dwelling units shall be contained in buildings not more than thirty-five (35) feet in height. The remaining twenty percent (20%) of the total number of dwelling units may be contained in buildings having a maximum height of fifty-five (55) feet.

- (6) Setbacks. There shall be a setback of forty (40) feet from any exterior boundary of the overall site of a PRC development. No building or structure other than entrance gatehouses, fences, freestanding walls or detached carports shall be located within said setback area.
- (7) Off-street parking.
  - (a) Off-street parking spaces shall be provided in accordance with the following schedule for each type of land use contained in a site development plan:
    - [1] One and one-half (1 1/2) spaces for each dwelling unit, one (1) of which shall be enclosed in a garage or carport.
    - [2] One (1) space for each two hundred (200) square feet of floor area in use for retail commercial purposes.
    - [3] One (1) space for each eight (8) persons for whom seating is provided in an auditorium or place of worship, except that this number may be reduced to the extent that combined use of parking lots makes it feasible.
    - [4] One (1) space for each one thousand (1,000) square feet of floor space in a medical facility, plus additional space for each resident doctor.
    - [5] One (1) space for each guest room or suite of a motel or hotel, plus one (1) space for each full-time employee.
  - (b) In addition, the following general controls apply to all parking facilities:
    - [1] All parking spaces in existing PRCs shall be at least nine (9) feet wide and twenty (20) feet long and clearly marked at those dimensions. In future PRCs, parking spaces shall be at least ten by twenty (10 x 20) feet. All circulation aisles for said parking facilities shall be at least twenty-four (24) feet wide.
    - [2] On-site parking facilities shall be of a design and location that will not interfere with the efficient flow of traffic in the area and with the access of emergency and service vehicles, nor cause a safety or nuisance hazard to residents on the site or to adjoining properties. All assigned spaces shall be located within two hundred (200) feet of the dwelling units they serve.
    - [3] In conforming to the off-street parking requirements of this Chapter, curb parking spaces shall not be included.
    - [4] A landscaped separator between parking lanes, having a landscaped width of at least five (5) feet, shall be provided in the commercial areas of a PRC development.
    - [5] No parking shall be permitted in the residential setback area.
    - [6] Lighting standards for outdoor parking areas shall be of a height and shall be reflected away from windows of the dwelling units in order to minimize the impact of such lighting on the residents in the dwelling units.
- (8) On-site loading facilities. For each establishment in a PRC shopping center there shall be provided at least one (1) paved and marked on-site loading facility having minimum dimensions of twelve (12) feet in width, thirty-five (35) feet in depth and a clear headroom of fourteen (14) feet. Said loading facilities shall be provided at the rear of the commercial structure.
- (9) Roads. Interior roads not dedicated to public use shall have a paved roadway width of at least thirty (30) feet. Road improvements shall be made and maintenance shall be ongoing in accordance with the standards of the Township of Monroe. Provision shall be made for the permanent ownership, to the end that the same shall not thereafter be required for dedication to the Township of Monroe for public use.
- (10) Signs. The following signs are permitted within the PRC District.
  - (a) Community identification sign, one (1) per entrance, either freestanding or wall-mounted.

- [1] If a freestanding sign, its surface area shall not exceed forty (40) square feet for both sides, and its height shall not exceed six (6) feet. Sign supports and decorative bases, which are excluded from the sign surface area, shall not exceed six (6) feet in height or eighteen (18) inches in width.
  - [2] If a wall mounted sign, its sign surface shall not exceed forty (40) square feet, with letters not to exceed two (2) feet six (6) inches in height.
  - [3] Lighting shall be indirect ground located lighting.
  - [4] All signs shall be set back at least ten (10) feet from right-of-way and located outside any sight triangle.
  - [5] If a sign is located in the center divider of the entrance, it must be set back at least five (5) feet from the curb line, notwithstanding any provision to the contrary.
- (b) Real estate signs.
- [1] As per § 108-10.1.F(11).
- (c) Directional signs.
- [1] Directional signs identifying parking areas, entrances, exits and similar locations.
  - [2] Directional signs shall not exceed three (3) square feet in area.
- (11) All new PRCs shall provide a buffer of one hundred (100) feet when adjacent to a major collector road.
- F. Application procedure. No building permit or certificate of occupancy shall be issued for the construction of any building or other use of land in a planned retirement community except in accordance with a site development plan for the overall tract on which such buildings are to be located that has been approved by the Planning Board and then, for each section to be delayed, in accordance with an engineering and improvement plan for said section that has also been approved by the Planning Board according to the following procedure:
- (1) Applications for site development approval shall be made to the Planning Board and shall be accompanied by a site development plan containing the information set forth hereafter. Upon approval of the application and the site development plan by the Planning Board, it shall be forwarded to the Township Council for its approval within sixty (60) days after receipt of the same. Once the site development plan is approved by the Township Council, no other use shall be permitted of the land designated in the site plan other than uses permitted in a PRC. After approval of the site development plan by the Township Council and the Planning Board, application may be made for approval of separate sections in the PRC by filing an engineering and improvement plan. No approval shall be granted if it is anticipated that each section shall be separately owned without a subdivision being granted by the Planning Board.
  - (2) The site development plan shall contain the following information:
    - (a) The outline of the tract proposed for use as a PRC, including the dimensions.
    - (b) Name and title of person preparing map.
    - (c) Date, scale and north arrow.
    - (d) Tax map, block number and zone district on which the property is located.
    - (e) The location of all watercourses, wooded areas, easements, rights-of-way, streets, roads, highways, freeways, railways, canals, rivers, buildings, structures or any feature directly on the property or beyond the property if such feature has an effect upon the use of said property.
    - (f) General topography of the tract showing ten (10) foot interval contours.
    - (g) The general location of the proposed collector streets in the PRC and their connections to existing public roadways.

- (h) The proposed land uses for the entire site showing the locations of the required and permitted uses as set forth in this section. The land use categories shown on the map shall differentiate between the locations of multi-family structures, if any, from the locations of single-family structures. The map shall also show golf courses, club-houses, maintenance buildings and the sites for all required facilities.
  - (i) A schedule of land uses by estimated acreage and a breakdown of the number of dwelling units by type of structure, e.g., single-family or multi-family, that will be contained in the residential uses areas and the estimated floor area of the commercial use areas.
  - (j) Such other features as the applicant may want to consider to be relevant in the evaluation of the site development plan or details as the applicant or the Planning Board may consider.
- (3) Engineering and improvement plan. No building permit or certificate of occupancy shall be issued for the construction or use of any building in a PRC except in accordance with the approved engineering and improvement plans for the tract to be covered by one (1) master deed on which such buildings are to be located. Application for approval of engineering and improvement plans shall be made to the Planning Board and shall contain a map for the development of the tract, specifically setting forth the following:
- (a) Topography of existing and proposed contours at one (1) foot intervals and the elevations of all components of the facilities and utilities.
  - (b) Location of all dwelling units intended to be contained in one (1) master deed, garages, parking areas, roads and sidewalks drawn to scale with sufficient control elevations and profiles for construction layout and supervision.
  - (c) Locations, profiles and widths of all proposed roads with complete horizontal and vertical controls.
  - (d) The locations, profiles, sizes of all water mains, sanitary sewers and storm drains, together with drainage calculations. Identification of the system to be used for storage and removal of trash and garbage.
  - (e) Those buildings, structures and uses, other than dwellings, permitted and required in this Article.
  - (f) Architectural plans indicating typical floor plans; front, side and rear elevations; general design or architectural style; and information on the types of materials to be used.
  - (g) The location, design, size and type of signs and a description of their lighting mechanisms required essentially for the nonresidential land uses and for the entrance to the entire development.
  - (h) Where a nonresidential principal use such as a shopping center involves machinery and equipment (e.g., a dry-cleaning plant, bakery, etc.), a description of the operation, types of machinery and equipment to be used is required to enable the Planning Board to determine the impact these might have on the adjacent residential properties in and outside the PRC development.
  - (i) Changes, if any, from the approved site development plan, together with the reasons for such changes. Changes will be permitted as long as the applicable percentages and size of each use are not varied from the site development plan previously approved by the Planning Board. Other major changes shall be subject to a resubmission of the site development plan and approval by the Planning Board.
- G. Consideration by Planning Board. The Planning Board shall consider the proposed site development plan from the point of view of the standards and purposes of the regulations governing retirement communities so as to achieve a maximum of compatibility between the proposed development and the surrounding uses of land, the conservation of woodland and the protection of watercourses from erosion and silting and a maximum of safety, convenience and amenity for the residents of the community. To these ends the Planning Board shall consider:

- (1) That the proposed use of any of the component parts of the site development plan will not be detrimental to the general character of the neighborhood.
  - (2) That the proposed site development plan will not be incompatible with nor adversely affected by any conforming existing uses of land.
  - (3) That the proposed site development plan will not adversely affect any plans for the physical development of the Township as contained in this Chapter or in any Master Plan or portion thereof.
  - (4) That the proposed site development plan will provide adequate and logically arranged facilities for on-site circulation and access and egress for the estimated vehicular and pedestrian traffic generated by such use.
  - (5) That the proposed site development plan has been drawn to protect and retain existing natural features such as trees, streams, etc.
  - (6) That the provision of required landscaped open space or green areas shall be so located and of such dimensions that their maximum use can be achieved by the residents of the PRC.
  - (7) That no outdoor lighting shall be permitted to shine directly on or cause a nuisance to any abutting property.
  - (8) That the proposed land use and the intensity of use is reasonable in terms of the logical, efficient and economical provision of services and utilities, such as water, sewer, police and fire protection, transportation and recreation facilities.
  - (9) That each proposed use contained in the site development plan, on an individual case basis, shall be further subject to the other specific conditions for such use as set forth in this Chapter.
  - (10) That the proposals for maintenance and conservation of the common open space and the amount, location and purpose of the common open space are adequate.
  - (11) That in the case of a proposed development which contemplates construction over a period of years, that the terms and conditions intended to protect the interest of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.
- H. Planning Board report. If after a public hearing the Planning Board finds that a proposed site development plan meets the purposes of these regulations, it shall approve the plan. The Board shall notify the applicant and the Township Council, in writing, of its approval or disapproval promptly, but in no case later than thirty (30) days after the filing of the application unless the applicant consents to the extension of this time limit. In the case of disapproval, the reasons shall be given and the changes necessary for approval shall be stated.
- I. Departures from site development plan. Building permits for sections of the overall development plan shall be issued only in accordance with the approved site development plan. Any departure from the plan shall be cause for revocation of a building permit or denial of a use and occupancy permit. Any proposed changes in the plan shall be resubmitted for approval according to the procedure contained in this Chapter.
- J. Duration of approval. A site development plan approved in accordance with these regulations shall remain valid for a period of two (2) years following the classification of the property as a planned retirement community. If, at the end of that time, no application for a building permit for one (1) or more buildings has been filed, then the plan shall be considered as having lapsed and shall be of no effect unless resubmitted as a new application to the Planning Board.
- K. Record plat. A record plat showing the boundaries of the area zoned under the provisions of this section shall be recorded in the Middlesex County Clerk's Office within ninety (90) days of approval unless the Planning Board extends the time for filing for an additional period not to exceed ninety (90) days. No building permit shall be issued for construction until the plat has been filed. The plat shall state thereon that the property has been classified as a planned retirement community and shall be duly signed and dated by the Mayor of the Township and attested by the Township Clerk, with the date of the Township Council's action noted thereon.

L. Development.

- (1) Development of all the uses and facilities approved on the site development plan shall proceed at the same rate as the dwelling units. To assure compliance with this section, the Construction Official shall, from time to time, following the approval of a planned retirement community, review all of the building permits issued for said PRC and examine the construction which has taken place on the site. If he shall find that the percentage of the total acreage set aside on the site development plan for such facilities which has been developed is less than the percentage of the total acreage set aside for dwelling units which has been developed, he shall report such fact to the Planning Board, which shall take such action as it shall deem appropriate.
- (2) Prior to the issuance of the certificates of occupancy for the last twelve (12) dwelling units of any residential section, the applicant shall furnish the Construction Official with three (3) copies of an as-built system indicating specific elevations of the storm drainage system and site grading. Only after review and approval of the Township Engineer will the remaining certificates of occupancy be issued.

**§ 108-6.15. PRGC Planned Residential Golf Community.**

- A. The purpose of this subsection is to provide a procedure governing the review of any proposed planned developments within the Planned Residential Golf Community (PRGC) District of the Township of Monroe. This subsection is designed to encourage:
  - (1) The design and development of innovative residential uses, where distinct residential land uses are combined into a single unified development plan.
  - (2) The creation of a planned development providing for the development of residential units, the creation and preservation of golf courses, and the preservation of the natural landscape and open space.
  - (3) Careful planning of traffic circulation and off-street parking to avoid traffic congestion and inadequate parking.
  - (4) The planning and utilization of land and the harmonious design, erection and use of buildings in a diversified community to contribute to the economic base of the Township of Monroe.
- B. For purposes of interpretation of this subsection, planned development within the PRGC District shall be regarded as planned unit residential development, as those terms are used and defined in the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq.
- C. Definitions. As used in this subsection, the following terms shall have the meanings indicated:
  - (1) COLLECTOR STREET - A street which is proposed on the overall development plan as a collector street which meets the standards set forth and the procedures for dedication in subsection F(4) of this Article for collector streets.
  - (2) DENSITY AVERAGING - The measure permitting the development of portions of the residential area of the planned development at densities greater than the overall permitted residential density provided the development of the entire residential area of the planned development does not exceed the overall permitted residential density.
  - (3) DWELLING, DUPLEX - One (1) building containing two (2) attached dwelling units located adjacent to one another in a side-by-side configuration and separated by a vertical party wall located on one (1) lot.
  - (4) DWELLING, PATIO HOME - A single-family dwelling attached to one (1) other single-family dwelling by a common vertical wall, with each dwelling located on a separate lot.
  - (5) DWELLING, SINGLE-FAMILY DETACHED - A dwelling designed for and occupied by not more than one (1) family and surrounded by open space or yards which is unattached to any other dwelling.

- (6) DWELLING, TOWNHOME - One (1) building containing three (3) or more attached dwelling units located adjacent to one another in a side-to-side configuration and separated by a vertical party wall and located on its individual lot.
- (7) GREEN SPACE - An area of open space consisting predominantly of pervious surface, trees, grass or other vegetation, including golf courses, and intended to remain permanently as open space through deed restriction or other legally binding mechanism.
- (8) GENERAL DEVELOPMENT PLAN - A plan containing the elements set forth in subsection G(2)(a) of this Article.
- (9) GROSS RESIDENTIAL DENSITY - The total number of dwellings in the residential area(s) of a planned development divided by the total number of acres constituting the residential area(s) of a planned development.
- (10) PLANNED UNIT RESIDENTIAL DEVELOPMENT - An area with a specified minimum contiguous acreage of five (5) acres or more to be developed as a single entity according to a plan containing one (1) or more residential clusters, or public or quasi-public uses all primarily for the benefit of the residential development.
- (11) RESIDENTIAL AREA(S) - Those areas designated by the applicant on the general development plan for residential development.
- (12) TRACT AREA - An area of land consisting of lots having one (1) or more common boundaries. The intent of this subsection is that separation of lots or portions of the tract by dedicated streets shall not be deemed to destroy the continuity of the acreage which is the subject of any application for planned development.

D. General provisions.

- (1) Within those areas specifically designated on the Zoning Map of Monroe Township as a Planned Residential Golf Community (PRGC), application may be made in accordance with the regulations of this Chapter, provided that the proposal meets the following minimum criteria:
  - (a) The planned development tract area consists of at least four hundred (400) acres.
  - (b) At least sixty percent (60%) of the planned development tract area will be preserved as green space.
  - (c) The planned development tract area will be developed according to a general development plan as a single entity to accommodate the residential uses permitted in subsection G of this Article, provided no more than thirty-seven percent (37%) of the tract area is devoted to residential uses.

E. Permitted uses. Only the following building types or uses shall be permitted in a planned development.

- (1) Principal uses shall be permitted as follows:
  - (a) Golf course(s), clubhouse facilities, meeting facilities and banquet facilities, pro shop, maintenance building and parking areas.
  - (b) Residential dwellings, including single-family detached, patio homes, town homes and duplex dwellings, any or all of which may be limited to occupancy by individuals over a specified age limit, to the extent permitted by law.
- (2) Accessory uses shall be permitted as follows:
  - (a) All accessory uses incidental to and supporting a golf course, clubhouse facilities, meeting facilities, banquet facilities, pro shop, maintenance building and parking areas.
  - (b) Signs and directors.
  - (c) Accessory uses, except for parking areas, shall not occupy a floor area greater than thirty percent (30%) of the floor area dedicated to the principal use or combined accessory use to which such accessory use relates. Accessory uses may be located within the same building as the principal use or in a separate accessory structure.

- F. Development standards. Notwithstanding any provision to the contrary, planned developments within this subsection are subject only to the standards and provisions contained in this subsection.
- (1) Residential uses.
    - (a) Density, maximum permitted. Overall residential density: three and seven-tenths (3.7) units per acre for thirty-seven percent (37%) of the tract area. Density averaging shall be permitted.
    - (b) Height of buildings: maximum permitted. Stories: two (2) or thirty-five (35) feet.
    - (c) Setbacks, residential. Principal buildings and structures from any exterior boundary line of the tract area of the planned development shall be forty (40) feet measured from the right-of-way line. No townhome dwelling shall be located within two hundred (200) feet of the Forsgate Drive right-of-way existing as of the date of the adoption of this section. Accessory structures shall be permitted within said setback areas. The front of any principal residential structure shall be set back at least twenty-two (22) feet from the edge of the pavement of an internal road within the planned development. Sidewalks are permitted in the front yard setback area. Principal residential structures shall be located a minimum distance of one hundred (100) feet from any adjacent commercial building. A landscape buffer shall be provided within the setback. The one hundred (100) foot requirement may include road rights-of-way. All setback areas specified herein may be utilized as part of, and counted toward, the buffer requirements of this section.
    - (d) Access. No residential unit shall have its driveway on a street having a right-of-way width of sixty (60) feet or more, unless said street is developed as a major collector including divided cartways, each of which cartway has a width of at least twenty-three (23) feet.
  - (2) Buffer requirements, general.
    - (a) A forty (40) foot wide perimeter landscape buffer, measured from the right-of-way line of any municipal or county street which adjoins the outer boundary of the tract area of a planned development shall be provided in connection with an application proposed within the PRGC zone. The forty (40) foot buffer shall be attractively landscaped, provided, however, that signage, lighting, sidewalks, irrigation facilities, golf cart paths and other accessory structures shall be permitted within the forty (40) foot perimeter buffer.
    - (b) A forty (40) foot wide perimeter buffer shall be maintained between residential and nonresidential areas contained within the planned development tract area, excepting golf course facilities, provided, however, that signage, lighting, sidewalks, driveways, irrigation facilities, golf cart paths shall be permitted within the forty (40) foot perimeter buffer.
  - (3) Minimum off-street parking and loading requirements.
    - (a) As per Article IX of this Chapter.
    - (b) No street side parking shall be permitted on internal roads.
  - (4) Streets. Collector streets may, when appropriate, be designed to accommodate through traffic in a planned development to and from surrounding areas.
    - (a) In conformance with § 108-12.26E(1) (a) - (c), local streets and minor streets shall be planned and identified in such manner as to discourage through traffic.
    - (b) The right-of-way width on all streets shall be measured from lot line to lot line and shall meet the following minimum widths. Collector streets: fifty (50) feet. Streets other than collector streets: thirty-six (36) feet. Right-of-way widths for internal roads and alleys in a planned development may be proposed at less than thirty-two (32) feet, but shall be of sufficient width and design to safely accommodate reasonably anticipated traffic, parking and loading needs and provide access for firefighting vehicles and equipment. The minimum width requirements set forth herein shall not apply to roads which are intended to be maintained as private roadways, provided, however, that such private roadways shall have a minimum width of twenty-five (25) feet.

- (c) All streets which are not both proposed for dedication and accepted by Monroe Township shall be regarded as private streets. The maintenance or improvement of private streets shall be the responsibility of the developer or its successors in interest. Private roadways may be transferred to a not-for-profit homeowners' association, or other appropriate entity, for long-term maintenance and ownership.
  - (d) Street intersections shall be at right angles as much as feasible but shall not be at an angle less than sixty (60) degrees.
  - (e) A tangent of at least one hundred (100) feet shall be provided between reverse curves on collector street(s).
  - (f) A cul-de-sac shall be no more than two thousand (2,000) feet in length.
  - (g) T-type intersections shall be set off a minimum of one hundred twenty-five (125) feet.
  - (h) Sidewalks shall be required where necessary and appropriate to provide adequate pedestrian access from parking facilities to proposed buildings, and curbing shall be required where necessary and appropriate to control the projected street-side runoff.
- (5) Drainage. Storm drainage standards shall be governed by § 108-12.24 of this Chapter.
- (6) Fire Department and first aid station location. The applicant shall consult with the Monroe Township Police Department, Office of Emergency Management, the Monroe Township First Aid Squad and the appropriate Monroe Township Fire District for the purpose of considering an appropriate location on or off the tract area for a one (1) acre site to be dedicated for fire safety and first aid uses.
- (7) Performance standards. Permitted uses within a planned development herein shall comply with the performance standards set forth in § 108-5.21.
- (8) Other requirements.
- (a) Provisions shall be made for safe traffic ingress/egress and traffic flow on major roads.
  - (b) A landscape buffer of forty (40) feet shall be created on the property where it fronts major roads or is adjacent to a residential zone. The buffer shall contain deciduous and evergreen trees and/or shrubbery.
  - (c) Fencing shall be erected where necessary, as required by the Planning Board.
  - (d) The entire project shall complement and be harmonious to the surrounding area but shall not be restricted to one (1) architectural motif.
  - (e) The entire project shall be designed as a planned development with controlled ingress and egress as opposed to individual buildings fronting on a road with their own driveways.
  - (f) The site shall be served by public water and sewer.
  - (g) Nonresidential parking areas shall be set back a minimum of ten (10) feet from all external roads and shall have a ten (10) foot setback from the front of the building. Where a nonresidential parking area is situated in a front yard adjoining the right-of-way line of any municipal or County street along the outer boundary of the tract area of a planned development, such parking shall have a forty (40) foot setback from such right-of-way line, and adequate landscaping shall be provided in the forty (40) foot front yard setback area in accordance with subsection F2(a) of this Article.
  - (h) Stormwater and retention facilities shall be required as set forth in other provisions.
  - (i) Site plan approval shall be obtained in accordance with this Chapter.
  - (j) A full landscaping plan shall be submitted for any project.
  - (k) Underground sprinklers shall be required for lawn and landscaped areas.
  - (l) The height limitations of subsection F(1)(b) of this Article shall not apply to mechanical or elevator equipment rooms.
  - (m) Signs shall be erected pursuant to § 108-10.1.

G. Procedure for approval of a planned development herein:

- (1) General development plan. A general development plan shall be submitted to the Planning Board in accordance with the following requirements:
  - (a) A general development plan shall consist of the following plans and statements:
    - [1] A land use plan describing the tract area and approximate area to be devoted to the proposed land uses. Commercial areas shall be documented as to approximate acreage and types of uses. Where residential uses are intended, the land use plan shall document the general locations and approximate size of the residential area(s); types of residential dwellings proposed; and the overall residential density. The land use plan shall be prepared at a scale of not smaller than one (1) inch equals two hundred (200) feet.
    - [2] A traffic circulation plan describing the location of all existing collector streets and the general location of any proposed collector streets, typical road cross sections and key intersections and access points. The plan shall demonstrate how the overall collector road network relates to the terrain and serve the overall design of the planned development and the road network of the municipality.
    - [3] A drainage plan describing the general size and location of on-site and off-site drainage areas and direction of run-off flow, the approximate size of major existing conduits and pipes, existing watercourses and flood plains and the existing and proposed methods of controlling and draining superficial water on and from the site.
    - [4] A green space plan describing the approximate major land areas to become green space, the intended improvements within said areas and the allocation of responsibility for maintenance of the green space.
    - [5] An environmental impact statement shall be included pursuant to § 108-5.25.
  - (b) The items listed required in this subsection shall be enumerated on a checklist supplied to the applicant pursuant to N.J.S.A. 40:55D-10.3.

**§ 108-6.16. PO/CD Planned Office Commercial District.**

The following regulations shall apply in the PO/CD Planned Office Commercial District.

A. Permitted uses.

- (1) Professional office and related uses such as:
  - (a) Corporate offices and executive centers.
  - (b) Data processing facilities.
  - (c) Computer centers.
  - (d) Medical offices and clinical laboratories.
  - (e) Retail pharmacies.
  - (f) Banks and other fiduciary institutions.
  - (g) Law and accounting offices.
  - (h) Office-type research.
  - (i) Municipal utilities and services.
- (2) Restaurants, excluding fast-food take-out facilities and drive-up service windows.

- (3) Sports and health facilities as listed below, provided that they are incorporated into other buildings or are built in the general architectural style of the PO/CD District.
  - (a) Tennis centers.
  - (b) Racquetball centers.
  - (c) Health spas.
 Inflatable "bubble" or corrugated frame buildings for sports facilities are prohibited.

- B. Permitted accessory uses.
  - (1) Customary accessory uses and buildings which are clearly incidental to the principal building.
  - (2) Parking and loading facilities.
- C. The area, yard and building requirements are as specified for this zone in the schedule of requirements in § 108-6.4 of this Article and as further specified in subsection I of this section.
- D. Conditional uses requiring a conditional use permit, subject to the provisions of Article VII of this Chapter.
  - (1) Satellite antennas.
- E. Signs are permitted as per Article X of this Chapter.
- F. Parking is required as per Article IX of this Chapter.
- G. Fences are permitted as per Article VIII of this Chapter.
- H. A buffer area one hundred (100) feet in width shall be provided along any front, side or rear lot line that abuts a residential zone. Passenger car parking is prohibited within said buffer area. The buffer shall consist of a minimum six (6) foot high sculptured, undulating berm that has a top of berm width ranging from ten (10) to twenty (20) feet. The top of the berm will be planted with a mass of evergreen trees with an average height of eight (8) feet. This evergreen stand shall be planted in a natural pattern which achieves a full screening effect. The Planning Board or Board of Adjustment shall have the right to require a continuous six (6) foot berm as a particular case may warrant. The sides of the berm shall be established with shrubs and ground cover. The landscaping and plant material shall conform to § 108-8.1J. The landscaped berm shall be installed and established prior to the commencement of construction. No structures, fences, walls or accessory buildings shall be located within the buffer area. If the frontage contains woodland, the Planning Board or Board of Adjustment shall determine the extent of any supplemental planting.
- I. Minimum site requirements for a Planned Office Park in forty (40) acres.
- J. Internal lot size and setbacks as per the following schedule:

**Dimensional Requirements for Internal Lots  
 Within PO/CD Planned Office Park**

Lot Dimensions			Setbacks			
Area (acres)	Width (ft.)	Depth (ft.)	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)	From External Boundary (ft.)
1*	150	200	40	30	20	80**

\*Not more than 10% of the lots may be 1 acre lots.  
 \*\*Except when 100 foot buffer is required in subsection H above.

**Building Size  
 (minimum requirement) (sq. ft.)**

Professional Bldgs.	Medical & Pharmacy Buildings	Sports and Health Facilities	Restaurant Bldgs.	Minimum Distance Between Bldgs. (feet)
10,000	2,000	4,000	2,000	20

**§ 108-6.17. N-C Neighborhood Commercial District.**

The following regulations shall apply in the N-C Neighborhood Commercial District.

- A. Permitted uses.
  - (1) Retail stores of a neighborhood or daily-needs type.
  - (2) Personal service establishments, including but not limited to barber and beauty shops, tailors, minor repair operations for electrical, television, shoes and similar consumer goods.
  - (3) Outlets and pickup stations for laundry or dry cleaners.
  - (4) Fully enclosed eating and drinking establishments.
  - (5) Banks.
  - (6) Business and professional offices.
  - (7) Municipal utilities.
- B. Permitted accessory uses:
  - (1) Customary accessory uses and buildings which are clearly incidental to the principal building.
  - (2) Parking and loading facilities.
- C. The area, yard and building requirements are as specified for this zone in the schedule of requirements in § 108-6.4 of this Article and the applicable subsections of this Chapter.
- D. Conditional uses requiring a conditional use permit subject to the provisions of Article VII of this Chapter:
  - (1) Automotive gasoline stations, automotive repair garages or automotive service stations.
  - (2) Quasi-public uses.
  - (3) Cabinet making shop including retail sale of cabinets manufactured on premises.
  - (4) Neighborhood shopping centers.
  - (5) Satellite antennas.
  - (6) Public utility installations, other than municipal.
- E. Signs are permitted as per Article X of this Chapter.
- F. Parking is required as per Article IX of this Chapter.
- G. Fences are permitted as per Article VIII of this Chapter.
- H. Landscape buffer requirements.
  - (1) A buffer area sixty (60) feet in width shall be provided along any road frontage, and along any front, side or rear lot line that abuts a residential zone. The buffer shall consist of a minimum six (6) foot high sculptured, undulating berm that has a top of berm width ranging from ten (10) to twenty (20) feet. The top of the berm will be planted with a mass of evergreen trees with an average height of eight (8) feet. This evergreen stand shall be planted in a natural pattern which achieves a full screening effect. The Planning Board or Board of Adjustment shall have the right to require a continuous six (6) foot berm as a particular case may warrant. The sides of the berm shall be established with shrubs and ground cover. The landscaping and plant material shall conform to § 108-8.1J. The landscaped berm shall be installed and established prior to the commencement of construction. No structures, fences, walls or accessory buildings shall be located within the buffer area. If the frontage contains woodland, the Planning Board or Board of Adjustment shall determine the extent of any supplemental planting.

I. Design requirements.

- (1) All sites within the NC Neighborhood Commercial District zone shall be designed as a unified commercial village with a single architectural motif, which shall be in character with the surrounding residential area. A strip design shopping area or center is prohibited.
- (2) All buildings shall be designed to convey a small-scale village character. Buildings included in the planned retail village center shall contain the following design elements:
  - (a) The center shall have a consistent architectural theme and traditional village scale.
  - (b) Buildings shall be topped with pitched roofs with overhanging eaves or with flat roofs with architectural parapets and cornices. Materials on pitched roofs shall be slate (either natural or man-made), shingle (either wood or asphalt composition), or metal formed to resemble standing seams. Roof color shall be traditional and compatible with retail and residential buildings in the area. Fascias, dormers and gables shall be used to provide visual interest and pedestrian scale.
  - (c) Exterior wall materials shall be predominantly brick with limited use of stucco, clapboard, stone or decorative split face block, of a shape, color or texture compatible with retail and residential buildings in this area. Painted brick concrete block, T-111 plywood and metal buildings shall be prohibited.
  - (d) Service areas shall be screened and visually separated from customer parking and pedestrian walkways.
  - (e) Buildings shall be located as close as possible to encourage pedestrian circulation and arranged to face each other where possible.
  - (f) An internal pathway system shall be created to provide access to public walkways directly linking the planned retail village center to any existing adjacent residential neighborhood(s). The internal pathway shall provide clearly defined crosswalks across driveways within the planned retail village center.
  - (g) Exterior freestanding lighting fixtures shall not exceed the height of proposed structures and in no case shall be greater than fourteen (14) feet in height. The source of illumination shall be recessed and shielded within the fixture itself and shall be consistent in character with the design of the planned retail village center.
  - (h) The applicant shall provide a comprehensive signage plan that covers overall project identification, individual building/tenant identification, traffic regulation, pedestrian crossings, street identification and parking and directional instructions. No pylon signs shall be permitted. Freestanding signage for the center shall be a monument sign under eight (8) feet in height with a sign area of no more than one hundred (100) square feet.

**§ 108-6.18. H-D Highway Development District.**

The following regulations shall apply in the H-D Highway Development District.

A. Permitted uses.

- (1) Business and professional offices, corporate centers including facilities used for business, professional and corporate training, education or other similar services.
- (2) Theaters and other fully enclosed commercial entertainment establishments.
- (3) Regional shopping centers, subject to yard, bulk and buffer requirements contained in Article VII of this Chapter.
- (4) New auto sales and showroom establishments, but not including used car lots or auto body repair shops exclusively as principal uses.
- (5) Fully enclosed establishments for the sale and repair of machinery and equipment.
- (6) Wholesale, distributive and storage establishments.

- (7) Data processing and computer centers.
  - (8) Fully enclosed restaurants.
  - (9) Medical offices and clinical laboratories.
  - (10) Banks and other "fiduciary institutions."
  - (11) Law and accounting offices.
  - (12) Hotels, motels, convention centers.
  - (13) Highway development parks:
    - (a) Planned park development may be permitted in the H-D Zone, provided that the site to be developed shall contain a minimum of forty (40) acres.
    - (b) All uses permitted in the L-I Light Industrial District.
    - (c) Area, yard and building requirements shall be as follows:
      - [1] Minimum lot size: five (5) acres.
      - [2] Minimum lot width: two hundred (200) feet.
      - [3] Minimum lot depth: two hundred (200) feet.
      - [4] Minimum side and rear yard setbacks. Minimum rear and side yard setbacks may be reduced proportionately to the individual reductions in lot area.
    - (d) Other provisions. All other requirements for industrial development shall conform to those established under § 108-6.19 of this Article.
- B. Permitted accessory uses.
- (1) Parking and loading facilities for principal uses.
  - (2) Customary accessory uses and buildings which are clearly incidental to the main use.
- C. The area, yard and building requirements are as specified for this zone in the schedule of requirements in § 108-6.4 of this Article and the applicable subsections of this Chapter.
- D. Conditional uses requiring a conditional use permit, subject to the provisions of Article VII of this Chapter.
- (1) Funeral homes.
  - (2) Public transportation terminal facilities.
  - (3) Car washes.
  - (4) Hospitals, clinics and medical centers.
  - (5) Shopping centers.
  - (6) Commercial recreation facilities.
  - (7) Automotive gasoline stations, automotive repair garages, automotive service stations, automotive sales and service facilities.
  - (8) Satellite antennas.
  - (9) Wireless communication antennas and wireless communication towers in accordance with the conditions, standards and limitations specified in § 108-7.3 of this Chapter.
  - (10) Public utility installations.
- E. Signs are permitted as per Article X of this Chapter.
- F. Parking is required as per Article IX of this Chapter.
- G. Fences are permitted as per Article VIII of this Chapter.

H. Landscape buffer requirements.

- (1) A buffer area one hundred (100) feet in width shall be provided along any road frontage, and along any front, side or rear lot line that abuts a residential zone. The buffer shall consist of a minimum six (6) foot high sculptured, undulating berm that has a top of berm width ranging from ten (10) to twenty (20) feet. The top of the berm will be planted with a mass of evergreen trees with an average height of eight (8) feet. This evergreen stand shall be planted in a natural pattern which achieves a full screening effect. The Planning Board or Board of Adjustment shall have the right to require a continuous six (6) foot berm as a particular case may warrant. The sides of the berm shall be established with shrubs and ground cover. The landscaping and plant material shall conform to § 108-8.1J. The landscaped berm shall be installed and established prior to the commencement of construction. No structures, fences, walls or accessory buildings shall be located within the buffer area. If the frontage contains woodland, the Planning Board or Board of Adjustment shall determine the extent of any supplemental planting.
- (2) All side and rear yards shall be suitably landscaped with shrubs and ground cover in accordance with Article VIII of this Chapter.

I. Design requirements.

- (1) All sites within the H-D Highway Development District zone shall be designed as a unified commercial village with a single architectural motif, which shall be in character with the surrounding residential area. A strip design shopping area or center is prohibited.

**§ 108-6.18.J. AHMUD/HD Affordable Housing Mixed Use Development/Highway Development Overlay Zone**

- (1) The purpose of this subsection is to establish the standards and requirements for mixed use development that includes a mix of market-rate housing and housing that is affordable to low and moderate income households and non-residential commercial and office facilities. The affordable housing will assist Monroe Township in meeting its constitutional and statutory obligations to provide a realistic opportunity for the construction of its fair share of its region's needed low and moderate income housing.
- (2) The AFMUD/HD Affordable Housing Mixed Use Development/Highway Development Overlay Zone shall apply to the following parcels of land only:

Block 6, Lots 12.02, 12.04, 12.05, 15.01, 23.01 and 27.01
- (3) The minimum tract size for development in the AFMUD/HD Affordable Housing Mixed Use Development/Highway Development Overlay Zone shall be 300 acres.
- (4) Permitted uses.
  - (1) All principal uses permitted in the HD Highway Development District § 108-6.18.A except for the following uses: new auto sales and showroom establishments; fully enclosed establishments for the sale and repair of machinery and equipment; wholesale, distributive and storage establishments; and highway development parks.
  - (2) Inclusionary housing development consisting of affordable housing as defined by the current rules of the New Jersey Council of Affordable Housing and market rate housing. All housing shall comply with the provisions set forth in this section.
  - (3) Regional Shopping centers provided they comply with the following requirements:
    - [1] A minimum lot area of twenty-five (25) acres.
    - [2] All the area, yard and building requirements of § 108-6.4.

- [3] Not more than twenty percent (20%) of the required parking shall be permitted in a front yard.
  - [4] All buildings shall have a break in façade at least every forty (40) feet.
  - [5] Landscaping and buffering shall be provided in accordance with the requirements of this Chapter.
  - [6] Storm drainage and utilities shall be provided in accordance with the requirements of this Chapter.
  - [7] Signage shall be provided in accordance with the requirements of this Chapter.
  - [8] Lighting shall be provided in accordance with the requirements of this Chapter.
- (5) Permitted accessory uses as set forth in § 108-6.18.B.
  - (6) The area, yard and building requirements shall be applied in the following manner:
    - (a) All non-residential development shall comply with § 108-6.4 of this Article, except as follows:
      - [1] Maximum building height for hotels and offices shall be four (4) stories and sixty (60) feet.
      - [2] Maximum floor area ratio for hotels and offices shall be 0.45.
    - (b) Inclusionary housing development shall comply with § 108-6.4 of this Article and the applicable subsections of this Chapter.
  - (7) Conditional uses requiring a conditional use permit, subject to the provisions of Article VII of this Chapter.
    - (a) Satellite antennas.
    - (b) Wireless communications antennas and wireless communications towers in accordance with the conditions, standards and limitations specified in § 108-7.3.
    - (c) Public utility installations.
  - (8) Signage as permitted in § 108-10.1.
  - (9) Parking as required in § 108-9.1.
  - (10) Landscaping and buffering as required in § 108-6.18 and § 108-8.1.
  - (11) Fences as permitted in § 108-8.2.
  - (12) Design requirements as required in § 108-6.18.
  - (13) Inclusionary housing development.
    - (a) The following residential dwellings shall be provided:
      - [1] Market rate condominium flats and townhouses.
      - [2] Affordable family rental flats, which may be developed as multifamily dwellings and/or over commercial and office uses that are on the first floor on the condition that separate entrances to the affordable housing dwelling units are provided.

- (b) The following number and percentage of market rate and affordable housing dwelling units shall be provided:

<u>Description</u>	<u>Number of Dwelling Units</u>	<u>Percentage (%)</u>
Market rate	562	75
Affordable	<u>187</u>	<u>25</u>
Total	749	100

- (c) Market rate and affordable housing dwelling units shall be developed on at least 25 acres of contiguous developable land exclusive of freshwater wetlands, 100-year floodplains, steep slopes and other environmental constraints within the tract of land.
- (d) Given the fact that the overlay zone provides for a greater degree of flexibility for a mix of uses on the tract that improve the economic viability of the development of the tract, a lot that contains at least ten (10) acres of land that is not encumbered by freshwater wetlands, 100-year floodplains, steep slopes and other environmental constraints shall be deeded to Monroe Township for the purpose of developing it as municipally-sponsored, one hundred percent (100%) affordable housing. Title of the lot shall be transferred to Monroe Township within thirty (30) days of filing the final subdivision plat with the Middlesex County Clerk.
- (e) An open space organization shall be established pursuant to § 108-6.13.F.
- (f) Sidewalks and walkways shall be provided pursuant to § 108-6.13.H.
- (g) Buffers shall be provided pursuant to § 108-6.13.I.
- (h) Landscaping, shade trees and tree preservation shall comply with § 108-6.13.J.
- (i) The affordable housing bedroom mix shall comply with § 108-6.13.K.(2).
- (j) The low and moderate income split for affordable housing shall comply with § 108-6.13.K.(3).
- (k) The construction phasing of market-priced and low and moderate income units shall comply with § 108-6.13.K.(4).
- (l) There shall be no age restrictions on the occupants of the designated affordable housing dwelling units.
- (m) The location and design of affordable housing shall comply with § 108-6.13.K.(6).
- (n) Affordable housing shall comply with § 108-6.13.K.(7), the Monroe Township Affordable Housing Ordinance and current New Jersey Council on Affordable Housing rules.
- (o) Application procedures for Inclusionary housing development shall comply with § 108-6.13.L.

**§ 108-6.18 K. VC-2 Village Center Overlay**

- (1) Purpose: The purpose of the VC-2 Overlay is to promote a full range of commercial, office and residential land uses within a newly created, pedestrian-friendly, mixed-use environment that will serve local, community-wide and regional needs and create new employment opportunities. Pedestrian movement is encouraged to flow throughout the overlay zone area by generally permitting stores and shops and personal service establishments on the ground floor of buildings and promoting the use of upper floors for office and, in certain circumstances, residential dwelling units. Land uses

within the overlay zone should be arranged to provide for highway-oriented commercial and office uses along Route 33. In order to create a neo-traditional downtown, less-intensive commercial and office uses mixed with residential uses on upper floors should be oriented toward the interior of the area along a primary access road that extends in a general north to northeast direction from Route 33 to Applegarth Road. The bulk of the residential uses should be developed in areas that are in the vicinity of the less intensive "downtown" and extend north from Route 33 toward the edge of woods along the Millstone River.

- (2) General Goals:
  - (a) Proper screening and buffering around the perimeter of the area and along surrounding roads;
  - (b) Adequate building setbacks from surrounding roads;
  - (c) Well-landscaped interior spaces for residential and non-residential land uses;
  - (d) Open space for active and passive recreational amenities for residential land uses;
  - (e) Public amenities including, but not limited to, pedestrian plazas and sitting areas;
  - (f) Opportunities for shared off-street parking and stormwater management facilities;
  - (g) Off-street parking that is well screened from public view;
  - (h) Controlled and coordinated internal circulation system for pedestrians and vehicles; and
  - (i) Coordinated design themes, i.e., buildings, streetscapes, parking areas, landscaping, lighting and signage.
- (3) Minimum Tract Size: Seventy-five (75) acres.
- (4) Permitted Principal Uses:
  - (a) Retail stores and shops that are permitted in the HD Highway Development and NC Neighborhood Commercial zones;
  - (b) Personal service establishments permitted in the HD Highway Development and NC Neighborhood Commercial zones;
  - (c) General and administrative offices;
  - (d) Professional offices;
  - (e) Restaurants, cafes, luncheonettes and delicatessens, excluding curb service and drive-in and drive-through facilities for all eating and drinking establishments;
  - (f) Instructional studios and fitness centers;
  - (g) Banks and similar financial institutions, excluding check-cashing businesses, and drive-through facilities should be permitted only in locations where such a facility is not a dominant visual element and not located adjacent to residential dwellings;
  - (h) Retail dry-cleaning and laundry services;
  - (i) Art galleries and similar facilities;
  - (j) Shopping centers and office complexes;
  - (k) Childcare centers;
  - (l) Parks and playgrounds; and
  - (m) Residential dwellings: townhouse and multifamily dwellings in individual complexes separate from non-residential land uses that must be located at least five hundred (500) feet from Route 33; affordable housing units over non-residential uses that are on the ground floor within mixed-use buildings located in the "downtown" area; and affordable housing units in one-hundred percent (100%) affordable housing buildings that must be located at least five hundred (500) feet from Route 33. A set aside of at least twenty percent (20%) of all residential dwellings shall be provided as affordable housing as defined by the State of New Jersey in order for residential dwellings to be part of any development.
  - (n) Multiple residential and non-residential uses and buildings on one lot.

(5) Permitted Accessory Uses:

- (a) Off-street parking areas and loading spaces;
- (b) Signs;
- (c) Fences and walls;
- (d) Seasonal outdoor dining associated with a permitted restaurant, cafe, luncheonette or delicatessen utilized and operated from May to October in accordance with a plan submitted to the Township Planning Administrator for review and approval by the Township Zoning Officer, Township Fire Code Official and Township Engineer to protect the health, safety and general welfare of the public. The plan shall clearly depict the layout and arrangement of dining areas including, but not limited to, tables with and without umbrellas, chairs, furniture, appurtenances, canopies, if any, which must be removed in the off-season, and landscaping in planters and pots.
- (e) Outdoor swimming pools and active recreational facilities and community centers that are part of permitted residential complexes and buildings.
- (f) Satellite antennas.
- (g) Public utility installations.

(6) Conditional uses requiring a conditional use permit subject to the provisions of Article VII of this Chapter:

- (a) Automotive gasoline stations, automotive repair garages, automotive service stations, automotive sales and service facilities.

(7) Permitted Intensities of Development:

- (a) Maximum residential density of six (6) dwelling units per acre of the portion of the tract of land that is located between the Millstone River and the internal boundary that is 500 feet from Route 33 with a requirement of at least a twenty percent (20%) set aside for affordable housing as defined by New Jersey State law shall be permitted.
- (b) Maximum non-residential floor area ratio of 0.35 shall be permitted.
- (c) Maximum building coverage for residential and non-residential uses of thirty percent (30%) shall be permitted.
- (d) Maximum impervious coverage for residential uses of forty percent (40%) shall be permitted.
- (e) Maximum impervious coverage for non-residential uses of fifty percent (50%) shall be permitted.

(8) Bulk standards:

(a) Non-residential Uses:

[1] Minimum lot area: Lots along Route 33 shall be at least three (3) acres. Internal lots within tract shall be at least twenty-thousand (20,000) square feet.

[2] Minimum lot dimensions:

<u>Description</u>	<u>Lots along Route 33</u>	<u>Internal Lots</u>
Frontage	300 feet	100 feet
Width	300 feet	100 feet
Depth	300 feet	200 feet

[3] Yard requirements for principal buildings and structures for lots along Route 33:

<u>Description</u>	<u>Requirement</u>
Minimum front yard	100 feet
Minimum side yard	40 feet
Minimum rear yard	40 feet

[4] Yard requirements for principal buildings and structures for internal lots within tract:

<u>Description</u>	<u>To Internal Lot Property Line</u>	<u>To Curb Line of Internal Road<sup>2</sup></u>
Front yard minimum	0 feet	10 feet
Front yard maximum	10 feet	20 feet
Side yard minimum	15 feet	--
Rear yard minimum	40 feet	--

[5] Maximum building height:

<u>Description</u>	<u>Requirement</u>
Principal building, including 100 percent non-residential and mixed non-residential and residential	3 stories of occupied space 50 feet
Accessory building	1 story 25 feet

[6] Minimum separation between buildings on lot with multiple buildings:

<u>Description</u>	<u>Requirement</u>
Side of building to side of building	30 feet
Rear of building to rear of building	80 feet
Rear of building to side of building	55 feet

(b) Residential Uses:

[1] Minimum lot area: 5 acres

[2] Minimum lot dimensions:

<u>Description</u>	<u>Requirement</u>
Frontage	400 feet
Width	400 feet
Depth	500 feet

[3] Yard requirements for principal buildings and structures:

<u>Description</u>	<u>Tract Boundary</u>	<u>Internal Lots</u>	<u>To Curb Line of Internal Road</u>
Minimum front yard	50 feet	20 feet	30 feet; 25 feet for front yard with driveway to front of dwelling unit
Minimum side yard	50 feet	10 feet	--
Minimum rear yard	50 feet	20 feet	--

[4] Maximum building height:

<u>Description</u>	<u>Requirement</u>
Principal building, townhouse and multi-family	2-1/2 stories 35 feet
100 percent affordable multi-family	3 stories of occupied space 50 feet
Accessory building	1 story 25 feet

<sup>2</sup> Internal road applies to either a road dedicated to the municipality or a private road.

[5] Minimum separation between buildings on lot with multiple buildings:

<u>Description</u>	<u>Requirement</u>
Side of building to side of building	20 feet
Rear of building to rear of building	50 feet
Rear of building to side of building	40 feet

(9) Landscape buffer requirements:

- (a) Minimum width of buffer area along Route 33 shall be one hundred (100) feet.
- (b) Minimum width of buffer area along Applegarth Road and existing municipal roads shall be fifty (50) feet.
- (c) Minimum width of buffer area along tract boundary other than along roadways shall be one hundred (100) feet for non-residential uses abutting residential zones and fifty (50) feet for residential uses abutting residential zones.
- (d) Landscape buffer areas shall comply with § 108-6.18H, except for minimum width requirements as indicated in previous paragraphs of this subsection, and with § 108-8.1J and any other sections of this Chapter. Brick walls for enhancement are encouraged.
- (e) A meandering all-purpose path having a width of ten (10) feet shall be provided within the landscape buffer along Route 33 and Applegarth Road. The specification of material and design of the path shall be determined by the Township Engineer.

(10) Traffic and circulation:

- (a) A detailed traffic study analyzing the development's impact on the existing road system including, but not limited to, Applegarth Road, Route 33, the full intersection of Applegarth Road and Route 33, Bentley Road and proposed road intersections with any of the surrounding roads shall be filed with the development application.
- (b) A primary access road in the form of a boulevard with a treed center median that interconnects Applegarth Road through the VC-2 Village Center Overlay zone with Route 33 at a signalized intersection at the main entrance of the existing Renaissance age-restricted development located on the southern side of Route 33.
- (c) No curb cuts for driveways shall be permitted along Route 33 and Applegarth Road. All access from Route 33 and Applegarth Road shall be achieved by a primary access road with driveways and roads intersecting the primary access road within the internal areas of the development so as to create an internal road system.
- (d) On-street parking along the "downtown" commercial section of the treed boulevard shall be provided.
- (e) Street trees shall be provided in accordance with the provisions of this Chapter.
- (f) Multi-purpose sidewalks and paths linking all sections of the development within the overlay zone shall be provided.

(11) Open space:

- (a) Conservation areas having a width of at least one hundred (100) feet along the Millstone River shall be preserved and monumented. The width of the conservation areas shall increase following freshwater wetland buffers as defined by the State of New Jersey and 100-year flood plains.
- (b) Walking trails through open space areas, particularly along the Millstone River shall be provided.

- (c) Formal public spaces, i.e., sitting areas and pocket parks, within the “downtown” commercial areas shall be provided.

(12) Signage:

- (a) All signage shall comply with the provisions of this Chapter except as set forth below.
- (b) Freestanding identification signs shall be monument signs restricted to a size and scale that are appropriate for the type of road from which the signs are viewed as set forth below:

[1] Signage along Route 33:

- [a] One (1) monument sign shall be permitted at the intersection of Route 33 and the primary access road into the development.
- [b] The monument sign shall be set back at least ten (10) feet from the right-of-way line for Route 33 and twenty (20) feet from the curb line of the main access road into the site.
- [c] The maximum height of the monument sign shall be fifteen (15) feet.
- [d] The maximum area of each face of the monument sign shall be one hundred (100) square feet.

[2] Signage within the development along internal roads shall comply with the provisions for the NC Neighborhood Commercial zone set forth in this Chapter.

(13) Parking and loading:

- (a) Parking and loading areas for smaller commercial, office and mixed-use land uses shall be restricted to the rear and sides of buildings to provide for pedestrian-friendly front yards and small front yard setbacks to create a downtown village feel.
- (b) All provisions of this Chapter regarding parking and loading shall apply to the VC-2 Village Center Overlay zone.

(14) Lighting: Site and street lighting shall comply with the provisions of this Chapter.

(15) Fences and walls: Fences and walls shall comply with the provisions of this Chapter.

(16) Design standards:

(a) General standards:

[1] A planned village center development shall be conceived, designed, subdivided, site planned and approved by the Township Board having jurisdiction as a single development a comprehensive site development plan. The developer shall establish site landscaping, building design and common area maintenance guidelines and control standards.

[2] The entirety of a planned village center development shall be developed with a common architectural theme which shall be subject to site plan approval by the Township Board having jurisdiction. The architectural theme shall include buildings, signing, fencing, lighting, curbing, landscaping and other similar and related physical features and improvements.

[3] Building design:

- [a] The treatment of side and rear walls of any building in terms of building materials and colors shall be similar to the treatment of the front façade.

[b] All buildings shall be designed to convey a small-scale village character. Buildings included in the VC-2 Village Center Overlay Zone shall contain the following design elements:

- (i) Building exteriors shall have vertical and/or horizontal offsets to create visual breaks on the exterior.

The exterior of all buildings in the development, including any permitted accessory buildings, shall be architecturally compatible and be constructed of complementary materials.

Design guidelines for future building improvements shall be prepared by the applicant to ensure the ongoing design integrity of the development.

- (ii) Architectural detail, style, color, proportion and massing shall reflect the features of a traditional village center neighborhood.

Provide for an orderly relationship among windows, doors, porches and roof forms.

[4] The scale and massing of buildings on any given street shall be harmonious.

[5] The design of all internal streets shall comply with State of New Jersey Residential Site Improvement Standards. Main streets through developments shall be designed to have divided landscape medians so as to create a boulevard that has street trees, sidewalks, curbing and ornamental street lighting along both sides of the boulevard, pedestrian crosswalks constructed of material differing from the street pavement, street signage that announces sharing the street with bicyclists, and street furniture such as benches and trash receptacles.

[6] Special ground texture treatment shall be required for pedestrian crossings in streets and elsewhere to include bricks, stone, cobbles and/or other suitable material.

[7] Street furniture such as benches, street lamps, bicycle racks, trash receptacles, tree grates, bus stops, landscape planters and other amenities shall be provided.

[8] All streets, sidewalks and pathways shall connect to other streets within the village center development and connect to existing streets outside the village center development, as appropriate. Dead-end streets are generally not permitted within the village center developments unless such condition is unavoidable, as determined by the Board having jurisdiction.

[9] Adequate internal buffering between residential and non-residential uses, particularly for screening parking lots, loading areas and refuse enclosures shall be provided.

[10] All utilities shall be installed underground.

[11] To the extent practical and reasonable incorporate "green" building and site design techniques and technology, i.e., solar panels on roofs and in parking areas, "green" roofs for lowering energy consumption and improving stormwater management, rain gardens for improving water quality and reducing quantity from stormwater runoff, and other innovations shall be incorporated in the development plan.

(b) Non-residential uses:

[1] The location of non-residential and mixed-use building entrances and orientation of buildings shall minimize distance to walk from one building to another. Buildings with more than one façade facing a public street,

internal road, parking lot or open space shall be required to provide multiple front façade treatments.

[2] All uses shall be conducted within completely enclosed buildings unless otherwise specified herein.

[3] Non-residential and mixed-use buildings shall be provided with off-street loading and service areas separate from parking spaces and shall be situated as much as possible to the rear of the building and out of the general traffic flow.

[4] Street-level storefronts and building entrances shall be open and inviting to pedestrians.

[5] Air-conditioning units, heating, ventilating and air-conditioning (HVAC) systems, exhaust pipes or stacks, satellite dishes and other telecommunication receiving devices shall be screened or otherwise specially treated to be, as much as possible, inconspicuous as viewed from the public view and adjacent properties.

(c) Residential uses:

[1] Townhouse buildings shall consist of no more than eight (8) townhouse dwelling units in order to prevent the development of long and monotonous buildings. No more than two adjacent townhouse units shall have the same building offset, which shall vary by at least four (4) feet.

[2] The front façade of a townhouse unit shall reflect a traditional village character. Awnings, open and usable porches, stoops, bay windows and/or balconies and other decorative entries may encroach into building setback lines.

[3] Garages for townhouse buildings may be front-, side- or rear-entry types. Sufficient storage area to accommodate automobiles, automotive accessories, tools, trash/recycle materials and other items typically found in garages shall be provided.

[4] Townhouse dwelling units shall have private outdoor space, which may include a deck, patio and/or terrace. Such outdoor space shall be screened with landscaping and/or fencing that shall not exceed five (5) feet in height.

[5] Multifamily dwelling units shall have access provided by an outside entrance or stairway serving the residential units exclusively.

**§ 108-6.19. L-I Light Industrial District.**

The following regulations shall apply in the L-I Light Industrial District.

A. Permitted uses.

- (1) Assembly and finishing of materials or products subject to the performance standards of Article V of this Chapter.
- (2) Fully enclosed wholesale, distributive or storage establishments, but excluding retail sales subject to the performance standards of Article V of this Chapter.
- (3) Research laboratories subject to the performance standards of Article V of this Chapter.
- (4) Data processing and computer centers.
- (5) Business and professional offices including facilities used for business, professional and corporate training, education or other similar services. Said uses may be integrated with existing hotel operations to form a permitted hotel/conference use.
- (6) Agricultural activities.

B. Permitted accessory uses.

- (1) Parking and loading facilities for principal uses.
- (2) Customary accessory uses and buildings which are clearly incidental to the main use.

- C. The area, yard and building requirements are as specified for this zone in the schedule of requirements in § 108-6.4 of this Article and the applicable subsections of this Chapter.
- D. Conditional uses requiring a conditional use permit, subject to the provisions of Article VII of this Chapter.
  - (1) Light manufacturing, converting, processing, printing or other handling of materials or products. Subject to the performance standards in Article V of this Chapter.
  - (2) Metal welding and machine shops.
  - (3) Clinics and medical centers.
  - (4) Hotels and motor inns.
  - (5) Satellite antennas.
  - (6) Advertising structures.
  - (7) Wireless communication antennas and wireless communication towers in accordance with the conditions, standards and limitations specified in Article VII of this Chapter.
  - (8) Public utility installations.
- E. Signs are permitted as per Article X of this Chapter.
- F. Parking is required as per Article IX of this Chapter.
- G. Fences are permitted as per Article VIII of this Chapter.
- H. Landscape buffer requirements.
  - (1) A buffer area one hundred (100) feet in width shall be provided along any road frontage, and along any front, side or rear lot line that abuts a residential zone. The buffer shall consist of a minimum six (6) foot high sculptured, undulating berm that has a top of berm width ranging from ten (10) to twenty (20) feet. The top of the berm will be planted with a mass of evergreen trees with an average height of eight (8) feet. This evergreen stand shall be planted in a natural pattern which achieves a full screening effect. The Planning Board or Board of Adjustment shall have the right to require a continuous six (6) foot berm as a particular case may warrant. The sides of the berm shall be established with shrubs and ground cover. The landscaping and plant material shall conform to § 108-8.1J. The landscaped berm shall be installed and established prior to the commencement of construction. No structures, fences, walls or accessory buildings shall be located within the buffer area. If the frontage contains woodland, the Planning Board or Board of Adjustment shall determine the extent of any supplemental planting.
- I. Prohibited uses: Truck terminals.

**§ 108-6.20. FHC Flood Hazard/Conservation District.**

- A. The Flood Hazard/Conservation District boundaries shown on the accompanying Zoning Map\* are the flood hazard areas that were delineated by the Federal Department of Housing and Urban Development for the National Flood Insurance Program which was enacted in 1968 to protect house buyers who qualify for insurance. The limits of the Flood Hazard/Conservation District were determined through consideration of areas of stream flooding and proximity to environmentally sensitive areas. The exact boundaries of the flood hazard areas are set forth in current maps prepared by the Federal Emergency Management Agency (FEMA) and the New Jersey Department of Environmental Protection. Areas not detailed shall be established according to the procedure as set forth in succeeding paragraph (3).
  - (1) No principal or accessory building shall be permitted in the flood hazard area as determined by maps prepared by the Federal Emergency Management Agency (FEMA) and/or the New Jersey Department of Environmental Protection.
  - (2) Realignment, channelization or piping of the waterway within this district shall be a conditional use subject to the approval of the New Jersey Department of Environmental Protection.

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\*Editor's Note: The Zoning Map is located on file in the office of the Township Clerk.

- (3) In the absence of detailed maps delineating the flood hazard areas by elevation, an applicant shall apply to the State of New Jersey Department of Environmental Protection for establishment of a stream encroachment line.

**§ 108-6.21. PRD-AH Planned Residential Development Affordable Housing District.**

- A. The purpose of this section is to establish the standards and requirements for planned developments that include a mix of market-priced housing and housing affordable to low and moderate income households. The affordable housing will assist the Township in meeting its constitutional and statutory obligations to provide a realistic opportunity for the construction of its fair share of its region's needed low and moderate income housing.
- B. The following shall be requirements of the PRD-AH District, in addition to other provisions, not inconsistent with this Article. In case of conflict with the provisions of other ordinances, this section shall govern.
- C. Permitted uses:
  - (1) Single-family detached dwellings.
  - (2) Townhouses.
  - (3) Garden apartments, for purchase or for rental.
  - (4) Senior housing.
  - (5) Open space and recreation facilities.
- D. Permitted Accessory Uses:
  - (1) Private swimming pools for use by the residents on the premises as per the requirements of Article XII of this Chapter.
  - (2) Sheds for use by the residents on the premises, located in the rear yard within the building envelope. No shed shall be larger than 10 feet by 10 feet.
  - (3) Decks for use by the residents on the premises, located in the rear yard within the building envelope. No deck shall be larger than 20 feet by 30 feet; in no case shall the deck extend beyond the exterior side walls of the principal structure.
- E. Conditional uses requiring a conditional use permit subject to the provisions of Article VII of this Chapter.
  - (1) Quasi-public uses.
  - (2) Satellite antennas.
  - (3) Public utility installations.
- F. The area, yard and building requirements are as specified for this zone in the schedule of requirements in § 108-6.4 of this Article and the applicable subsections of this Chapter.
- G. Establishment of open space organization required.
  - (1) The developer shall provide for an organization or organizations for the ownership and maintenance of any common open space and recreation facilities, landscaped areas and internal roadways for the benefit of owners and residents of the development.
  - (2) A minimum of twenty percent (20%) of the gross tract area shall be dedicated to preserved open space.
  - (3) A minimum of five percent (5%) of the gross tract area shall be dedicated for active and passive recreation facilities.
  - (4) The establishment and operation of the open space organization(s) shall be governed by applicable law N.J.S.A. 40:5D-43.

H. Recreation facilities.

- (1) The areas within the common open spaces reserved for recreation shall be developed with appropriate recreational facilities for all age groups. The recreational facilities planned for this development shall be submitted for the review and recommendation of the Township Recreation Advisory Board.
- (2) The common open space and recreation facilities for the tract shall be available on an equal basis to residents of all parts of the tract.
- (3) The recreation facilities shall include a central recreation complex with one (1) swimming pool (including a separate wading pool for children), two (2) tennis courts, one (1) basketball court, a picnic area and a tot lot. In addition, at least fifteen percent (15%) of the developed open space of the tract shall include equipped playgrounds and tot lots within the open space system, including but not limited to at least one (1) ten thousand (10,000) square foot playground facility situated in each non-senior residential neighborhood area, with a minimum of not less than five (5) such neighborhood playgrounds integrated into the design of the project.
- (4) The recreation facilities shall include a meandering open space and trails system linking residential clusters with the tract's principal recreation complex.

I. Sidewalks and walkways.

- (1) A system of continuous walkways not less than four (4) feet in width shall be provided throughout the development, including its common open space, for safe pedestrian movements. Such walkways shall link the primary entrance(s) of the development with off-site Township, County or State roads. Such walkways need not be parallel to local streets.
- (2) Paved sidewalks shall be provided adjacent to subcollector and local residential service streets on at least one (1) side of the roadway.
- (3) Walkways shall connect sidewalks along streets with the walkways of the common open space system such that the common open system is physically accessible from all streets and their associated sidewalks.

J. Buffers.

- (1) To the maximum extent possible, lots bordering on perimeter roadways of the development shall have reverse frontage.
- (2) Buildings shall be set back a minimum of fifty (50) feet from the property lines of the street. At least thirty (30) feet of this setback area shall either be preserved with its natural vegetation or landscaped to provide a reasonable visual buffer from adjacent property and be included in a conservation easement.
- (3) Buffering shall provide a year-round visual screen in order to minimize adverse impacts on a site from adjacent areas. Buffering shall also ensure privacy for dwelling units and minimize adverse impacts from traffic, noise and glaring light.
- (4) Buffering shall consist of a berm and fencing or evergreen trees, retention and detention ponds, or combination of materials, to achieve the stated buffering objectives.

K. Landscaping, shade trees and tree preservation.

- (1) Existing mature trees and wooded areas shall be preserved to the maximum extent practicable.
- (2) Street trees shall be planted on both sides of all streets, either massed at critical points or spaced evenly no more than fifty (50) feet apart along the street, to create a street canopy effect. This spacing standard may be modified as reasonably necessary to accommodate driveway cuts and road intersections or to preserve existing mature trees, provided that the average spacing standard of at least one (1) tree for every fifty (50) feet of street frontage is maintained. All trees shall have a caliper of two (2) inches and shall be nursery grown, of substantially uniform size and shape and have straight trunks. Trees shall be properly planted and staked. The developer shall make provisions for regular watering and maintenance of the street trees until they are established. Dead or dying trees shall be replaced by the developer during the next planting season.

- (3) At least five percent (5%) of the interior parking area of common parking areas shall be landscaped with plantings, which shall be in protected areas, such as along the walkways, in center islands, at the end of bays or in diamonds between parking stalls. At least one (1) tree for each ten (10) parking spaces shall be planted or preserved. A mixture of hardy flowering and/or decorative evergreen and deciduous trees may be planted. The areas between trees shall be planted with shrubs or ground cover.
- (4) Ground cover grass shall be planted over all disturbed land areas.
- (5) All plant materials shall be of nursery stock, healthy and free of disease.
- (6) All plantings shall be watered regularly and in a manner appropriate for the specific plant species through the first growing season, and dead or dying plants shall be replaced by the developer during the next planting season.

L. Low and moderate income housing.

- (1) Required percentage of affordable units built on-site. The developer shall designate and set aside twenty-three and three one-hundredths percent (23.03%) of the dwelling units to be built on-site to be sold or rented at prices or rents that are affordable to low and moderate income households.
- (2) Required bedroom distribution for non-senior citizen affordable units.
  - (a) At a minimum, thirty percent (30%) of all low and moderate income units shall have two (2) bedrooms.
  - (b) At a minimum, twenty percent (20%) of all low and moderate income units shall have three (3) bedrooms.
  - (c) The combination of efficiency and one bedroom units shall be at least ten percent (10%) and no greater than twenty percent (20%) of the total low and moderate income units.
  - (d) Low and moderate income units restricted to senior citizens may utilize a modified bedroom distribution. At a minimum, the number of bedrooms shall equal the number of senior citizen low and moderate income units within the Inclusionary development. The standard can be met by creating all one bedroom units or by creating a two bedroom unit for each efficiency unit. Applications to waive this standard shall be made in accordance with N.J.A.C. 5:93 and shall be referred by the Council on Affordable Housing (C.O.A.H.) to the DCA Division of Aging for review and recommendations.
- (3) Low and moderate income split.
  - (a) At least fifty percent (50%) of all units designated for low and moderate income households shall be affordable to low income households.
  - (b) At least one-third (1/3) of all units in each bedroom mix shall be available for low income households.
  - (c) At least fifty percent (50%) of all rental units designated for low and moderate income households shall be available for low income households.
- (4) Construction phasing of market-priced and low and moderate income units.
  - (a) Construction of senior housing units shall be simultaneous with the initial construction of the market-priced units.
  - (b) Low and moderate income units shall be built in accordance with the following schedule:

<b>Minimum Percentage of Low and Moderate Units Completed</b>	<b>Percentage of Market-Housing Units Completed</b>
0	25
10	25, plus 1 unit
50	50
75	75
100	90

- (c) A unit is deemed complete when its certificate of occupancy has been issued. This schedule shall apply unless an accelerated schedule has been agreed to by the Township and developer.
- (5) Age restrictions. There shall be no age restrictions on the occupants of the designated low and moderate income units except within the senior housing portion of the development.
- (6) Location and design of low and moderate income housing within the tract.
  - (a) The low and moderate income units shall be sited on the tract in locations at least as accessible to common open spaces and community facilities as market-priced dwellings.
  - (b) The exterior design of the low and moderate income units shall be harmonious in scale, texture and materials with the market priced units on the tract.
- (7) Senior housing for elderly persons.
  - (a) For the purposes of this section housing for elderly persons shall be deemed to mean one or more dwelling units intended and specifically designed to provide well-constructed and adequate housing for elderly persons having low or moderate income. Such housing shall be occupied by qualified elderly citizens; one (1) unqualified person may reside in a dwelling unit with an elderly person or persons as permitted above, if the presence of such a person is essential to the physical care or economic support of the elderly person or persons. Such dwelling units may be grouped together in one or more multi-unit buildings. Each dwelling unit shall consist of complete living accommodations, including cooking facilities. Each dwelling unit shall comply with all applicable design criteria of the Americans with Disabilities Act (ADA) and the Older Americans Act.
  - (b) Minimum lot area twelve (12) acres.
  - (c) Senior housing for the elderly shall conform to all of the following minimum standards.
    - [1] No building shall be located less than fifty (50) feet from a street line.
    - [2] There shall be provided off-street parking of at least one and one-half (1.5) spaces for each dwelling unit and further, visitor and employee parking spaces shall be provided at the rate of one (1) space for each ten (10) dwelling units.
    - [3] Maximum density of dwelling units - ten (10) per acre.
    - [4] Maximum percent coverage of all buildings - twenty percent (20%).
    - [5] All dwelling units shall have a minimum of one (1) bedroom.
    - [6] Said project shall be served by public water and sewer facilities.
    - [7] The maximum allowable height for any structure to be used totally or in part as a residential building shall be no more than two (2) stories or thirty-five (35) feet in height.
  - (d) There shall be a minimum of two (2) driveways or internal access roads to any such project which shall be separated from each other by no less than one hundred fifty (150) feet.
- (8) Compliance with Affordable Housing Ordinance. The developer shall comply with the controls on affordability, pricing, rent level and purchaser and tenant screening provisions of the Township's Affordable Housing Ordinance (Chapter 131 of the Code of the Township of Monroe).
- (9) Establishing rents and prices of units.
  - (a) The following criteria, in conjunction with realistic market information, shall be used in determining maximum rents and sale prices; pursuant to COAH regulations:
    - [1] Efficiency units shall be affordable to one (1) person households.

- [2] One-half (1/2) of all one (1) bedroom units shall be affordable to one (1) person households; and one-half (1/2) of all one (1) bedroom units shall be affordable to two (2) person households.
  - [3] One-half (1/2) of all two (2) bedroom units shall be affordable to two (2) person households; and one-half (1/2) of all two (2) bedroom units shall be affordable to three (3) person households; and
  - [4] One-half (1/2) of all three (3) bedroom units shall be affordable to four (4) person households and one-half (1/2) of all three (3) bedroom units shall be affordable to five (5) person households.
- (b) Median income by household size shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four (4) is multiplied by the households within the county. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households in each housing region. This quotient represents the regional weighted average of median income for a household of four (4). This regional weighted average is adjusted by household size based on multipliers used by HUD to adjust median income by household size. The maximum average rent and price of low and moderate income units within each Inclusionary development shall be affordable to households earning fifty-seven and five-tenths percent (57.5%) of median income. Moderate income sales units shall be available for at least three (3) different prices and low income sales units shall be available for at least two (2) different prices.
  - (c) In averaging fifty-seven and five-tenths percent (57.5%) under paragraph (b) above, the developers of rental units may establish one rent for a low income unit and one rent for a moderate income unit for each bedroom distribution.
  - (d) Owner occupied and rental units of low and moderate income units shall utilize the same heating source as market units within the Inclusionary development.
  - (e) It shall be required that the initial price of a low and moderate income owner-occupied single family housing unit shall be established so that after a down payment of five percent (5%), the monthly principal, interest, insurance, property taxes (property taxes shall be based on the restricted value of low and moderate income units) and condominium or homeowner fees do not exceed twenty-eight percent (28%) of the eligible gross monthly income. It shall be required that master deeds of Inclusionary developments regulate condominium or homeowner association fees or special assessments of low and moderate income purchasers at a specific percentage of those paid by market purchasers. The percentage that shall be paid by low and moderate income purchasers shall be at least one-third (1/3) of the condominium or homeowner association fees paid by market purchasers. Once established within the master deed, the percentage shall not be amended without prior approval from the Council on Affordable Housing.
  - (f) It shall be required that gross rents, including an allowance for utilities, be established so as not to exceed thirty percent (30%) of the gross monthly income of the appropriate household size referenced in paragraph (a) above. The allowance for utilities shall be consistent with the utility allowance approved by HUD for use in New Jersey.
  - (g) Low income housing units shall be reserved for households with a gross household income less than or equal to fifty percent (50%) of the median income approved by COAH. Moderate income housing units shall be reserved for households with a gross household income less than eighty percent (80%) of the median income approved by COAH. For example, a household earning forty-eight percent (48%) of median income may be placed in any low income unit; however, a household earning fifty-three percent (53%) may not qualify for a low income unit. A household earning sixty-seven percent (67%) of median may be placed in any moderate income housing unit. A household earning less than fifty percent (50%) of median may be placed in a moderate income housing unit. Low and moderate income units shall not be offered to households that are not income eligible without COAH approval pursuant to N.J.A.C. 5:93-9.16.

- (10) Affordability controls.
  - (a) To assure that newly constructed low and moderate income sales units remain affordable to low and moderate income households for an appropriate period of not less than twenty (20) years, the Township shall require all conveyances of newly constructed low and moderate income sales units to contain the twenty (20) year deed restriction and mortgage lien as adopted by COAH.
  - (b) To assure that newly constructed low and moderate income rental units remain affordable to low and moderate income households for a period of thirty (30) years, the Township shall require all newly constructed low and moderate income rental units to contain a thirty (30) year deed restriction and mortgage lien as adopted by COAH.
- (11) General provisions concerning uniform deed restriction liens and enforcement through certificates of occupancy or reoccupancy on sales units.
  - (a) The Township shall not issue a certificate of occupancy for initial occupancy of low or moderate income sales units unless there is a written determination by the Monroe Township Affordable Housing Board that the unit is to be controlled by a deed restriction and mortgage lien as adopted by COAH. The Monroe Township Affordable Housing Board shall make such determination within forty (40) days of receipt of a proposed deed restriction and mortgage lien. Amendments to the deed restriction and lien shall be permitted only if they have been approved by COAH.
  - (b) The Township shall not permit the initial occupancy of a low or moderate income sales unit prior to issuance of a certificate of occupancy in accordance with paragraph (a) above.
  - (c) The Township shall require a certificate of reoccupancy for any occupancy of a low or moderate income sales unit resulting from a resale and shall not issue such certificate unless there is a written determination by the Monroe Township Affordable Housing Board that the unit is to be controlled by the deed restriction and mortgage lien prior to issuance of a certificate of occupancy, regardless of whether the seller had executed the deed restriction and mortgage lien adopted by COAH upon acquisition of the property. The Monroe Township Affordable Housing Board shall make such a determination within forty (40) days of receipt of a proposed deed restriction and mortgage lien. Said certification of reoccupancy shall only be issued after the delegated Township Affordable Housing Board staff member has conducted a code compliance inspection and approved the unit to be reoccupied.
  - (d) The certificate of reoccupancy shall not be required in sales for which controls are allowed to expire or in which a repayment option is being exercised pursuant to N.J.A.C. 5:93-9.3.
  - (e) The mortgage lien and the deed restriction shall be filed with the records office of the county. The lien and deed restriction shall be in the form adopted by COAH.
  - (f) The deed restriction, including the repayment clause, and the mortgage lien shall have priority over all mortgages on the property except for a first mortgage placed on the property by the mortgagee prior to the expiration of resale controls.

M. Application procedure.

- (1) Procedure for review and decision on a proposed planned residential development with affordable housing units:
  - (a) The Planning Board shall review the application for approval of a planned development.
  - (b) Public notice of a hearing(s) on an application for a planned development shall be given as required by statute, N.J.S.A. 40:55D-12.

- (c) Upon submission to the administrative officer of a complete application, the Planning Board shall grant or deny approval to the planned residential development within ninety-five (95) days of the date of submission or within such further time as consented to by the applicant. Failure of the Board to act within the prescribed time shall constitute approval.
- (2) Subdivision/site development plan. The developer shall submit a subdivision/site development plan that meets the subdivision and site plan requirements of this Chapter.
- (3) Developer's affordable housing plan. The developer shall submit ten (10) copies of a developer's affordable housing plan that demonstrates compliance with the low and moderate income housing requirements of this Chapter and the controls on affordability requirements of the Affordable Housing Ordinance (Chapter 131 of the Code of the Township of Monroe).
- (4) Waiver of Planning Board and/or Zoning Board application fees for low and moderate income units. Notwithstanding the provisions of any ordinance to the contrary, no application fees shall be required for designated low and moderate income units.

**§ 108-6.22. PD/SH District.**

- A. Establishment authorized. Any other provisions of this Chapter to the contrary notwithstanding, there is hereby permitted and authorized the establishment of a senior housing community within the PD District as shown on the Official Zoning Map of the Township of Monroe, County of Middlesex, State of New Jersey and as herein defined, in accordance with the provisions and requirements of this Chapter.
- B. Definitions. As used in this Article, the following terms shall have the meanings indicated:
  - PLANNED RETIREMENT COMMUNITY – A residential community provided for permanent residents, in which the residential property and related open space are owned by a mutual nonprofit corporation, condominium association or other homeowners association or entity, where one hundred percent (100%) of the dwellings are occupied by at least one (1) person age fifty-five (55) or over and no other permanent occupant is under the age of forty-eight (48), except that if a legal occupant over forty-eight (48) but under fifty-five (55) is widowed, legally separated or divorced from an over fifty-five (55) legal occupant, prior to attaining age fifty-five (55), his or her occupancy status shall be protected, provided such entity, corporation or association is established in accordance with the laws of the State of New Jersey and qualifies for a Housing for Older Persons ("HOPA") exemption under the Fair Housing Act, 42 U.S.C. 3601, et seq.
  - SENIOR HOUSING COMMUNITY – See "Planned retirement community."
- C. Purpose. The purpose and intent of the PD-SH District is to enable the planned development of a residential retirement community which shall also contain recreational facilities, and may also contain medical and similar services required by the residents thereof in accordance with a comprehensive site development plan approved by the Planning Board of the Township of Monroe.
- D. Permitted and required uses.
  - (1) In a senior housing community, no building, structure or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained except for the following senior housing community uses on a reasonable basis essentially for the residents of the community, their guests and reasonable use by others designated by those holding title:
    - (a) Dwellings for owner-occupancy.
    - (b) The following required recreational uses, at least one (1) of each:
      - [1] Clubhouse. Each clubhouse shall provide at least six hundred (600) square feet of multipurpose space, not including indoor swimming pools, for each fifty (50) dwelling units. In addition, fully equipped facilities such as game rooms, art and crafts rooms, a kitchen, office space and service facilities may also be provided in the clubhouse. One (1) off-street parking space shall be provided for each four (4) seats provided in the combined total seating capacity of the entire clubhouse facility.

- [2] Swimming pool. A minimum of one (1) swimming pool shall be provided for each six hundred (600) dwelling units at a ratio of one and seven-tenths (1.7) square feet of water surface area for each dwelling unit which the pool will serve. The dimensions shall conform to the following guidelines: A twenty-five (25) meter pool shall have a minimum width of forty-five (45) feet, and a fifty (50) meter pool shall have a minimum width of sixty (60) feet. There shall also be provided an improved sitting area, contiguous to all sides of the pool, having an area two (2) times the water surface area of the pool.
- [3] Shuffleboard court and bocci courts.
- [4] Tennis courts.
- (c) Medical facilities. There shall be sufficient building space to adequately allow for the provision of all medical facilities for retirement communities as required by any applicable federal, state or local regulations. There shall also be provided conveniently located on-site loading space and access ways for use by emergency vehicles.
- (2) In addition to the above uses required, a senior housing community may also include the following:
  - (a) Fire station or fire protection facilities, and/or emergency medical response facilities.
  - (b) Administration, maintenance and security buildings.
- E. The area, yard and building requirements are as specified for this zone in the schedule of requirements in § 108-6.4 of this Article and the applicable subsections of this Chapter.
- F. Development standards. No building permit shall be issued for construction or other improvement for a senior housing community except in accordance with a site development plan for the overall site and an engineering and improvement plan for each section that has been approved by the Planning Board of the Township of Monroe, as prescribed in this Chapter. Such site development and engineering and improvement plans and each subsection thereof shall meet the following minimum requirements:
  - (1) Minimum area. The minimum site area for a planned development/senior housing community shall be at least one hundred seventy-five (175) acres.
  - (2) Residential density. In each senior housing community there shall be not more than 3.7 dwelling units for each gross acre of said residential community which includes, in addition to the land covered by buildings, landscaped open space, parking and circulation aisles and interior roads not dedicated for public use.
  - (3) Lot coverage by buildings. Not more than thirty percent (30%) of the gross area of each residential section shall be covered by all buildings.
  - (4) Building height. No buildings shall exceed a height of two (2) stories or thirty-five (35) feet, except that the height of water tanks shall be permitted up to fifty-five (55) feet.
  - (5) Perimeter setbacks. There shall be a setback of twenty-five (25) feet from any exterior boundary of the overall site of a PD-SH development, except that the setback shall be forty (40) feet from any exterior boundary that abuts an existing right-of-way with paved cartways. No building or structure other than entrance gatehouses, fences or freestanding walls shall be located within said setback area.
  - (6) Off-street parking.
    - (a) Off-street parking spaces shall be provided in accordance with the following schedule for each type of land use contained in a site development plan:
      - [1] One and one-half (1-1/2) spaces for each dwelling unit, one (1) of which shall be enclosed in a garage or carport.
      - [2] One (1) space for each four (4) seats provided in an auditorium, place of worship, and in the combined total seating capacity of the entire facility.
      - [3] One (1) space for each two hundred (200) square feet of floor space in a medical facility, plus additional space for each resident doctor.

- (b) In addition, the following general controls shall apply to all parking facilities:
  - [1] All parking spaces shall be at least ten (10) feet wide and twenty (20) feet long and clearly marked at those dimensions. All circulation aisles for said parking facilities shall be at least twenty-five (25) feet wide.
  - [2] On-site parking facilities shall be of a design and location that will not interfere with the efficient flow of traffic in the area and with the access of emergency and service vehicles, nor cause a safety or nuisance hazard to residents on the site or to adjoining properties. All assigned spaces shall be located within two hundred (200) feet of the dwelling units which they serve.
  - [3] In conforming to the off-street parking requirement of this Chapter, curb parking spaces shall not be included.
  - [4] No parking shall be permitted in the residential setback area.
  - [5] Lighting standards for outdoor parking areas shall be of a height and shall be reflected away from windows of the dwelling units in order to minimize the impact of such lighting on the residents in the dwelling units.
- (7) Roads. Interior roads not dedicated to public use shall have a paved roadway width of at least thirty (30) feet. Road improvements shall be made and maintenance shall be ongoing in accordance with the standards of the Township of Monroe. Provision shall be made for permanent ownership, to the end that the same shall not thereafter be required for dedication to the Township of Monroe for public use.
- (8) Sidewalks and walkways.
  - (a) A system of continuous walkways not less than four (4) feet in width shall be provided throughout the development, including any common open space, for safe pedestrian movement. Such walkways shall link the primary entrance(s) of the development with off-site Township, County or State roads. Such walkways need to parallel local streets.
  - (b) Paved sidewalks shall be provided adjacent to one (1) side of subcollector and local residential service streets.
  - (c) Walkways shall connect sidewalks along streets with the walkway of any common open space system such that the common open system is physically accessible from all streets and their associated sidewalks, and shall comply with all current ADA barrier-free design standards.
- (9) Buffers.
  - (a) Buildings shall be set back a minimum of twenty-five (25) feet from the property lines of the tract. At least fifteen (15) feet of this setback area shall either be preserved with its natural vegetation or landscaped to provide a reasonable visual buffer from adjacent property. Buffer areas and landscaping shall be designed in compliance with § 108-8.1 "Buffer Area and Landscaping" of the Land Development Code.
  - (b) Buffering shall provide a year-round visual screen in order to minimize adverse impacts on sites from adjacent areas. Buffering shall also ensure privacy for dwelling units and minimize adverse impacts from traffic, noise and glaring light.
  - (c) Buffering shall consist of a berm and fencing or evergreens, retention and detention ponds or combinations of materials, to achieve the stated buffering objectives.
- (10) Landscaping, shade trees and tree preservation.
  - (a) Existing mature trees and wooded areas shall be preserved to the maximum extent possible.

- (b) Street trees shall be planted on both sides of all streets, either massed at critical points or spaced evenly no more than fifty (50) feet apart along the street, or both, to create a street canopy effect. This spacing standard may be modified as reasonably necessary to accommodate driveway cuts and road intersections or to preserve existing mature trees, provided that the average spacing standard of at least one (1) tree for every fifty (50) feet of street frontage is maintained. All trees shall have a caliper of two and one-half (2 1/2) inches and shall be nursery grown, of substantially uniform size and shape and have straight trunks. The developer shall make provisions for regular watering and maintenance of the street trees until they are established. Dead or dying trees shall be replaced by the developer during the next planting season, subject to the review of the Monroe Township Shade Tree Commission.
  - (c) At least five percent (5%) of the interior parking area of any common parking areas shall be landscaped with plantings, which shall be in protected areas, such as along walkways, in center islands, at the end of bays or in diamonds between parking stalls. At least one (1) tree for each ten (10) parking spaces shall be planted or preserved. A mixture of hardy flowering and/or decorative evergreen and deciduous trees may be planted. The areas between trees shall be planted with shrubs or ground cover.
  - (d) Ground cover grass shall be planted over all disturbed land areas.
  - (e) All plant materials shall be of nursery stock, healthy and free of disease.
  - (f) All plantings shall be watered regularly and in a manner appropriate for the specific plant species through the first growing season, and dead or dying plants shall be replaced by the developer during the next planting season.
- G. Application procedure. No building permit or certificate of occupancy shall be issued for the construction of any building or other use of land in a planned development/senior housing community except in accordance with a Planning Board approved site development plan for the overall tract on which such buildings are to be located. For each section to be developed, an engineering and improvement plan for said section shall be approved by the Planning Board according to the following procedure:
- (1) Applications for site development approval shall be made to the Planning Board and shall be accompanied by a site development plan containing the information set forth hereafter. Upon approval of the application and the site development plan by the Planning Board, no other use shall be permitted of the land designated in the site plan other than was permitted in a PD-SH District. After approval of the site development plan by the Planning Board, application may be made for approval of separate sections in the PD-SH District by filing an engineering and improvement plan. No approval shall be granted if it is anticipated that each section shall be separately owned without a subdivision being granted by the Planning Board.
  - (2) The site development plan shall contain the following information:
    - (a) The outline of the tract proposed for use as a PD-SH District, including the dimensions.
    - (b) Name and title of person preparing map.
    - (c) Date, scale and north arrow.
    - (d) Tax map, block number and zone districts on which the property is located.
    - (e) The location of all watercourses, wooded areas, easements, rights-of-way, streets, roads, highways, freeways, railways, canals, rivers, buildings, structures or any feature directly on the property or beyond the property if such feature has an effect upon the use of said property.
    - (f) General topography of the tract showing two (2) foot interval contours.
    - (g) The general location of the proposed collector streets in the PD-SH District and their connections to existing public roadways.

- (h) The proposed land uses for the entire site showing the locations of the required and permitted uses as set forth in this section. The map shall also show clubhouses, maintenance buildings and the sites for all required facilities.
  - (i) A schedule of land uses by estimated acreage and a breakdown of the number of dwelling units by type of structure, that will be contained in the residential use areas.
  - (j) Such other features relevant in the evaluation of the site development plan or details as the applicant or the Planning Board may consider.
- (3) Engineering and improvement plan. No building permit or certificate of occupancy shall be issued for the construction or use of any building in a PD-SH District except in accordance with the approved engineering and improvement plans for the tract to be covered by one (1) master deed on which such buildings are to be located. Application for approval of engineering and improvement plans shall be made to the Planning Board and shall contain a map for the development of the tract, specifically setting forth the following:
- (a) Topography of existing and proposed contours at one (1) foot intervals and the elevations of all components of the facilities and utilities.
  - (b) Location of all dwelling units intended to be contained in one (1) master deed, garages, parking areas, roads and sidewalks drawn to scale with sufficient control elevations and profiles for construction layout and supervision.
  - (c) Locations, profiles and widths of all proposed roads with complete horizontal and vertical controls.
  - (d) The locations, profiles, sizes of all water mains, sanitary sewers and storm drains, together with drainage calculations. Identification of the system to be used for storage and removal of trash and garbage.
  - (e) Those buildings, structures and uses, other than dwellings, permitted and required in this Article.
  - (f) Architectural plans indicating typical floor plans; front, side and rear elevations; general design or architectural style; and information on the types of materials to be used.
  - (g) The location, design, size and type of signs and a description of their lighting mechanisms required essentially for the entrance to the entire development.
  - (h) Changes, if any, from the approved site development plan, together with the reasons for such changes. Changes will be permitted as long as the applicable percentages and size of each use are not varied from the site development plan previously approved by the Planning Board. Other major changes shall be subject to a resubmission of the site development plan and approval by the Planning Board.
- H. Consideration by a Planning Board. The Planning Board shall consider the proposed site development plan from the point of view of the standards and purposes of the regulations governing retirement communities so as to achieve a maximum of compatibility between the proposed development and the surrounding uses of land, the conservation of woodland and the protection of watercourses from erosion and silting and a maximum of safety, convenience and amenity for the residents of the community. To these ends the Planning Board shall consider:
- (1) That the proposed use of any of the component parts of the site development plan will not be detrimental to the general character of the neighborhood.
  - (2) That the proposed site development plan will not be incompatible with nor adversely affected by any conforming existing uses of land.
  - (3) That the proposed site development plan will not adversely affect any plans for the physical development of the Township as contained in this Chapter or in any master plan or portion thereof.
  - (4) That the proposed site development plan will provide adequate and logically arranged facilities for on-site circulation and access and egress for the estimated vehicular and pedestrian traffic generated by such use.

- (5) That the proposed site development plan has been drawn to protect and retain existing natural features such as trees, streams, etc.
  - (6) That the provision of landscaped open space or green areas required shall be so located and of such dimensions that their maximum use can be achieved by the residents of the PD-SH District.
  - (7) That no outdoor lighting shall be permitted to shine directly or cause a nuisance on any abutting property.
  - (8) That the proposed land use and the intensity of use is reasonable in terms of the logical, efficient and economical provision of services and utilities, such as water, sewers, police and fire protection, transportation and recreation facilities.
  - (9) That each proposed use contained in the site development plan, on an individual case basis, shall be further subject to the other specific conditions for such use as set forth in this Chapter.
  - (10) That the proposals for maintenance and conservation of the common open space are reliable and the amount, location and purpose of the common open space are adequate.
  - (11) That in the case of a proposed development which contemplates construction over a period of years, that the terms and conditions intended to protect the interest of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.
- I. Planning Board report. If after a public hearing the Planning Board finds that a proposed site development plan meets the purposes of these regulations, it shall approve the plan. The Board shall memorialize by resolution, in writing, its approval or disapproval promptly, but in no case later than forty-five (45) days after the filing of the application unless the applicant consents to the extension of this time limit. In the case of disapproval, the reasons shall be given and the changes necessary for approval shall be stated.
  - J. Departures from site development plan. Building permits for sections of the overall development plan shall be issued only in accordance with the approved site development plan. Any departure from the plan shall be cause for revocation of a building permit or denial of a use and occupancy permit. Any proposed changes in the plan shall be resubmitted for approval according to the procedure contained in this Chapter.
  - K. Duration of approvals. All approvals shall be consistent with the Municipal Land Use Law, as it may be amended. The duration of any Overall Site Development Plan shall comply with the language as set forth at N.J.S.A. 40:55D-45.1. The effect of any preliminary subdivision or site plan approvals shall comply with the language as set forth at N.J.S.A. 40:55D-49. The effect of any final site plan or major subdivision approval shall comply with the language as set forth at N.J.S.A. 40:55D-52.

If, at the end of those time periods no application for a building permit for one (1) or more buildings has been filed, then the plan shall be considered as having lapsed and shall be of no effect unless resubmitted as a new application to the Planning Board.
  - L. Record plat. A record plat showing the boundaries of the area zoned under the provisions of this section shall be recorded in the Middlesex County Clerk's Office within ninety (90) days of approval unless the Planning Board extends the time for filing for an additional period not to exceed ninety (90) days. No building permit shall be issued for construction until the plat has been filed. The plat shall state thereon that the proposed use has been classified as a planned development/senior housing community and shall be duly signed and dated by the Mayor of the Township of Monroe and attested by the Township Clerk, with the date of the Township Council's action noted thereon.
  - M. Development.
    - (1) Development of all the uses and facilities approved on the site development plan shall proceed at the same rate as the dwelling units. To assure compliance with this section, the Construction Official shall, from time to time, following the approval of a planned development/senior housing community, review all of the building permits used for said PD-SH District and examine the construction which has taken place on the site. If he shall find that the percentage of the total acreage set aside on the site development plan for such facilities which has been developed is less than the percentage of the total acreage set aside of dwelling units which has been developed, he shall report such fact to the Planning Board, which shall take such action as it shall deem appropriate.

- (2) Prior to the issuance of the certificates of occupancy for the last ten percent (10%) of the dwelling units of any residential section, the applicant shall furnish the Construction Official with three (3) copies of an as-built system indicating specific elevations of the storm drainage system and site grading. Only after review and approval by the Township Engineer will the remaining certificates of occupancy be issued.

**§ 108-6.23. PRC-2 Planned Retirement Community, District 2.**

- A. Establishment. There is hereby permitted and created a Planned Retirement Community-2 (PRC-2) shown on the Official Zoning Map of the Township of Monroe, County of Middlesex.
- B. Definitions. As used in this Article, the following terms shall have the meanings indicated.

PLANNED RETIREMENT COMMUNITY – A residential community provided for permanent residents, in which the residential property and related open space are owned by a mutual nonprofit corporation, condominium association or other homeowners association or entity, where one hundred percent (100%) of the dwellings are occupied by at least one (1) person age fifty-five (55) or over and no other permanent occupant is under the age of forty-eight (48), except that if a legal occupant over forty-eight (48) but under fifty-five (55) is widowed, legally separated or divorced from an over fifty-five (55) legal occupant, prior to attaining age fifty-five (55), his or her occupancy status shall be protected, provided such entity, corporation or association is established in accordance with the laws of the State of New Jersey and qualifies for a Housing for Older Persons ("HOPA") exemption under the Fair Housing Act, 42 U.S.C. 3601, et seq.

SENIOR HOUSING COMMUNITY – See "Planned retirement community."

- C. Purpose. The purpose and intent of the PRC-2 District is to promote the planned development of a residential retirement community which shall offer certain recreational facilities for its residents in accordance with the general development plan approved by the Planning Board.
- D. Permitted and required uses in a planned retirement community.
  - (1) No building, structure or land shall be used for and no building structure shall hereafter be erected, structurally altered, enlarged or maintained except for the following planned retirement community uses by the residents of the community, their guests or other authorized users.
    - (a) Dwellings for owner-occupancy.
    - (b) The following required recreational uses, at least one (1) of each:
      - [1] Clubhouse. Each clubhouse shall provide at least six hundred (600) square feet of multi-purpose space, not including indoor swimming pools, for each fifty (50) dwelling units. In addition to the multi-purpose space, fully equipped facilities such as game rooms, arts and crafts rooms, a kitchen, office space and service facilities shall also be provided in the clubhouse. One (1) off-street parking space shall be provided for every four (4) dwelling units, except that this requirement may be reduced when other conveniently accessible and available off-street parking facilities are available.
        - [a] If the PRC-2 adjoins a planned retirement community, and if the PRC-2 shares a community association with the adjoining planned retirement community whereby the residents may access the facilities of each retirement community, this section shall be satisfied if the gross square footage of the clubhouse(s), inclusive of all uses, excepting that of indoor swimming pools, is at least fifteen (15) square feet for each dwelling unit.

- [2] Swimming pool. At least one (1) swimming pool shall be provided at a ratio of one and seven-tenths (1.7) square feet of water surface area for each dwelling unit the pool will serve. The dimensions shall conform to the following guidelines: A twenty-five (25) meter pool shall have a minimum width of forty-five (45) feet, and a fifty (50) meter pool shall have a minimum width of sixty (60) feet. There shall also be provided an improved sitting area, contiguous to all sides of the pool, having an area two (2) times the water surface area of the pool.
    - [a] If the PRC-2 adjoins a planned retirement community, and if the PRC-2 shares a community association with the adjoining planned retirement community whereby the residents may access the facilities of each retirement community, the total area of the swimming pools of the adjoining communities must meet the square footage requirements of this section.
  - [3] Lake.
  - [4] Shuffleboard court.
  - [5] Tennis court.
  - [6] Medical facility. Minimally, the medical facility shall be equipped with instruments and equipment necessary for responding to emergency situations and for those duties routinely performed by a registered nurse.
    - [a] If the PRC-2 development consists of six hundred (600) or more residential units, there shall be a medical facility on the premises staffed by a registered nurse on a twenty-four (24) hour per day basis, with staffing to commence upon the issuance of the one hundred and fiftieth (150) certificate of occupancy.
    - [b] If the PRC-2 development consists of less than six hundred (600) residential units, there shall be space available and furnished for use as a medical facility if the need arises.
- E. Development standards. No building permit shall be issued for construction or other improvement in a planned retirement community except in accordance with a general development plan for the overall site and an engineering and improvement plan for each section that has been approved by the Planning Board. The following development standards shall apply to a PRC-2.
- (1) Minimum area. The minimum site area for a PRC-2 shall be at least one hundred (100) acres contained in one (1) parcel that is not bisected by existing streets, roads, rights-of-way or railroads.
  - (2) Residential density. In each residential section of a PRC-2 there shall not be more than three and one-half (3.5) dwelling units for each gross acre of that residential section.
  - (3) Lot coverage by buildings. Not more than twenty percent (20%) of the gross area of each residential section shall be covered by all buildings.
  - (4) Landscaped open space. At least sixty percent (60%) of each residential section of a PRC-2 shall be landscaped open space or green area, which shall not include paved streets and parking areas.
  - (5) Building height. No buildings shall exceed a height of two (2) stories or thirty-five (35) feet.
  - (6) Landscape buffer requirements. A buffer area eighty (80) feet in width shall be provided along any road frontage, and a forty (40) foot wide buffer along any side or rear lot line. The buffer shall consist of a minimum six (6) foot high sculptured, undulating berm that has a top of berm width ranging from ten (10) to twenty (20) feet. The top of the berm will be planted with a mass of evergreen trees with an average height of eight (8) feet. This evergreen stand shall be planted in a natural pattern, which achieves a full screening effect. The Planning Board or Board of Adjustment shall have the right to require a continuous six (6) foot berm as a particular case may warrant. The sides of the berm shall be established with shrubs and ground cover. The landscaping and plant material shall conform to § 108-8.1J. The landscaped berm shall be installed and established prior to the commencement of construction. No structures, fences, walls or accessory buildings shall be located within the buffer area. If the frontage contains woodland, the Planning Board or Board of Adjustment shall determine the extent of any supplemental planting.

- (a) If the PRC-2 adjoins a planned retirement community and a common homeowner's association is formed then no buffer is required between the property lines of the adjoining communities.
- (7) Off-street parking.
  - (a) Off-street parking spaces shall be provided in accordance with the following schedule for the type of land use contained in a site development plan:
    - [1] Two (2) spaces for each dwelling unit, one (1) of which shall be enclosed in a garage.
    - [2] One (1) space for every eight (8) persons for whom seating is provided in an auditorium except that this number may, at the discretion of the Planning Board or Board of Adjustment, be reduced insofar that combined use of parking lots is available.
    - [3] One-half (1/2) space per unit shall be provided for visitor parking.
    - [4] All parking spaces shall be ten (10) feet wide and twenty (20) feet long.
    - [5] No parking shall be permitted in the residential setback area.
    - [6] Lighting in outdoor parking areas shall be of such height and reflected away from windows of the dwelling units or adjacent properties in order to minimize the impact of such lighting on the residents in the dwelling units.

**§ 108-6.24. PRC-3 Planned Retirement Community, District 3.**

- A. Establishment. There is hereby permitted and created a Planned Retirement Community - 3 (PRC-3) as shown on the Official Zoning Map of the Township of Monroe, County of Middlesex.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated.

PLANNED RETIREMENT COMMUNITY – A residential community provided for permanent residents, in which the residential property and related open space are owned by a mutual nonprofit corporation, condominium association or other homeowners association or entity, where one hundred percent (100%) of the dwellings are occupied by at least one (1) person age fifty-five (55) or over and no other permanent occupant is under the age of forty-eight (48), except that if a legal occupant over forty-eight (48) but under fifty-five (55) is widowed, legally separated or divorced from an over fifty-five (55) legal occupant, prior to attaining age fifty-five (55), his or her occupancy status shall be protected, provided such entity, corporation or association is established in accordance with the laws of the State of New Jersey and qualifies for a Housing for Older Persons ("HOPA") exemption under the Fair Housing Act, 42 U.S.C. 3601, et seq.

SENIOR HOUSING COMMUNITY – See "Planned retirement community."
- C. Purpose. The purpose and intent of the PRC-3 District is to promote the planned development of an active adult community which shall offer certain recreational facilities for its residents in accordance with the general development plan approved by the Planning Board.
- D. Permitted and required uses in a planned retirement community.
  - (1) No building, structure or land shall be used for and no building structure shall hereafter be erected, structurally altered, enlarged or maintained except for the following planned retirement community uses by the residents of the community, their guests or other authorized users.
    - (a) Dwellings for owner-occupancy.
    - (b) The following required recreational uses, at least one (1) of each:
      - [1] Clubhouse. Each clubhouse shall provide at least six hundred (600) square feet of multipurpose space, not including indoor swimming pools, for each fifty (50) dwelling units. In addition to the multipurpose space, fully equipped facilities such as game rooms, arts and crafts rooms, a kitchen, nurses' station, office space and service facilities shall also be provided in the clubhouse. One (1) off-street parking space shall be provided for every eight (8) dwelling units, except that this requirement may be reduced when other conveniently accessible and available off-street parking facilities are available.

- [2] Swimming pool. At least one (1) swimming pool shall be provided at a ratio of one and seven-tenths (1.7) square feet of water surface area for each dwelling unit the pool will serve. The dimensions shall conform to the following guidelines: A twenty-five (25) meter pool shall have a minimum width of forty-five (45) feet, and a fifty (50) meter pool shall have a minimum width of sixty (60) feet. There shall also be provided an improved sitting area, contiguous to all sides of the pool, having an area two (2) times the water surface area of the pool.
  - [3] Shuffleboard, or bocce court.
  - [4] Tennis court.
  - [5] A nurses station room.
- E. Development standards. No building permit shall be issued for construction or other improvement in an active adult community except in accordance with a general development plan for the overall site and an engineering and improvement plan for each section that has been approved by the Planning Board. The following development standards shall apply to a PRC-3.
- (1) Minimum area. The minimum site area for a PRC-3 shall be at least fifty (50) acres contained in one (1) parcel that is not bisected by existing streets, roads, rights-of-way or railroads.
  - (2) Residential density. In each residential section of a PRC-3 there shall not be more than three and one-half (3.5) dwelling units for each gross acre of that residential section.
  - (3) Lot coverage by buildings. Not more than twenty percent (20%) the gross area of each residential section shall be covered by all buildings.
  - (4) Landscaped open space. At least sixty percent (60%) of each residential section of a PRC-3 shall be landscaped open space or green area, which shall not include paved streets and parking areas.
  - (5) Building height. No buildings shall exceed a height of two (2) stories or thirty-five (35) feet.
  - (6) Buffers. There shall be a buffer of eighty (80) feet from a major collector road or railroad and a forty (40) foot setback from any other road or property line of the overall site of a PRC-3 development. No buildings or structure other than entrance gatehouses, fences, or freestanding walls shall be located within said setback area. The design and composition of a buffer shall comply with § 108-8.1.
  - (7) Off-street parking.
    - (a) Off-street parking spaces shall be provided in accordance with the following schedule for the type of land use contained in a site development plan:
      - [1] Two (2) spaces for each dwelling unit, one (1) of which shall be enclosed in a garage.
      - [2] One (1) space for every eight (8) persons for whom seating is provided in an auditorium except that this number may be reduced insofar that combined use of parking lots is available.
      - [3] One-half (1/2) space per unit shall be provided for visitor parking.
      - [4] All parking spaces shall be ten (10) feet wide and twenty (20) feet long.
      - [5] No parking shall be permitted in the residential setback area.
      - [6] Lighting in outdoor parking areas shall be of such height and reflected away from windows of the dwelling units or adjacent properties in order to minimize the impact of such lighting on the residents in the dwelling units.

**§ 108-6.25. OP Office Professional District.**

The following regulations shall apply in the OP Office Professional District.

A. Permitted uses.

- (1) Professional and general offices, including but not limited to:

- (a) Law and accounting.
  - (b) Engineering and other licensed professional.
  - (c) Real estate.
  - (d) Medical.
  - (e) Data processing.
  - (f) Banks and other fiduciary institutions.
  - (g) Insurance.
  - (h) Management and advertising.
  - (i) Research laboratories subject to the performance standards of Article V of this Chapter.
- B. Permitted accessory uses:
- (1) Customary accessory uses and buildings incidental to and supporting the use of the principal building.
  - (2) Parking and loading facilities.
- C. The area, yard and building requirements are as specified for this zone in the schedule of requirements in § 108-6.4 of this Article and the applicable subsections of this Chapter.
- D. Conditional uses requiring a conditional use permit, subject to the provisions of Article VII of this Chapter.
- (1) Fraternal, social, or civic associations.
  - (2) Satellite antennas.
  - (3) Public utility installations.
- E. Signs are permitted as per Article X of this Chapter.
- F. Parking is required as per Article IX of this Chapter.
- G. Fences are permitted as per Article VIII of this Chapter.
- H. Buffers.
- (1) A buffer area of twenty (20) feet in width shall be provided alongside a rear lot line that abuts a residential use. Such buffer area shall be suitably landscaped with trees, shrubs and/or ground cover in accordance with a landscaping plan approved by the Planning Board as part of site plan approval.
  - (2) Parking shall be set back ten (10) feet from the right-of-way.

**§ 108-6.26. ASOZ Airport Safety Overlay Zone.**

- A. The Airport Safety Overlay Zone is established in conformance with the general requirements and provisions of the Air Safety and Hazardous Zoning Act of 1983 Chapter 62 (N.J.S.A. 27:1-61 et seq.) and in accordance with N.J.A.C. 16:62 (16 N.J.R. 977-83, 17 N.J.R. November 4, 1985, 2673-2674) and N.J.A.C. 16:62 (21 N.J.R. 1378 May 15, 1989).
- B. The location of the Old Bridge Airport, adjacent to Monroe Township, requires the establishment of an Airport Safety Zone, including runway subzones, runway end zones and clear zones, pursuant to N.J.A.C. 16:62 et seq.
- C. Delineation of airport safety areas.
- (1) Areas within the Airport Safety Zone shall include those areas of land or water, or both, where an airport hazard might be created or established if not prevented as provided by N.J.A.C. 16:62 et seq. The boundaries of the Airport Safety Zone established for the Old Bridge Airport shall be utilized as the boundaries of the Airport Safety Overlay Zone within Monroe Township.
  - (2) The delineation of the Airport Safety Overlay Zone is shown on the Monroe Township Zoning Map and the overlay boundaries and these regulations shall be interpreted and applied in accordance with N.J.A.C. 16:62, et seq.

- D. Development activity within the Airport Safety Overlay Zone is hereby restricted in accordance with the provisions of this subsection.
- E. No person shall establish an airport hazard which is constituted by either:
  - (1) Any use of land or water, or both, which may create a dangerous condition for persons or property in or about an airport or aircraft during landing or taking-off at an airport; or
  - (2) Any structure or tree which obstructs the airspace required for the flight of aircraft in landing or taking-off at an airport.
- F. No person shall build, rebuild, create, or cause to be built, rebuilt or created, any object, structure, or plant, or cause to be planted or permit to grow a tree or vegetation, which will interfere with, diminish, change or obstruct the airspace or landing and take-off area available for the landing and take-off of aircraft at a public use airport except that this subsection shall not require the removal of or lowering of, or other change or alteration of any structure or tree not conforming to the rules when this subsection was adopted.
- G. Minimum development standards. Within the Airport Safety Overlay Zone, the following standards are hereby established:
  - (1) Vertical height obstruction. No person shall create a vertical height obstruction from the use of any vertical structure or planting of a tree which would violate the provisions of N.J.A.C. 16:62-4.2.
  - (2) Specifically prohibited land uses. The following land uses within the Airport Safety Overlay Zone shall be prohibited unless written approval from the New Jersey Commissioner of Transportation is obtained, provided that such uses are permitted within the underlying zoning district.
    - (a) Residential dwelling units not situated on a lot of at least three (3) acres in size, except that lawful pre-existing single-family structures that are permitted by the underlying zone district, but which are not situated on a lot of at least three (3) acres, shall not be deemed to be prohibited.
    - (b) Planned unit developments and multi-family dwellings.
    - (c) Hospitals.
    - (d) Schools.
    - (e) Above-ground bulk tank storage of compressed flammable or compressed toxic gases and liquids.
    - (f) Within the runway end subzones only, the above-ground bulk tank storage of flammable or toxic gases and liquids.
    - (g) Uses that may attract massing birds including landfills.
    - (h) Above grade major utility transmission lines and/or mains.
- H. Permitted uses.
  - (1) Permitted uses shall be as listed in the existing Neighborhood Commercial District and in conformance with the height regulations.
- I. Permits. Creation or expansion of a prohibited land use or vertical height obstruction within the Airport Safety Overlay Zone shall require a permit as follows:
  - (1) An applicant for a project requiring creation or establishment of a prohibited land use, or creation or establishment of a vertical height obstruction shall first apply for approval to the appropriate municipal agency.
  - (2) If the municipal agency approves the application, that approval shall be conditioned on the applicant applying and receiving a permit from the New Jersey Commission of Transportation in accordance with N.J.A.C. 16:62-6.1.
  - (3) An application for a permit will only be considered by the N.J.D.O.T. if accompanied by a resolution of approval from the municipal agency requesting the permit.

(4) Development or creation of any prohibited land use or vertical height obstruction shall not commence until a permit has been issued by the New Jersey Commission of Transportation.

J. Conditions not conforming to the standards of this Chapter.

(1) A pre-existing structure or use located in a clear zone and not in conformance with the standards of the Chapter shall be classified as nonconforming.

(2) Variances. No variance, subdivision or other relief from the standards promulgated by or under N.J.A.C. 16:62-2 within the Airport Safety Overlay Zone may be granted by the Township.

**§ 108-6.27 RR-FLP Rural Residential-Farmland Preservation District.**

The following regulations shall apply in the RR-FLP Rural Residential-Farmland District.

A. Permitted uses.

(1) Single-family dwellings.

(2) Farms, truck gardens, and other agricultural activities subject to the following:

(a) Stables housing horses shall not be located closer than one hundred (100) feet to any property line.

(b) The number of horses on the site shall be limited to a ratio of one (1) horse for each forty thousand (40,000) square feet of the site or major fraction thereof in excess of the first acre of lot area.

(3) Parks, playground and other recreation facilities operated by Monroe Township.

(4) Township municipal offices, library, fire, first aid, municipal utilities, police stations, schools and other buildings.

B. Permitted accessory uses.

(1) Private garages for the storage of vehicles used by the residents on the premises.

(2) Private swimming pools for use by the residents on the premises as per the requirements of Article XII of this Chapter.

C. The area, yard and building requirements are as specified for this zone in the schedule of requirements in § 108-6.4 of this Article and the applicable subsections of this Chapter.

D. Conditional uses requiring a conditional use permit, subject to the provisions of Article VII of this Chapter.

(1) Farm stand or market.

(2) Parks, playgrounds and other public or private recreation facilities not operated by Monroe Township.

(3) Annual membership clubs, including country, golf, tennis and swim clubs.

(4) Quasi-public uses.

(5) Extended, intermediate and long-term care facilities.

(6) Hospitals.

(7) Nursery, landscaping and horticulture.

(8) Public utility installations.

(9) Community residences for the developmentally disabled.

(10) Satellite antennas.

E. Cluster development. For the purpose of facilitating sound planning, encouraging coordinated community development and preserving open space and farmland, certain deviations from the above requirements may be permitted if appropriate conditions prevail and the standards and regulations are met for the RR-FLP Residential-Agricultural District as set forth in § 108-6.4 and the cluster provisions of § 108-6.81. A cluster of noncontiguous properties may be permitted between the RR-FLP, R3-A, R-60, R-30, and the R-20 zone. The Planning Board may approve the development of a noncontiguous cluster, provided it serves municipal purposes and is suitably located to preserve open space, farmland or parks, consistent with the Monroe Township Open Space and Recreation Plan.

- F. Signs are permitted as per Article X of this Chapter.
- G. Parking is required as per Article IX of this Chapter.
- H. Fences are permitted as per Article VIII of this Chapter.

**§ 108-6.28 PRD-AH-AR Planned Residential Development-Affordable Housing-Age Restricted District**

- A. The purpose of this subsection is to establish the standards and requirements for Inclusionary development that includes a mix of market-rate age-restricted housing and housing that is affordable to low and moderate income households. The affordable housing will assist Monroe Township in meeting its constitutional and statutory obligations to provide a realistic opportunity for the construction of its fair share of its region's needed low and moderate income housing.
- B. [Reserved]
- C. Definitions. The age-restricted components of the development in the PRD-AH-AR Planned Residential Development-Affordable Housing-Age Restricted District shall have the meanings defined in § 108-6.23.B of this Article.
- D. Permitted uses.
  - (1) Inclusionary housing development consisting of affordable age-restricted housing as defined by this Article and the current rules of the New Jersey Council of Affordable Housing and market-rate age-restricted housing. All housing shall comply with the provisions set forth herein this section. Permitted age-restricted residential dwellings include:
    - (a) Market-rate detached single-family dwellings.
    - (b) Market-rate attached single-family dwellings.
    - (c) Market-rate townhouses.
    - (d) Market-rate condominium flats.
    - (e) Affordable detached single-family dwellings.
    - (f) Affordable attached single-family dwellings.
    - (g) Affordable townhouses.
    - (h) Affordable condominium flats.
  - (2) No building, structure or land shall be used for and no building structure shall hereafter be erected, structurally enlarged or maintained except for the permitted affordable and market-rate age-restricted housing to be used by the residents of the Inclusionary housing development, their guests or other authorized users.
- E. The area, yard and building requirements for Inclusionary housing development are as specified for this zone in the schedule of requirements in § 108-6.4 of this Article and the applicable subsections of this Chapter.
- F. Development requirements. No building permit shall be issued for construction or other improvement in a PRD-AH-AR Planned Residential Development-Affordable Housing-Age Restricted development except in accordance with a general development plan for the overall site and an engineering and improvement plan for each section that has been approved by the Planning Board. The following development requirements shall apply to the PRD-AH-AR Planned Residential Development-Affordable Housing-Age Restricted District:

- (1) Minimum area. The minimum site area for an Inclusionary development in the PRD-AH-AR Planned Residential Development-Affordable Housing-Age Restricted District shall be at least one hundred (100) acres contained in one (1) parcel that is not bisected by existing streets, roads, rights-of-way or railroads.
- (2) Residential density. The gross density shall not exceed four (4) dwelling units per acre.
- (3) Residential sections containing detached and attached single-family dwellings shall comply with area, yard and building requirements for R-5 Residential District as set forth in § 108-6.12 and the Schedule of Requirements set forth in § 108-6.4.
- (4) Residential sections containing townhouses shall not exceed eight (8) dwelling units per gross acre within that residential section.
- (5) Residential sections containing condominium flats shall not exceed twelve (12) units per gross acre within that residential section.
- (6) Lot coverage by buildings. Not more than twenty percent (20%) of the gross area of each residential section shall be covered by buildings.
- (7) Maximum building height.
  - (a) Detached and attached single-family dwellings and townhouses shall not exceed two (2) stories or thirty-five (35) feet.
  - (b) Condominium flats shall not exceed three (3) stories or forty-five (45) feet.
- (8) Sidewalks and walkways shall comply with § 108-6.21.I. of this Article.
- (9) Buffers shall comply with § 108-6.21.J. of this Article.
- (10) Landscaping, shade trees and tree preservation shall comply with § 108-6.21.K. of this Article.
- (11) Establishment of an open space organization shall comply with § 108-6.21.G. of this Article.
- (12) Recreation facilities shall comply with § 108-6.21.H.(1), (2) and (4) of this Article.

G. Affordable housing.

- (1) Required percentage of affordable age-restricted dwelling units built on-site. The developer shall designate and set aside twenty percent (20%) of the age-restricted dwelling units to be built on-site to be sold at prices that are affordable to low and moderate income households.
- (2) Given the fact that the PRD-AH-AR Planned Residential Development-Affordable Housing-Age Restricted District provides for a greater degree of flexibility by reducing the affordable housing set aside that improves the economic viability of the development of the tract, a lot that contains at least five (5) acres of land that is not encumbered by freshwater wetlands, 100-year floodplains, steep slopes and other environmental constraints shall be deeded to Monroe Township for the purpose of developing it as municipally-sponsored, 100 percent (100%) affordable housing. Title to the lot shall be transferred to Monroe Township within thirty (30) days of filing the final subdivision plat with the Middlesex County Clerk.
- (3) All dwelling units shall have a minimum of one (1) bedroom.

- (4) Low and moderate income split. At least fifty percent (50%) of all units designated for low and moderate income households shall be affordable to low income households.
  - (5) The construction phasing of market-priced and low and moderate income units shall comply with § 108-6.21.L.(4) of this Article.
  - (6) Age restrictions shall be placed on the occupants of the designated affordable housing dwelling units.
  - (7) The location and design of affordable housing shall comply with § 108-6.21.L.(6) of this Article.
  - (8) Affordable housing shall comply with § 108-6.21.L(8) of this Article, the Monroe Township Affordable Housing Ordinance and current New Jersey Council on Affordable Housing rules.
  - (9) Establishing prices of units shall comply with § 108-6.21.L(9) of this Article.
  - (10) Affordability controls shall comply with § 108-6.21.L(10) of this Article.
  - (11) General provisions concerning uniform deed restriction liens and enforcement through certificates of occupancy or re-occupancy on sold units shall comply with § 108-6.21.L(11) of this Article.
  - (12) Application procedures for Inclusionary housing development shall comply with § 108-6.21.M of this Article.
- H. Signage as permitted in Article X of this Chapter.
- I. Parking as required in Article IX of this Chapter.
- J. Landscaping and buffering as required in § 108-6.18 of this Article and Article VIII of this Chapter.
- K. Fences are permitted in accordance with Article VIII of this Chapter.

**§ 108-6.29. CC Community Commercial District**

- A. Permitted uses.
- (1) Retail stores serving local and community-wide needs.
  - (2) Personal service establishments, such as barber and beauty shops, tailors, minor repairs of electronics, shoes and similar consumer goods, but excluding tattoo parlors and similar establishments.
  - (3) Outlets and pick-up stations for laundry and dry cleaners.
  - (4) Fully enclosed eating and drinking establishments, excluding fast-food drive-ins and drive-throughs.
  - (5) Banks and lending institutions, excluding check cashing establishments.
  - (6) Business, professional and medical offices.
- B. Permitted accessory uses.
- (1) Customary accessory uses and buildings that are clearly incidental to permitted principal uses and buildings.
  - (2) Parking and loading facilities.

- C. The area, yard and buildings requirements are as specified for this zone in the schedule of requirements in § 108-6.4 of this Article.

The schedule should be revised to contain the following requirements:

Required Lot Area: 10 acres  
Minimum Lot Frontage: 500 feet  
Minimum Lot Width: 500 feet  
Minimum Lot Depth: 500 feet  
Minimum Required Yard Area for Principal Buildings:  
Front Yard: 50 feet  
Each Side Yard: 25 feet  
Rear Yard: 40 feet  
Minimum Required Yard Area for Accessory Buildings:  
Side Yard: 20 feet  
Rear Yard: 20 feet  
Maximum Building Height for Principal and Accessory Buildings and Structures:  
Stories: 2.5  
Height: 30 feet  
Maximum Percent of Lot Coverage by Building and Structures: 30%  
Maximum Percent of Impervious Lot Coverage: 60%  
Maximum Floor Area Ratio: 0.35  
Minimum Buffer Width Requirement from Right-of-Way/Property Line:  
50 feet/50 feet

- D. Conditional uses requiring a conditional use permit subject to the provision of Article VII of this Chapter.

- (1) Quasi-public uses.
- (2) Community shopping centers.
- (3) Satellite antennas.

- E. Signs are permitted as per Article X of this Chapter.

- F. Parking and loading are required as per Article IX of this Chapter.

- G. Fences are permitted in accordance with Article VIII of this Chapter.

- H. Landscape buffer requirements.

- (1) A buffer area fifty (50) feet in width shall be provided along any road frontage, and along any front, side or rear lot line that abuts a residential zone. The buffer shall consist of a minimum six (6)-foot high sculptured, undulating berm that has a top of berm width ranging from ten (10) feet to twenty (20) feet. The top of the berm will be planted with a mass of evergreen trees with an average height of eight (8) feet. This evergreen stand shall be planted in a natural pattern which achieves a full screening effect. The Planning Board or Board of Adjustment shall have the right to require a continuous six (6)-foot berm as a particular case may warrant. The side of the berm shall be established with shrubs and ground cover. The landscaping and plant material shall conform to Article VIII of this Chapter. The landscaped berm shall be installed and established prior to the commencement of construction. No structures, fences, walls or accessory buildings shall be located within the buffer area. If the frontage contains woodland, the Planning Board or Board of Adjustment shall determine the extent of any supplemental planting.

- I. Design requirements. Design requirements for the CC district shall conform to the design requirements for the NC district set forth in § 108-6.17.I of this Article.

ARTICLE VII  
**Conditional Uses**

**§ 108-7.1. Approval required.**

- A. A conditional use is a permitted use only as specified by this Chapter and may be granted in accordance with the standards and specifications of this section. No permit shall be issued for a conditional use unless an application is submitted to and approved by the approving agency. It shall be submitted and distributed in the same manner as prescribed for all other applications in the Land Development Ordinance.
- B. The approving board shall determine that the proposed use in the proposed location will not adversely affect the safety and enjoyment or property rights or otherwise adversely affect the value of adjacent properties; that the design of any structures and sites erected and developed in connection with such uses are in keeping with the general character of the surrounding environment.

**§ 108-7.2. Standards of approval.**

- A. The following standards and conditions are required to be met in order to receive Approving Authority approval for specific conditional uses as indicated:
  - (1) Extended, intermediate and long-term care facilities and hospitals shall adhere to the following:
    - (a) A statement setting forth the need for any particulars on the operation of the structures or use shall be filed with the approving board.
    - (b) The property proposed to be occupied by the use shall have a minimum lot area of five (5) acres, minimum front, rear and side yard areas shall be one hundred (100) feet and the maximum lot coverage shall not exceed twenty-five percent (25%).
    - (c) The height of structures may exceed the maximum height requirements of § 108-6.4 provided, however, that the front, rear and side yard requirements set forth above shall be increased by one (1) foot for each foot by which the height of the structure exceeds the maximum height which would be otherwise permitted by this Chapter, and further provided that in no case shall any proposed structure exceed fifty (50) feet in height.
  - (2) Fraternal social and civil associations shall adhere to the following:
    - (a) A statement setting forth the need for the use and a complete list of the proposed charter membership, including names and resident addresses shall be filed with the approving board.
    - (b) The proposed use is a bona fide not-for-profit organization operated solely for the recreation and enjoyment of the members of said organization.
    - (c) All regulations for the zoning district in which the use is to be located shall be complied with, except that the minimum lot area shall be not less than three (3) acres. Not more than twenty percent (20%) of the land area shall be covered by structures.
    - (d) No building, structure or active recreation facilities shall be located within one hundred (100) feet of an adjacent residential property line.
    - (e) Parking shall be provided in accordance with the requirements of this Chapter.
    - (f) Where parking areas are adjacent to a residential zone or use, a twenty-five (25) foot buffer strip, including fences and shrubs, no less than six (6) feet high shall be provided.
    - (g) A landscape buffer strip twenty (20) feet in width shall be provided along any road frontage, and along any side or rear lot line that abuts a residential zone. The buffer strip shall consist of shade trees, perennial-planting beds, annual flowerbeds or a combination thereof so installed as to provide a landscape buffer between properties per § 108-8.1.
  - (3) Quasi-public uses: churches, synagogues, parish houses and similar religious uses, including parochial and private schools shall adhere to the following:

- (a) All regulations for the zoning district in which the use is to be located shall be complied with, except that the minimum lot area shall be not less than forty thousand (40,000) square feet, the side yards shall be not less than twenty-five (25) feet each, and all other yard requirements shall be complied with.
  - (b) Parking shall be provided in accordance with the requirements of this Article.
  - (c) Where parking areas are adjacent to a residential zone, a twenty-five (25) foot wide buffer strip, including fences and shrubs, no less than six (6) feet high shall be provided.
  - (d) A landscape buffer strip twenty (20) feet in width shall be provided along any road frontage, and along any side or rear lot line that abuts a residential zone. The buffer strip shall consist of shade trees, perennial-planting beds, annual flowerbeds or a combination thereof, so installed as to provide a landscape buffer between properties per § 108-8.1.
- (4) Public utility installations. Public utility uses and installations, above and below ground, such as transmission lines, telephone booster stations, gas metering stations, water storage tanks, pumping stations, substations and similar installations, but not service or storage yards, shall provide the municipal agency with the following:
- (a) A set of plans, specifications and plot plans and a statement setting forth the need and purpose of the installation.
  - (b) Proof is furnished to the municipal agency that the proposed installation in a specific location is necessary and convenient for the efficiency of the public utility system or the satisfactory and convenient provision of service by the utility to the neighborhood or area in which the particular use is to be located, further provided that the design of any building in connection with such facility conforms to the general character of the zone and will in no way adversely affect the safe and comfortable enjoyment of property rights of the zone in which it is located, that adequate and attractive fences and other safety devices will be provided and that sufficient landscaping, including shrubs, trees and lawn, will be provided and periodically maintained.
  - (c) All other requirements for the zone in which the use is to be located shall apply.
  - (d) A landscape buffer strip twenty (20) feet in width shall be provided along any road frontage, and along any side or rear lot line that abuts a residential zone. The buffer strip shall consist of shade trees, perennial-planting beds, annual flowerbeds or a combination thereof so installed as to provide a landscape buffer between properties per § 108-8.1.
  - (e) Utility distribution or collection lines for water, gas, sewerage, electric and telephone services which are located in a public street or which provide service to private property in Monroe Township are exempt from this section.
- (5) Nursery, landscaping and horticulture shall adhere to the following:
- (a) With the exception of landscape plants, shrubs and trees, all materials shall be contained within a fully enclosed building or an enclosure with at least three solid sides with a height of six (6) feet and an opening that is not visible to the public and from adjacent lots viewed from front, side and rear yards, except that open storage and sales areas may be maintained in a side or rear yard, provided that such open storage and sales areas are contiguous to the building and are encircled by a fence or wall of a design which is homogeneous to the adjacent building.
  - (b) A six (6)-foot high solid two-sided fence shall be so designed as to screen all materials and supplies, except plant materials, from public view. All other sections of the fence ordinance shall apply.
  - (c) All regulations for the zoning district in which the use is to be located shall be complied with, except that the minimum lot area shall be not less than five (5) acres, the maximum percentage of impervious lot coverage shall not exceed twenty percent (20%), the maximum floor area ratio shall not exceed ten one-hundredths (0.10), and the maximum gross floor area of the building used for retail sales shall not exceed one thousand (1,000) square feet.

- (d) Plant materials may be displayed openly in any yard except within required side and rear yard buffers as required by the zoning district in which the use is to be located. Plant material displayed within a front yard shall be set back at least twenty (20) feet from the street right-of-way line.
  - (e) Off-street parking for employees shall be provided at the rate of one (1) space per two (2) employees.
  - (f) Landscaping and horticulture nurseries that have retail sales of landscape plants, shrubs and trees and landscaping materials shall provide off-street parking for patrons at the rate of two (2) spaces per one (1) acre of lot area used for the production of landscape plant material, storage of landscape material and sale of landscaping plants and landscaping materials for retail sales. In addition, one (1) parking space per two hundred fifty (250) square feet of gross floor area of retail building space shall be provided.
  - (g) Trucks and equipment shall be stored in buildings or enclosed by a solid eight (8) foot high fence which shall not be located within a front, side or rear yard setback required by the zoning district in which the use is to be located.
- (6) Swimming pool sales, boat and marine equipment sales, and non-motorized recreation equipment sales shall adhere to the following:
- (a) All materials shall be contained within a building, except that open storage and sales area may be maintained in a side or rear yard, provided that such open storage and sales areas are contiguous to the building.
  - (b) All other requirements of the zone in which the use is located shall apply.
- (7) Automotive gasoline stations, automotive repair garages, automotive service stations, automotive sales and service facilities shall adhere to the following:
- (a) Setbacks. Where a yard adjoins a residential property, the commercial use shall maintain not less than a fifty (50) feet set back from the boundary of a residential property.
  - (b) Canopies. A cantilevered cover or canopy may be permitted to extend into the front yard, provided that it is at least thirty (30) feet from any front property line and maintains the required setback of the zone.
  - (c) Curb cuts and driveways.
    - [1] On a corner lot, a driveway shall be at least twenty-five (25) feet from the street intersection as measured along the right-of-way line.
    - [2] Driveways shall be no less than twenty-five (25) feet and no more than thirty (30) feet wide as measured along the right-of-way line. The driveway shall be flared or slanted at the curb line to facilitate auto ingress and egress.
    - [3] Curb cuts shall be no less than ten (10) feet from any adjacent property line extended to the curbline.
    - [4] Any two (2) driveways giving access to a single street shall be separated by a curbed island of at least twenty (20) feet.
    - [5] A raised curb of at least six (6) inches in height shall be provided along the street property lines, except for drive-way openings.
    - [6] There shall not be more than two (2) curb cuts providing access to any one (1) street.
  - (d) Signs.
    - [1] Freestanding signs. One (1) free-standing sign shall be permitted, provided that the aggregate area of all sides of the sign shall not exceed forty (40) square feet.
    - [2] Façade signs. Façade signs shall be allowed on front or side façades so as not to exceed ten percent (10%) of the square footage of the façade on which it is located.
    - [3] Other signs. Other signs that may be required by State or Federal law shall be allowed, but no other advertising signs shall be permitted.

- [4] All other sign requirements of this Chapter shall apply.
- [5] In the case of a multi-use facility, only one (1) freestanding sign per facility in total shall be permitted. The placement of individual signs for individual uses shall not be permitted.
- (e) Lighting. All lighting shall be so designed, arranged and installed as to reflect all light down and away from adjoining properties and streets and highways. No strings of multiple lights shall be permitted.
- (f) Pavement. All parking, access and drive-way areas shall be paved with a permanent surface, such as macadam, with proper drainage so as not to affect adjacent property owners.
- (g) Location of pumps (automotive gasoline stations and automotive repair garages only). All pump islands shall be a minimum of forty (40) feet from any adjacent property line, fifty (50) feet if a residential zone, and forty (40) feet from any public right-of-way.
- (h) Accessory buildings.
  - [1] All lifts, lubrication equipment, service pits and goods for sale shall be enclosed within the service stations. With the exception of those items, wiper blades, oil and tires, outdoor displays of products for sale or rental shall not be permitted, except for the temporary storage of trash or garbage.
  - [2] Convenience retail sales ancillary to gasoline service stations may be permitted in accessory buildings having a gross floor area that shall not exceed seven thousand (7,000) square feet. All products for sale shall be within the convenience retail building.
- (i) Accessory uses.
  - [1] The sale or rental of cars, trucks, trailers, boats or any other vehicles on the premises of an automotive gasoline station, automotive repair garage, automotive service station, automotive sales and service facility shall be prohibited.
  - [2] The storage of cars, trucks, trailers, boats or any other vehicles not being serviced or repaired on the premises of an automotive gasoline station, automotive repair garage, automotive service station, automotive sales and service facility shall be prohibited.
  - [3] All other activities are prohibited, including trailer or motor vehicle rentals. Storage of any vehicle requiring body work, or which is inoperable because of major repairs required, shall not be permitted, except at an automotive gasoline station, automotive repair garage, automotive service station, automotive sales and service facility.
  - [4] The storage of inoperable vehicles, classified as junk cars, or those not currently registered with the State of New Jersey shall not be permitted.
- (j) Trash and garbage. A solid enclosed area shall be provided for the temporary storage of trash, garbage and unusable automotive parts. Except for tires, all trash shall be stored in tight containers. The enclosed area shall be so designed that the trash shall not be seen from a public street or from adjoining properties.
- (k) Fuel tanks. Underground fuel storage tanks shall comply with all State and Federal requirements.
- (l) Landscaping buffers and screening shall be provided as follows:
  - [1] In all zones where the above automotive services are permitted as a conditional use, the following minimum requirements shall be met:
    - [a] A minimum landscaped area twenty (20) feet wide shall be provided along all property lines abutting public streets, except where curb cuts are permitted.

- [b] All buffers and landscaped areas shall be protected from adjacent parking areas by curbs, or concrete, metal or wood bumpers at least six (6) inches in height and securely anchored into the ground.
  - [c] Service areas and parking areas shall be screened from abutting property. A minimum of a six (6) foot high architecturally solid fence shall be erected on all property lines, except the front property line.
  - [d] All street trees and on-site deciduous shade trees shall conform to the requirements of the Monroe Township Shade Tree Commission.
- (m) Parking. There shall be four (4) parking spaces for each repair bay, plus one (1) space for each employee on the maximum shift, with a maximum of six (6) vehicles stored in public view.
  - (n) Service stations shall be subject to all other requirements of the zone in which they are located and to all laws of the municipality.
  - (o) The use and parking of tow trucks shall be limited to three (3) per automotive service station or automotive sales and service facility or automotive gasoline station; and shall be unlimited for an automotive repair garage.
- (8) Car washes shall adhere to the following:
- (a) All other regulations for the district in which the use is to be located shall be complied with, except that the minimum lot area for a car wash shall be not less than eighty thousand (80,000) square feet.
  - (b) Such use shall provide an adequate off-street automobile stacking area which shall not be less than twenty (20) spaces per bay. Such stacking system shall in no way hinder or impair normal traffic flow on adjoining property or public rights-of-way. In addition, one (1) parking space per employee on the maximum shift shall be required.
  - (c) Approval of the Municipal Engineer regarding utilities and drainage and the Department of Health regarding performance standards shall be required.
  - (d) A landscape buffer strip twenty (20) feet in width shall be provided along any road frontage, and along any side or rear lot line that abuts a residential zone. The buffer strip shall consist of shade trees, perennial planting beds, annual flowerbeds or a combination thereof so installed as to provide a landscape buffer between properties per § 108-8.1.
- (9) Community residences for the developmentally disabled. Community residences for the developmentally disabled as defined in this Chapter shall adhere to the following:
- (a) A set of building and floor plans, specifications and plot plan shall be submitted to the municipal agency.
  - (b) A statement outlining the proposed use and purpose shall be submitted describing the types of services to be rendered to the residents of the facility, as well as the credentials and training of the personnel to be employed at the facility and the number of individuals who will reside therein.
  - (c) A site plan pursuant to the requirements of this Chapter shall be submitted.
  - (d) The structure shall conform to all of the yard, area and height requirements of this Chapter.
  - (e) Off-street parking shall be provided in the side or rear yard areas at the rate of one (1) space for each staff member as described above, in addition to one (1) space for each group of three (3) residents, or fraction thereof. Said parking area shall provide a minimum of a ten (10) foot wide buffer area along all adjacent residential property lines.

- (f) Each resident shall be supplied with a single bedroom of not less than two hundred (200) square feet, and a minimum total living area per resident shall be four hundred (400) square feet. In addition, one (1) bathroom with a toilet, tub, shower and basin shall be provided for each group of two (2) residents, or fraction thereof.
  - (g) In no case shall a community residence for the developmentally disabled be permitted within one thousand five hundred (1,500) feet of another such use or if the number of developmentally disabled and mentally ill persons resident within such facilities in the municipality exceeds fifty (50) persons or five-tenths percent (0.5%) of the municipal population, whichever is greater, or if the granting of such conditional use will cause the number of the developmentally disabled or mentally ill persons resident in such community residences to exceed the aforementioned maximum number for such persons in the municipality.
- (10) Amusement centers. Amusement centers shall adhere to the following:
- (a) A set of building plans and floor plans, including the number of locations of all coin-operated amusement devices, specifications and plot plan shall be submitted to the municipal agency.
  - (b) A site plan pursuant to the requirements of this Chapter shall be submitted.
  - (c) Amusement centers shall not be located within five hundred (500) feet of a religious institution, library or school offering courses in public education.
  - (d) Amusement centers shall be operated entirely within an enclosed building and shall be provided with self-closing doors.
  - (e) Not more than two (2) coin-operated amusement devices shall be permitted for each one hundred (100) square feet of gross floor area dedicated to such use.
  - (f) Off-street parking shall be provided at the ratio of one (1) space for each one hundred (100) square feet of gross floor area dedicated to such use.
  - (g) Amusement centers may be established as an accessory activity to a permitted commercial use, except that not more than twenty percent (20%) of the gross floor area may be utilized for such purpose. Where such accessory use is proposed, it shall be physically separated from the principal use by a floor-to-ceiling solid partition.
  - (h) All other requirements of this Article shall apply.
- (11) Commercial recreation activities. Commercial recreation uses and activities, as herein defined, may be permitted in the following manner:

<b>Use or Activity</b>	<b>Zone</b>
Miniature golf	R-60 & R-3A
Golf driving ranges	R-60 & R-3A
Tennis courts	R-60 & R-3A
Gymnasiums and athletic clubs	H-D
Swimming pools	H-D
Billiards and pool rooms	N-C

- (a) If proposed as freestanding structures on site it must meet the minimum bulk regulations for the zone in which it is located.
- (b) Ingress and egress for the parking areas shall be limited to the minimum required to properly handle the volume of traffic anticipated to be attracted by the use. Wherever said driveways are located on a State highway, acceleration and deceleration lanes shall be provided.
- (c) Wherever the property abuts or is across the street from a residential zone, a buffer area shall be established conforming to the requirements set forth in this Chapter.
- (d) All signs shall conform to permitted signs in commercial zoning districts.

- (12) Satellite antennas shall adhere to the following:
- (a) All satellite antenna installations shall be permitted in all zoning districts subject to the following and shall require a construction permit.
  - (b) Satellite antennas shall be considered an accessory building and shall be located to the rear of the front building line of the principal building.
  - (c) Satellite antennas shall be permitted as ground installations only.
  - (d) Satellite antennas may be installed on lots only where a principal building exists.
  - (e) A maximum of one (1) satellite antenna dish shall be permitted per lot.
  - (f) Only antennas constructed with a wire mesh type dish shall be permitted.
  - (g) The antenna dish shall not exceed twelve (12) feet at its widest point.
  - (h) The overall height of the antenna assembly shall not exceed fifteen (15) feet. This height shall be measured from grade with the dish facing at zero (0) to horizontal.
  - (i) The pedestal base to the antenna shall be located at a distance equal to the maximum overall height of the antenna plus one (1) foot from any side or rear property line.
  - (j) Wiring between the principal building and the antenna shall be underground and at least eighteen (18) inches below finish grade.
  - (k) Antennas shall be screened by fencing or shrubbery of a suitable height to reduce motor drive noise and to minimize the visual impact from the street and the adjacent properties.
- (13) Regional Shopping centers shall adhere to the following:
- (a) A minimum lot area of twenty-five (25) acres shall be required and meet all the requirements of Article VI of this Chapter.
  - (b) Not more than sixty percent (60%) of impervious surface shall be permitted for any site.
  - (c) Must provide traffic study for internal and external traffic.
  - (d) All proposed retail uses shall conform to the bulk standards of their respective zones.
  - (e) Not more than twenty percent (20%) of the required parking shall be permitted in a front yard. All other requirements of this Chapter shall apply.
  - (f) All buildings will have a break in façade at least every forty (40) feet.
  - (g) Landscaping and buffering shall be provided in accordance with the requirements of this Chapter.
  - (h) Storm drainage and utilities shall be provided in accordance with the requirements of this Chapter.
  - (i) Proposed signs shall be provided in accordance with the requirements of this Chapter.
  - (j) Lighting shall be provided in accordance with the requirements of this Chapter.
- (14) Community shopping centers shall adhere to the following:
- (a) A minimum lot area of fifteen (15) acres shall be required.
  - (b) A maximum lot area of twenty (20) acres shall be permitted.
  - (c) A minimum lot width and frontage of five hundred (500) feet shall be required.
  - (d) A minimum lot depth of five hundred (500) feet shall be required.

- (e) The maximum permitted gross floor area shall be 0.30.
  - (f) The maximum permitted impervious coverage of the lot shall be sixty percent (60%).
  - (g) Setback. Where a yard adjoins a residential use or zone, the building, accessory structures and parking and loading areas shall be set back at least sixty-five (65) feet from the property line that forms the boundary with the residential use or zone
  - (h) Landscape buffer area. A landscape buffer area shall have a width of sixty-five (65) feet for the yard that adjoins a residential use or zone and twenty-five (25) feet for all yards that adjoin non-residential uses or zones. The design of the buffer area shall comply with requirements set forth in § 108-6.29.H., except for the width of the buffer areas adjoining residential and non-residential uses and zone as required herein.
  - (i) Not more than twenty percent (20%) of the required parking shall be permitted in a front yard. All other requirements of this Chapter shall apply.
  - (j) All buildings shall have a break in the façade at least every forty (40) feet.
- (15) Neighborhood shopping centers shall adhere to the following:
- (a) A minimum lot area of three (3) acres shall be required.
  - (b) A maximum lot area of five (5) acres shall be permitted.
  - (c) A minimum lot width and frontage of five hundred (500) feet shall be required.
  - (d) A minimum lot depth of two hundred (200) feet shall be required.
  - (e) The maximum permitted gross floor area shall be 0.30.
  - (f) The maximum permitted impervious coverage of the lot shall be sixty percent (60%).
  - (g) Setback. Where a yard adjoins a residential use or zone, the building, accessory structures and parking and loading areas shall be set back at least sixty-five (65) feet from the property line that forms the boundary with the residential use or zone
  - (h) Landscape buffer area. A landscape buffer area shall have a width of sixty-five (65) feet for the yard that adjoins a residential use or zone and twenty-five (25) feet for all yards that adjoin non-residential uses or zones. The design of the buffer area shall comply with requirements set forth in § 108-6.17.H., except for the width of the buffer areas adjoining residential and non-residential uses and zone as required herein.
  - (i) Not more than twenty percent (20%) of the required parking shall be permitted in a front yard. All other requirements of this Chapter shall apply.
  - (j) All buildings shall have a break in the façade at least every forty (40) feet.
- (16) Farm stands. Farm stands shall adhere to the following:
- (a) The farm stand must be located on an active farm or farmland.
  - (b) The farm stand requires site plan approval.
  - (c) The farm stand shall comply with all requirements of the Zoning District in which it is located.

- (17) Home Occupations shall adhere to the following:
- (a) Such uses are confined to not more than twenty-five percent (25%) of the habitable floor area of the principal structure.
  - (b) Not more than two (2) persons shall be employed in the Home Occupation or trade.
  - (c) The use shall comply with Articles IX and X of this Chapter regarding parking and signs.
  - (d) There shall be a ten (10) foot buffer in accordance with Article VIII of this Chapter.
  - (e) The use shall obtain site plan approval.
  - (f) The use shall comply with all the requirements of the respective zoning district.
- (18) Advertising structures shall adhere to the following:
- a. An advertising structure shall be located within one hundred (100) feet of the New Jersey Turnpike right-of-way.
  - b. The maximum area of the advertising surface shall be one thousand (1,000) feet on each side, its maximum height shall be twenty-five (25) feet and its maximum length shall be sixty (60) feet. All dimensions include border, trim, cutouts and extensions, but exclude decorative bases and supports. The overall height of the sign shall not exceed forty-five (45) feet from grade.
  - c. The location and design of an advertising structure shall comply with N.J.S.A. 27:5-5 et seq. (P.L. 1991, c.413) entitled "Roadside Sign Control and Outdoor Advertising Act" and N.J.A.C. 16:41C-1.1 et seq. entitled "Chapter 41C, Roadside Sign Control and Outdoor Advertising Act" and any other regulations adopted thereunder.
  - d. An advertising structure may contain an off-premises advertisement.
  - e. Billboards shall be located no closer than one thousand (1,000) feet to a residential zone line or use including the PRC or PRGC zone.
- (19) Hotels and motor inns shall adhere to the following:
- (a) A minimum lot area of three (3) acres shall be required.
  - (b) A minimum lot width and frontage of three hundred (300) feet shall be required.
  - (c) A minimum lot depth of three hundred (300) feet shall be required.
  - (d) The maximum permitted gross floor area shall be 0.35.
  - (e) The maximum permitted impervious coverage of the lot shall be sixty percent (60%).
  - (f) Landscape buffer area. The landscape buffer area shall comply with § 108-6.19.H.
  - (g) Signage. One (1) freestanding sign in the form of a monument sign shall be permitted. The maximum height of the sign shall be eight (8) feet, and the maximum area of the sign shall be fifty (50) square feet. The sign shall be set back a minimum of ten (10) feet from the property line.
  - (h) Not more than fifty percent (50%) of the required parking shall be permitted in a front yard. All other requirements of this Chapter shall apply.
- (20) Cabinet-making shop. Cabinet-making shops shall adhere to the following:
- (a) A minimum lot area of one (1) acre shall be required.

- (b) No more than five percent (5%) of the gross floor area of the shop building shall be used for retail sales of cabinets manufactured in the premises of the shop building. Outdoor displays for retail sales are prohibited.
- (c) Setback. Where a yard adjoins a residential use or zone, the building, accessory structures and parking and loading areas shall be set back at least sixty-five (65) feet from the property line that forms the boundary with the residential use or zone.
- (d) The maximum permitted floor area ratio shall be 0.30.
- (e) The maximum permitted impervious coverage of the lot shall be fifty-five percent (55%).
- (f) Landscape buffer area. A landscape buffer area shall have a width of sixty-five (65) feet for the yard that adjoins a residential use or zone and twenty-five (25) feet for all yards that adjoin non-residential uses or zones. The design of the buffer area shall comply with requirements set forth in § 108-6.17.H., except for the width of the buffer areas adjoining residential and non-residential uses and zone as required herein and the provision that fences and walls used for screening and noise reduction purposes shall be permitted within the buffer areas for side and rear yards.

#### **§ 108-7.3 Wireless communication facilities**

- A. Definitions. As used in this section, the following terms shall have the meanings indicated.

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

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

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

- B. Overall purpose. It is the overall purpose of this section to provide specific zoning conditions, standards and limitations for the location, approval and operation of wireless communication antennas within the Township of Monroe that recognize the need to safeguard the public good, health, safety and welfare and preserve the intent and the purposes of the Monroe Township Master Plan and Land Development Ordinance provisions.

It is understood by the Township of Monroe that the federal government, through the Federal Communications Commission (FCC), issues licenses for wireless communications, and that the FCC requires the license holders to provide coverage within the areas so licensed.

However, it also is understood by the Township of Monroe that the Federal Telecommunications Act of 1996 ("FTA") expressly preserves the zoning authority of the Township to regulate the placement, construction and modification of personal wireless service facilities subject to the six (6) limitations noted at Section 332(c)(7)(B) of the FTA.

In this regard, the FTA does not abrogate local zoning authority in favor of the commercial desire to offer optimal service to all current and potential customers, and the providers of the personal wireless services must bear the burden of proving that any proposed service facility is the least intrusive means of filling a significant gap in wireless communication services in the area.

- C. Overall objective. The overall objective of this section is to allow the provision of wireless communication services while, at the same time, limiting the number of antennas and supporting towers to the fewest possible, and only in those locations which do not negatively impact upon the prevailing character of the Township of Monroe and the quality of life enjoyed by its residents.
- D. Specific goals.
- (1) To minimize the total number of wireless communication towers within the Township of Monroe;
  - (2) To limit the impact of wireless communication antennas, towers and related facilities upon the residences and the streetscapes throughout the Township of Monroe;
  - (3) To safeguard the prevailing character of development throughout the Township of Monroe, with particular emphasis on maintaining the prevailing character of the residential zoning districts and neighborhood areas throughout the Township;
  - (4) To encourage the location of antennas upon, or within, existing structures including, but not limited to, existing towers, tanks, cupolas, steeples and silos;
  - (5) To encourage the co-location of antennas on the fewest number of existing structures within the Township of Monroe;
  - (6) To discourage the construction of new towers that are not likely to be used by a number of wireless communication carriers;
  - (7) To encourage the communication carriers to configure their facilities in a manner that minimizes and mitigates any adverse impacts upon affected properties, streetscapes and viewsheds through careful design, siting, landscape screening and innovative camouflaging techniques;
  - (8) To encourage the use of alternate technologies which do not require the use of towers, or require towers at relatively lesser heights;
  - (9) To enhance the ability of the carriers of wireless communication services who adhere to the letter and intent of these ordinance provisions to provide such services quickly, effectively and efficiently; and
  - (10) To comply with the mandate of the Federal Telecommunications Act of 1996, 47 U.S.C. Section 332(c)(7), which preserves local government authority to enforce zoning requirements that protect public safety, public and private property and community aesthetics.
- E. Exemptions of applicability. This section shall not apply to any tower or the installation of any antenna that is under seventy (70) feet high and is owned and operated only by a federally licensed amateur radio station operator or is used exclusively to receive transmissions, nor shall it apply to any parabolic satellite antennas or nonwireless telephone services.
- F. Locations where wireless communication antennas may be located. Wireless communication antennas may be located only at the following two (2) prioritized locations:
- (1) First priority locations: The first priority locations for wireless communication antennas shall be on the existing towers, tanks, power line poles, power line stanchions and buildings within Monroe Township which are identified in Addendum 1 to this section; antennas so located are permitted uses and do not require conditional use approval.
  - (2) Second priority locations: The second priority locations for wireless communication antennas shall be on new wireless communication towers on lands within the "HD" Highway Development or "LI" Light Impact Industrial Zoning Districts, provided that all related requirements of this section are met; antennas so located require conditional use approval.

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\* Editor's Note: Addendum 1, referred to herein may be found at the end of this Chapter.

G. Requirements for first priority locations.

- (1) Notwithstanding any provision of this Land Development Ordinance of the Township of Monroe to the contrary, the location and height of antenna(s) on, or within, any of the existing structures within the Township identified in Addendum 1\* to this section, and any accessory shelters enclosing the related electronic equipment, shall be considered permitted uses in the subject zoning district and, therefore, shall not require conditional use approval in accordance with N.J.S.A. 40:55D-67 of the Municipal Land Use Law, nor shall any variance be required in accordance with N.J.S.A. 40:55D-70d. of the Municipal Land Use Law.
- (2) Moreover, the location and height of the antenna(s) on, or within, any of the existing structures within the Township identified in Addendum 1\* to this section, and any accessory shelter(s) enclosing the related electronic equipment, shall not require site plan approval, but shall require the review and approval of a submitted application by the Monroe Township Planning Administrator and by the Monroe Township Engineer.
- (3) The applicant first shall meet with the Township Planning Administrator and the Township Engineer to discuss the proposed location of the wireless communication antennas, the proposed location and possible landscape screening of any accessory shelter(s) enclosing the related electronic equipment, and any other construction that may be proposed or required regarding the installation of the proposed antennas.
- (4) In accordance with the instructions given to the applicant by the Township Planning Administrator and by the Township Engineer at the time of the meeting, the applicant thereafter shall submit plans and documentation for review, approval and signing by the Township Planning Administrator and by the Township Engineer, and no construction permit shall be issued by the Township Construction Official until he or she is in receipt of such signed plans.
- (5) In any case, the height of any proposed antenna extending above any existing structure shall not exceed ten (10) feet and all antennas shall be flush mounted antennas totaling no more than twelve (12) in number.
- (6) A fee of one thousand dollars (\$1,000.00) for the review of the information shall be submitted to the Township by the applicant.

H. Requirements for second priority locations.

- (1) Regarding the second priority locations for wireless communication antennas on new wireless communication towers on lands within the "HD" Highway Development or "LI" Light Impact Industrial Zoning Districts, any such proposed tower, antennas and related equipment shall require conditional use approval in accordance with § 108-7.1 of this Chapter, and preliminary major site plan approval and final major site plan approval in accordance with § 108-11.4 and § 108-11.6 of this Chapter respectively.
- (2) The following information shall be submitted for major site plan approval, and the referenced § 108-7.3I., J., K., and L. are those that contain the specific conditions, standards and limitations for wireless communication antennas as conditional uses in the Township of Monroe:
  - (a) In order to be declared complete, the initially submitted application shall include all of the applicable documentation and items of information identified on the Township's development application checklists for preliminary and final site plans as specified in Article XVI of this Chapter;
  - (b) In order to be declared complete, the initially submitted application shall include an overall comprehensive plan in accordance with subsection I. of this section hereinbelow;
  - (c) In order to be declared complete, the initially submitted site plan shall indicate conformance with all of the area and setback conditions set forth in subsection J. of this section hereinbelow;
  - (d) In order to be declared complete, the initially submitted site plan shall indicate conformance with each of the design conditions set forth in subsection K. of this section hereinbelow;

- (e) In order to be declared complete, the initially submitted application shall include the additional conditions indicated in subsection L. of this section. hereinbelow; and
  - (f) During the public hearing process, the applicant shall schedule the time for a crane or balloon test with the Township Planning Administrator in order to provide the members of the Planning Board or Zoning Board of Adjustment, as the case may be, and the general public the opportunity to view a crane or balloon at the location and height of the proposed tower. Thereafter, a visual sight distance analysis shall be prepared by the applicant and presented to the Board, including photographic reproductions of the crane or balloon test, graphically simulating the appearance of the proposed tower, with at least three (3) antenna arrays attached thereto and from at least fifteen (15) locations around and within one (1) mile of any proposed tower where the tower will be most visible.
- I. Overall comprehensive plan for second priority locations.
- (1) In order to effectuate the purposes, objectives and goals of these ordinance provisions, any applicant for approval to erect a new supporting tower for wireless communication antennas shall provide threshold evidence that the proposed location of the tower and antennas have been planned to result in the fewest number of towers within and around the Township of Monroe at the time full service is provided by the applicant.
  - (2) The applicant shall provide an overall comprehensive plan indicating how it intends to provide full service within and around the Township of Monroe and, to the greatest extent possible, shall indicate how its plan specifically relates to and is coordinated with the needs of all other providers of wireless communication services within and around the Township.
  - (3) The overall comprehensive plan shall indicate the following, and this information shall be provided at the time of the initial submission of the application:
    - (a) The mapped location and written description of all existing and approved supporting towers for all providers of wireless communication services within one (1) mile of the subject site, both within and outside of Monroe Township;
    - (b) The mapped location and written description of all existing or approved water towers or water standpipes and existing power line stanchions within one (1) mile of the subject site, both within and outside of Monroe Township;
    - (c) Why the proposed antennas could not be located on any of the structures listed and mapped in Addendum 1 attached to these ordinance provisions, either within or outside of Monroe Township;
    - (d) How the proposed location of the proposed antennas specifically relates to the anticipated need for additional antennas and supporting structures within and near the Township of Monroe by the applicant and by other providers of wireless communication services within the Township;
    - (e) How the proposed location of the proposed antennas specifically relates to the objective of collocating the antennas of many different providers of wireless communication services on a single supporting structure; and
    - (f) How the proposed location of the proposed antennas specifically relates to the overall objective of providing adequate wireless communication services within the Township of Monroe while, at the same time, limiting the number of towers to the fewest possible, including alternate technologies which do not require the use of towers or require towers at a lesser height.
- J. Area and setback conditions for second priority locations.
- (1) The proposed tower, antennas and ancillary related electronic equipment shall be located on a land area of no less than twenty thousand (20,000) square feet;
  - (2) The minimum required land area shall either be a separate undeveloped lot or a leased portion of an existing undeveloped or developed lot;

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\* Editor's Note: Addendum 1, referred to herein, may be found at the end of this Chapter.

- (3) The proposed tower, antennas and related equipment, and any approved building housing the electronic equipment and any approved camouflaging of the tower, shall be the only land uses located on the subject land area, whether a separate lot or a leased portion of a lot; and
- (4) Except for any access driveway into the property, required landscaping and any underground utility lines reviewed and approved by the Planning Board as part of the site plan submission, no building, tower, other structure and/or disturbance of land shall be permitted within two hundred (200) feet of any street line and within five hundred (500) feet of any lot line of any adjacent property, provided that, in any case, no building, tower, other structure and/or land disturbance shall be located within seven hundred fifty (750) feet of any historic district or site as duly designated by Monroe Township, the State of New Jersey and/or by the federal government.

K. Design conditions for second priority locations.

- (1) All towers shall be a monopole design.
- (2) All towers shall be camouflaged (e.g., housed in a silo, bell tower, etc., or made to look like a tree or a nonoversized flagpole) as may be appropriate in the context of the visibility of the tower from different vantage points throughout the Township and the existing land uses and vegetation in the vicinity of the subject site.
- (3) The height of any proposed new tower and the antennas attached thereto shall not exceed one hundred twenty-five (125) feet from the existing ground level beneath the tower.
- (4) No signage is permitted except such information signs deemed necessary for safety purposes by the Planning Board.
- (5) Minimal off-street parking shall be permitted as needed and as specifically approved by the Planning Board.
- (6) No lighting is permitted on a tower except lighting that specifically is required by the Federal Aviation Administration (FAA), and any such required lighting shall be focused and shielded to the greatest extent possible so as not to project towards adjacent and nearby properties. The applicant shall provide the Planning Board all applicable FAA standards regarding lighting that may apply to a proposed tower.
- (7) Individual shelters for the required electronic equipment related to the wireless communications antenna(s) shall be permitted in accordance with the following design criteria;
  - (a) Any proposed shelter enclosing required electronic equipment shall not be more than fifteen (15) feet in height nor more than two hundred and fifty (250) square feet in area, and only one (1) such shelter shall be permitted for each provider of wireless communication services located on the site;
  - (b) No electronic equipment shall interfere with any public safety communications;
  - (c) All of the electronic equipment shall be automated so that the need for on-site maintenance and the commensurate need for vehicular trips to and from the site will be minimized;
  - (d) All of the required electronic equipment for all anticipated communication carriers to be located on the subject site shall be housed within a one and one-half (1 1/2) story building, which building shall not exceed one thousand (1,000) gross square feet in area and twenty (20) feet in height, and which shall be designed with a single-ridge, pitched roof with a residential or barn-like appearance; and
  - (e) The building may have one (1) light at the entrance to the building, provided that the light is attached to the building, is focused downward and is switched so that the light is turned on only when workers are at the building.
- (8) Between the location of the tower and the building enclosing related electronic equipment and any public street or residential dwelling unit or residential zoning district within view of the tower and the building, landscaping shall be provided in accordance with the following:

- (a) The landscaping shall consist of a combination of existing and/or newly planted evergreen and deciduous trees and shrubs of sufficient density to screen the view of the tower, particularly at its base, to the maximum extent reasonably possible, and to enhance the appearance of the building from the surrounding residential properties and any public street;
  - (b) The landscaping plan shall be prepared by a licensed landscape architect who shall present testimony to the Planning Board regarding the adequacy of the plan to screen the tower from view and to enhance the appearance of the building; and
  - (c) Any newly planted evergreen trees shall be at least eight (8) feet high at time of planting and any newly planted deciduous trees shall be a minimum caliper of three (3) inches at time of planting.
- L. Additional conditions for second priority locations.
  - (1) Documentation by a qualified expert that any proposed tower will have sufficient structural integrity to support the proposed antennas and the anticipated future collocated antennas and that the structural standards developed for antennas by the Electronic Industries Association (EIA) and/or the Telecommunication Industry Association (TIA) have been met;
  - (2) A letter of intent by the applicant, in a form that is reviewed and approved by the Township Attorney, indicating that the applicant will share the use of any tower with other approved wireless communication carriers at reasonable rates that are economically viable; and
  - (3) The applicant (and the landowner in the instance of a leased property) shall provide a performance bond and/or other assurances satisfactory to the Planning Board or Zoning Board of Adjustment, as the case may be, in a form approved by the Township Attorney, that will cause the antennas, any supporting tower, the electric equipment cabinets, any building enclosing the electronic equipment shelters, and all other related improvements to the land to be removed, at no cost to the Township, when the antennas are no longer operative. Any wireless communication facility not used for its intended and approved purpose for a period of six (6) months shall be considered no longer operative and shall be removed by the responsible party within sixty (60) days thereof.
- M. Locational preferences for new towers. The following are not conditions, standards and limitations for the location of wireless communication towers, but are preferences of the Township:
  - (1) To the greatest extent possible, no tower shall be located to be visible from any historic district or site as duly designated by Monroe Township, the State of New Jersey and/or by the federal government.
  - (2) To the greatest extent possible, no tower shall be located to be visible from any public street.
  - (3) To the greatest extent possible, any tower shall be located behind existing buildings and/or natural topographical elevations in order to screen the tower from view from adjacent properties and from any street right-of-way.
- N. Other requirements. All other applicable requirements of this section not contrary to the conditions, standards and limitations specified herein shall be met, but waivers and/or variances of such other applicable requirements may be granted by the Planning Board or Zoning Board of Adjustment, as the case may be.
- O. Technical review. In addition to its normal professional staff, given the technical and specialized nature of the testimony by the applicant's radio frequency expert(s), the Planning Board or Zoning Board of Adjustment, as the case may be, may, at the applicant's expense, hire its own radio frequency expert to review and comment upon the testimony presented by the applicant. Additionally, based upon other testimony presented by the applicant, the Planning Board may hire other experts with specialized areas of expertise if deemed necessary.

- P. Application for variances to the Zoning Board of Adjustment. Any application submitted to the Monroe Township Zoning Board of Adjustment for a variance from any of the standards and conditions of these section provisions to construct or install wireless communication antennas and/or a new wireless communication tower in a location not permitted by this section shall be required to submit all of the information required herein for second priority locations, and no such application shall be deemed complete unless all of the required information is provided or unless the need to provide the required information is specifically waived by the Zoning Board.

**§108-10.1 is hereby amended and replaced in its entirety to read as follows:**

**§108-10.1. Signs.**

A. General provisions.

- (1) Any signs not specifically permitted are hereby prohibited.
- (2) No sign shall be located in such a manner as to materially impede the view of any street or intersection.
- (3) Except where otherwise provided, no sign or any part thereof shall be located closer than twenty (20) feet to any lot line.
- (4) All height limitations shall be measured from ground level to the highest part of the sign or its supporting structure, whichever is higher.
- (5) The maximum height for freestanding signs, unless otherwise provided, shall not exceed ten (10) feet above ground level.
- (6) Except where specifically prohibited, all signs may be double-faced, and the maximum area shall apply to each side. The area of the sign shall include each and every part of the sign, including moldings and frames. Where the sign is supported by a post or pylon whose surface is being used for advertising purposes, the areas of this post, pylon or other supporting members shall be considered as part of the total sign area.
- (7) Wherever the name or advertising message on a sign is divided between a number of panels or parts, the total area of all of the panels or parts shall be considered as one (1) sign, and where a sign consists of individual letters or numbers, the area of the sign shall be considered as the total area of the smallest rectangle or rectangles which can collectively enclose all of the letters or numbers.
- (8) Signs erected flat against the side of a building shall not extend above the height of the vertical wall or cornice to which they are attached.
- (9) No permanent marquees or canopies shall be permitted.
- (10) Unless specifically prohibited, all signs may be illuminated as provided for in subsection E. below.
- (11) Whenever a parcel is bordered by more than one (1) street, additional signage may be permitted by the municipal agency, in accordance with the standards of this section, for each major street upon which the parcel fronts.
- (12) Signs shall not be painted on or affixed to water towers, storage tanks, smoke stacks or similar structures.
- (13) No person shall erect a sign on or over any public property or public right-of-way other than traffic directional signs or signs erected by a governmental entity.

B. Permits.

- (1) Sign permit.
  - (a) All signs and advertising displays other than those expressly excluded herein shall require sign permits, renewable annually, from May 1 through April 30. To obtain such permit, the owner of the proposed sign shall make application to the Department of Planning and Zoning. The applicant shall also provide all plans and specifications of the proposed construction as provided below to the Department of Planning and Zoning. The approval and accompanying documentation shall be submitted on or before April 1 of the calendar year for which the permit is sought.

- (b) It shall be the responsibility of the Zoning Officer to determine whether the proposed signs for an existing and conforming commercial business will be in compliance with all the provisions of this section and all other laws and ordinances of the Township and that the same will be erected in such manner as not to constitute any hazard to the public or not likely to cause damage to property. The Zoning Officer shall approve or deny the issuance of the sign permit within thirty (30) days of the receipt by him of the completed application form and fee. In the event that the Zoning Officer approves the issuance of the sign permit, he shall promptly forward the same to the applicant upon payment to the Township of the required fee. In the event that the Zoning Officer denies permission, the Zoning Officer shall so notify the applicant. Upon such denial, the applicant may appeal the determination of the Zoning Officer, pursuant to this Article. If the work authorized under a sign permit shall not be completed within one (1) year after the date of its issuance, the permit shall become null and void.
- (2) Sign erection permit.
- (a) Sign erection permits will only be required for all developers requesting directional signs.
  - (b) Application for erection permits shall be made in duplicate on forms to be furnished by the Township and shall be accompanied by a fee, check or cash, payable to the order of the Township of Monroe, which fee shall not be returnable for any reason. The application shall contain the following information hereinafter set forth.
    - [1] The name, address and telephone number of the owner of the premises upon which the sign is sought to be erected, and if the applicant is a person other than the owner, then the applicant, in addition, shall set forth his, her or its name, address and telephone number as well as his, her or its relationship to the owner.
    - [2] The name of the person, firm, corporation or association erecting the sign.
    - [3] Written consent of the owner of the building, structure or land to which or on which the sign is to be erected, if the applicant is other than the owner.
    - [4] Attached to each copy of the application shall be a sketch plat prepared by the applicant or on his behalf, which shall include the following information:
      - [a] The location of the premises on which the sign is to be erected, in relation to surrounding properties, and showing the Tax Map block and lot numbers of said premises, along with the names of the owners of all adjoining properties and their respective Tax Map block and lot numbers and the names of all streets which abut said premises.
      - [b] The location and dimensions of all boundary lines of the premises.
      - [c] The location and dimensions of all buildings and structures, including existing signs, on said premises, showing their respective setbacks from the boundary lines.
    - [5] Also attached to each copy of the application shall be an additional sketch prepared by the applicant or on his behalf which shall include the following information:
      - [a] A diagram of the proposed sign, with all of its dimensions and height above ground shown and a description of the message, trademark, symbol or insignia to be contained thereon. Sample signs which are considered aesthetically acceptable by the Township of Monroe are shown on the reverse side of the application form.

[b] The method and materials of constructions of said sign, including the mode of illumination, if any, and the manner in which it will be connected to the ground or building. In any business, commercial or industrial zone, this information shall be supplied by virtue of being set forth in blueprint plans.

(3) Nonconforming signs.

- (a) Continuance. Except as otherwise provided in this section, the lawful use of any sign existing at the date of the adoption of this Chapter may be continued, although such sign does not conform to the regulations specified by this section for said sign; provided, however, that no nonconforming signs shall be enlarged, extended or increased or changed in material, character, location or illumination.
- (b) Abandonment. A nonconforming sign shall be presumed to be abandoned when there occurs a cessation of any use or activity pursuant to this Chapter. Abandonment will also be presumed if the time period provided under the annual sign permit has elapsed, without an application for renewal being received by the Office of Planning and Zoning. The Township will not be responsible for notification of renewal.
- (c) Restoration. If any nonconforming signs shall be destroyed by reason of windstorm, fire, explosion or other act of God or the public enemy, to an extent greater than fifty percent (50%) of its original form, said sign shall not be rebuilt or reconstructed except in conformance with the provisions of this section.
- (d) Reversion. No nonconforming sign shall, once changed into a conforming sign, be changed back again into a nonconforming sign.

C. Construction.

- (1) All signs shall conform to the structural requirements of the New Jersey Uniform Construction Code.
- (2) Freestanding signs shall be supported by posts or pylons of durable materials which may include concrete, steel, treated wood, other suitable materials or any combination of the same. Supports for freestanding signs shall be set securely in the ground or concrete so that the sign will be capable of withstanding high winds. No other bracing or guy wire shall be permitted.
- (3) Any sign attached flat against the surface of a building shall be constructed of durable material and attached securely to the building with non-rusting metal hardware. When a sign is to be installed on a masonry building, holes shall be drilled in the masonry and proper non-rusting hardware of the expansion type shall be used. The use of wood or fiber plugs is prohibited. Freestanding signs shall be set securely in the ground or concrete so that the sign will be capable of withstanding high winds. No other bracing or guy wire shall be permitted.

D. Maintenance. If the Zoning Officer shall find that any sign is unsafe, insecure or in need of repair or is not maintained in proper painted condition, the Zoning Officer shall give written notice to the permittee thereof. If the permittee fails to repair or remove it within ten (10) days after such notice, such sign may be deemed a violation of this Article and may be removed by the Zoning Officer, or a person appointed by the Zoning Officer, at the expense of the permittee or owner of the property upon which the sign is located. The owner of any sign or other advertising structure in the Township shall have the same painted at least once every two (2) years in all its parts, including the supports of said sign. Any parts consisting of rustless metal and so manufactured as not to require painting need not be painted, except that, if once painted, the same shall be maintained as other painted signs.

E. Illumination.

- (1) Wiring for illuminated signs shall be installed and maintained in accordance with the Electrical Code of the Township. Any fee for an electrical inspection shall be in addition to the fee provided for in the sign permit.

(2) Where illuminated signs are permitted, illumination may be provided by incandescent floodlights, spotlights or ordinary incandescent bulbs; fluorescent tubes; mercury vapor; metal halide, quartz or high pressure sodium lamps. Neon lights are specifically prohibited for all exterior uses. Regardless of the type of illumination employed, all illuminated signs shall be properly shielded and so located as to prevent glare or blinding effects upon motor vehicle traffic and so as not to cause a nuisance to residents of the area. Intensity of illumination shall be in accordance with the following:

(a) For the purposes of determining the maximum illumination of a sign or signs, existing areas are classified as either low or high illumination areas. A "low illumination area" is defined as a place where at night the average maintained footcandle (f.c.) level is equal to or less than one and five-tenths (1.5) footcandles. A "high illumination area" is defined as a place where at night the average maintained footcandle level is greater than one and five-tenths (1.5) footcandles.

(b) For externally lighted signs, the following shall apply:

Lamp Type	Maximum Illumination (watts per sq. foot)	
	Low Illumination Area	High Illumination Area
	Incandescent	7.1
Quartz	7.1	14.3
Fluorescent	2.1	4.2
Mercury vapor	2.1	5.7
Metal halide	1.6	3.2
High pressure sodium	1.4	2.9

(c) For internally lighted signs, the following shall apply:

Lamp Type	Maximum Illumination (watts per sq. foot)	
	Low Illumination Area	High Illumination Area
	Fluorescent	8.0
Incandescent	27.2	40.0

(3) Whenever the Zoning Officer determines that the lighting on any sign now or hereafter erected constitutes a safety hazard to motor vehicle traffic in the vicinity, he shall serve written notice of his determination upon the property owner and owner of the sign, directing them to correct the condition within fifteen (15) days from the date of the mailing of the notice. Failure to correct the condition or file an appeal within the time specified shall constitute a violation of this section by both the sign owner and property owner.

- F. Signs permitted without a permit. The following signs shall be permitted in any zone in the Township without a permit:
- (1) On-site nonilluminated directional signs identifying parking areas, loading zones, entrances, exits and similar locations. The signs may include a business name or professional name but shall not include any advertising message and shall not exceed three (3) square feet.
  - (2) Temporary and permanent traffic signs and signals installed by the Township, County or State for the purpose of directing and regulating the flow of traffic.
  - (3) Signs indicating public transportation stops when installed by the Township or a public transportation utility.
  - (4) Historical tablets, cornerstones, memorial plaques and emblems which do not exceed six (6) square feet in area and which are installed by government agencies or civil religious organizations.
  - (5) Warning and no-trespassing signs, not exceeding three (3) square feet in area.
  - (6) Flags or emblems of public interest, religious, educational, civic or governmental organizations flown from supports on the buildings or grounds occupied by the organization and the American flag whenever and wherever flown in accordance with the law and rules promulgated by the Federal government, provided that their size does not exceed eight (8) feet by ten (10) feet.
  - (7) The name and number plates identifying residents and affixed to a house, apartment or mailbox, not exceeding fifty (50) square inches in area.
  - (8) Lawn signs identifying residents, not exceeding one and one-half (1 1/2) square feet in area for each side. The signs shall not contain any advertising message and shall be nonilluminated, except by a light which is an integral part of a lamppost if used as a support.
  - (9) Signs posted by governmental agencies or pursuant to governmental statute, order or regulation.
  - (10) Signs which are an integral part of vending machines, including gasoline pumps, milk machines, soda machines and ATM machines provided that they do not exceed the height or width of the machine on which they are located. No additional signs shall be provided at the facility or added to the machine beyond the height or width of the machine.
  - (11) Real estate signs, announcing the sale, rental or lease of the premises on which the sign is located, such sign not to exceed four (4) square feet in area. If double-faced, the sign shall not exceed eight (8) square feet in area for both sides. The sign shall be nonilluminated. Such sign shall not be closer to the line than one-half (1/2) the distance between the building line and the lot line, as defined by this Chapter. Such signs shall not be located closer to other such signs than one (1) in every two hundred (200) feet, measured either along the front of a lot or along the depth of a lot.
  - (12) Temporary signs or other advertising materials attached to a window shall be removed at the expiration of the event for which it was erected or posted. No more than twenty percent (20%) of the square footage of any single window or single window display area shall be devoted to signs or other advertising material attached thereto or otherwise exposed to public view.
  - (13) Temporary signs for advertising public functions or fundraising events for charitable or religious organizations shall be permitted for a period of twenty-one (21) days prior to and during the event and shall be removed within five (5) days after the event. The sign shall be nonilluminated, not larger than twelve (12) square feet in area, not exceeding eight (8) feet in height and may be erected flat against the building or freestanding.
  - (14) Temporary political signs, no greater than twenty (20) square feet in size, shall be permitted no earlier than forty-five (45) days prior to an election and shall be removed within ten (10) days after the election. No sign shall be placed on trees, fences, utility poles or light poles, or attached to other signs.

- (15) Pathmarking signs for garage sales, provided that not more than two (2) signs not exceeding two (2) square feet in size are posted no earlier than one (1) day before the beginning of the sale and are not otherwise prohibited in subsection G. below. All signs for pathmarking to garage sales shall be provided with the address and the date of the garage sale.
  - (16) Artisans' signs.
    - (a) Signs of builders, electrical contractors, painters and other artisans may be erected and maintained during the period in which such persons are performing work on the premises, provided that the size of any such sign shall not exceed four (4) square feet in area.
      - [1] Such signs shall be removed promptly upon completion of the work.
  - (17) Private driveways. Signs indicating the private nature of a driveway, provided that the size of any such sign shall not exceed two (2) square feet.
  - (18) Open house event signs may be permitted for a forty-eight (48) hour period.
  - (19) Public utilities signs, such as warning signs, informational signs or markers, which are customarily erected and maintained by publicly or privately owned public utilities and are essential to their operation.
  - (20) Signs and notices whose erection is permitted by law, relating to meetings of nonprofit service clubs, charitable associations or religious groups.
  - (21) Public service signs authorized or approved by Township, County or State law, regulation or ordinance at places so approved by the Township, County or State agency controlling the roadway involved.
- G. Prohibited signs. The following signs are prohibited in all zones in the Township:
- (1) Signs using red, yellow and green lights which, in the judgment of the Chief of Police, interfere with the operation of any traffic control signal.
  - (2) Moving or revolving signs and signs using blinking, flashing, vibrating, flickering, tracer or sequential lighting.
  - (3) Signs using outside neon lights or any material which sparkles or glitters, but nothing herein contained is intended to prohibit the use of reflective paint on signs directing traffic or identifying various locations within a lot or parcel.
  - (4) Any sign which, in the judgment of the Chief of Police, unreasonably tends to distract drivers or otherwise constitutes a traffic hazard.
  - (5) Roof signs.
  - (6) Signs or advertising matter which can be construed to be indecent or obscene in nature.
  - (7) Signs using words, such as "stop," "look," "danger," etc., which are placed in a manner or position which, in the judgment of the Chief of Police, constitute a traffic hazard or otherwise interfere with the free flow of traffic.
  - (8) Signs which attempt to imitate or otherwise cause confusion with existing signs erected by any governmental board, body or agency.
  - (9) Except where specifically permitted, signs advertising a product or service not sold on the premises, signs advertising or directing attention to another premises and any other signs unrelated to the premises on which the sign is erected.
  - (10) Signs causing interference with radio or television reception.
  - (11) Signs obstructing doors, fire escapes or stairways or keeping light or air from windows used for living quarters.
  - (12) Flags, banners, strings of banners, pinwheels, A-type signs, sandwich-type signs, sidewalk signs, curb signs and similar advertising devices.
  - (13) Any commercial sign or banner spanning a public street.

- (14) Signs placed on awnings, trees, fences, utility poles or light poles, signs attached to other signs and signs placed upon motor vehicles which are continuously or repeatedly parked in a conspicuous location to serve as a sign, but nothing herein contained is intended to prohibit the placement of signs directing traffic or identifying various locations within a lot or parcel on light poles and utility poles erected therein.
  - (15) Any series of two (2) or more signs placed along a street or highway carrying an advertising message, part of which is contained on each sign.
  - (16) A sign on a motor vehicle, truck or trailer, whether or not operational and whether or not self-propelled, which is used or parked or designated to be parked for advertising purposes. Specifically exempted from this section are those signs, nameplates or letters affixed to or printed upon commercial vehicles regularly used in the course of business for regular deliveries, pickups or other such purposes and/or in compliance with the provisions of N.J.S.A. 39:4-46. Specifically included are signs on vehicles, trailers and the like which have as their prime purpose the advertising of goods, wares or services of a business which are maintained in a stationary manner at one (1) or more locations for extended periods of time.
  - (17) Billboards and other advertising signs, fixed or portable display shall be prohibited in all districts.
  - (18) Construction and/or development signs attached to any pole or utility pole directing traffic to a specific location or development.
- H. The following signs are permitted in residential zones with a permit issued by the Department of Planning and Zoning:
- (1) Residential nameplates, lawn signs and real estate signs as specified in § 108-10.1, subsection F.
  - (2) Signs in connection with each housing or land development, as follows:
    - (a) At the main entrance to the development, two (2) nonilluminated freestanding signs which shall state the name of the development and no other advertising material. Each sign shall not exceed twenty-five (25) square feet in area and eight (8) feet in height.
    - (b) At each entrance other than the main entrance, one (1) nonilluminated freestanding sign not exceeding fifteen (15) square feet in area and not more than eight (8) feet in height.
    - (c) At the rental or sales office of the development, one (1) freestanding illuminated sign advertising the office, not to exceed fifteen (15) square feet in area and not more than five (5) feet in height.
- I. The following signs are permitted in LI-Light Impact Industrial Zone with a permit issued by the Department of Planning and Zoning:
- (1) One (1) freestanding entry sign located on each street providing access to the limited industrial research or office project. Where this zone is not surrounded by or adjacent to residential zones, the applicable freestanding sign standards of the adjacent zone shall apply. Where residential zones abut the zone, one (1) freestanding sign, not exceeding twenty-five (25) square feet in area nor ten (10) feet in height, shall be permitted.
  - (2) Each use in an LI Zone may erect one (1) free-standing sign not exceeding fifty (50) square feet in area nor ten (10) feet in height; provided however, that where more than one (1) use exists in a building, or where two (2) or more buildings share common site elements or are located on the same lot, as indicated on an approved site plan, only one (1) freestanding sign shall be permitted.
  - (3) One (1) façade sign for each building may be placed or inscribed upon one (1) fascia of the building. Said signs shall not exceed an area equal to ten percent (10%) of the façade upon which the sign is to be located, but not to exceed one hundred (100) square feet.

- (4) Non-illuminated directional signs, none of which shall exceed twenty-five (25) square feet in area nor eight (8) feet in height, may be permitted by the municipal agency so as to facilitate interior traffic flow.
- J. The following signs are permitted in the PO/CD-Planned Office/Commercial Development Zone with a permit issued by the Department of Planning and Zoning: One (1) façade sign may be placed or inscribed upon the front façade of a building for each permitted use or activity. Said signs shall not exceed an area of one (1) square foot for each two (2) feet in width of the front of the building or portion thereof devoted to such use or activity.
- K. The following signs are permitted in the N-C-Neighborhood Commercial Zone with a permit issued by the Department of Planning and Zoning:
  - (1) One (1) façade sign may be placed or inscribed upon the front façade of a building for each permitted use or activity. Said signs shall not exceed an area equal to ten percent (10%) of the front wall area of the building or portion thereof devoted to such use or activity, but shall not exceed forty (40) square feet in area.
- L. Signs permitted in the H-D-Highway Development Zone with a permit issued by the Department of Planning and Zoning:
  - (1) One (1) façade sign may be placed or inscribed upon the front façade of a building for each permitted use or activity. Said sign shall not exceed an area equal to ten percent (10%) of the front wall area of the building, or portion thereof, devoted to such use or activity.
  - (2) Each use in an H-D Zone may erect one (1) freestanding sign in accordance with the table shown below; provided however, that where more than one (1) use exists in a building, or where two (2) or more buildings share common site elements or are located on the same lot as indicated on an approved site plan, only one (1) freestanding sign shall be permitted.
    - (a) The maximum size of the sign shall be determined in accordance with the following table:

<b>Street Frontage (feet)</b>	<b>Maximum Height (feet)</b>	<b>Maximum Size of Sign Face (square feet)</b>	<b>Maximum Setback (percent of building setback)</b>
Up to 500	10	50	75
500 to 700	12	50	75
Over 700	15	50	75

- (b) For sites with more than one (1) use, an additional ten (10) square feet may be added for each additional use, provided that in no case shall any such sign exceed one hundred (100) square feet.
- M. The following signs are permitted in the CC Community Commercial Zone with a permit issued by the Department of Planning and Zoning:
  - (1) One (1) façade sign may be placed or inscribed upon the front façade of a building for each permitted use or activity. Said sign shall not exceed an area equal to ten percent (10%) of the front wall area of the building, or portion thereof, devoted to such use or activity.
  - (2) Freestanding signage shall be a monument sign with a maximum height of eight (8) feet and a maximum area of one hundred (100) square feet. Only one (1) freestanding sign shall be permitted.
  - (3) Freestanding signage shall be set back a minimum of ten (10) feet from the property line.

- N. Directional signs for development locations shall be allowed with the following conditions:
- (1) A permit must be obtained annually from the Department of Planning and Zoning in accordance with subsection B(1) of this section.
  - (2) No directional sign shall exceed four (4) feet by nine (9) inches.
  - (3) All directional signs located within the Township will be a standard blue color.
  - (4) No more than six (6) directional signs shall be permitted per development from the following list of main corridors:
    - (a) Applegarth Road
    - (b) Perrineville Road
    - (c) Forsgate Drive
    - (d) Prospect Plains Road
    - (e) Schoolhouse Road
    - (f) Matchaponix Road
    - (g) Spotswood-Englishtown Road
    - (h) Texas Road
  - (5) Only one (1) directional sign shall be permitted at any of the six (6) intersection locations selected by the developer.
  - (6) Nothing in this section shall prevent the Zoning Officer from posting directional signs, in addition to those posted pursuant to a permit obtained under this Article, if the Zoning Officer, in his discretion, deems same necessary and in the best interest of the public.
- O. State requirements. All signs to be erected in the Township must comply with all State Statutes.
- P. Fees.
- (a) Developer directional signs shall pay a one-time application fee of seventy-five dollars (\$75.00) per sign and a twenty-five dollar (\$25.00) annual fee per sign.
  - (b) All signs, other than developer directional signs, less than one hundred (100) square feet shall pay a one-time application fee of fifty dollars (\$50.00) per sign.
  - (c) All signs other than developer directional signs, greater than one hundred (100) square feet shall pay a one-time application fee of two hundred dollars (\$200.00) per sign and a thirty-five dollar (\$35.00) annual fee per sign.
- Q. Penalties. Penalties for any violation of the provisions of this Chapter shall be in accordance with § 108-14.4 of this Chapter entitled "Violations and penalties".

**SECTION 3.** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 4.** If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION 5.** This Ordinance shall take effect upon final passage and publication as provided by law.

Council President Tamburro opened the Public Hearing to Council and Public discussion of this Ordinance.

The Council President advised that present this evening to address any technical questions in connection with Chapter 108 are Mark Remsa, the Township Planner and Peg Schaffer, the Assistant Township Attorney.

**Public:**

Michelle Arminio, 9 Nathaniel St. – asked if this is the Ordinance for the Master Plan changes. Township Planner Mark Remsa stated "yes", the proposed changes will be implemented in the Master Plan.

Asst. Township Attorney Schaffer added that it is a comprehensive amendment to adopt recommendations of the Master Plan with a few exceptions. She further explained that there are a couple of inconsistencies between the Master Plan as recommended by the Planning Board and the proposed Land Development Ordinance.

Engineer Feist further explained the VC-1 Overlay Zone located on Spotswood-Englishtown Road and Mount Mills Road and the changes that were made. He stated he also recommended parking requirement changes. In the R-60 zone, with nursing homes being a permitted use – he recommended eliminating them from the R-60 zone.

Ms. Arminio expressed concern about going from 120 acres to 50 acres in the VC-1 zone. She feels the Master Plan promotes the urbanization of Monroe. She also commented on the building of retail buildings on the bottom & apartments/offices above, which is very popular with developers, but does not seem to be working in other communities.

Councilman Dalina requested a Resolution be passed with the Land Use Ordinance noting the inconsistencies with the Master Plan.

Council President Tamburro explained that since the Planning Board did not meet last week because of not having a quorum, the Board will be meeting the fourth Thursday of this month. He asked Attorney Schaffer if what Councilman Dalina is suggesting would conform to the law.

Attorney Schaffer explained that this Ordinance was forwarded to the Planning Board under cover of June 13<sup>th</sup> and June 25<sup>th</sup>, 2012 explaining the perception of the Council that this Ordinance conformed to the Master Plan except in a couple areas that were just described by Engineer Feist and herself. The Planning Board has 35 days to report back but has not yet had the opportunity to do so. She feels that it is essential, in order for the Council to pass this Ordinance, and to point out the inconsistencies they have noted and make a determination that they want to pass this Ordinance, notwithstanding those inconsistencies, in which case the Council needs a 2/3 vote of the eligible members of the Council. Because of the importance of the Planning Board input, it is also recommended that the inconsistencies be noted; that the Council express its reasons for adopting an Ordinance inconsistent with the Master Plan and ask the Planning Board to report back to the Council indicating the Boards agreement that, except in those areas mentioned as being inconsistent, the Ordinance is otherwise consistent with the Master Plan.

**UPON MOTION** made by Councilman Dalina and seconded by Councilwoman Koppel, the following entitled Resolution was moved for adoption: **RESOLUTION OF THE MONROE TOWNSHIP COUNCIL EXPRESSING REASONS FOR LAND USE ORDINANCE INCONSISTENCIES WITH MASTER PLAN.**

ROLL CALL:	Councilman Stephen Dalina	Aye
	Councilwoman Leslie Koppel	Aye
	Councilman Michael Leibowitz	Aye
	Council Vice-President Henry L. Miller	Aye
	Council President Gerald W. Tamburro	Aye

Copy of Resolution Duly Filed.

**R-7-2012-208 RESOLUTION OF THE MONROE TOWNSHIP COUNCIL EXPRESSING REASONS FOR LAND USE ORDINANCE INCONSISTENCIES WITH MASTER PLAN.**

As Councilman Dalina and Councilman Leibowitz regularly moved and seconded the adoption, an Ordinance of which the following is the title was passed on Second Reading and Final Adoption: **ORDINANCE AMENDING CHAPTER 108 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED "LAND DEVELOPMENT"**.

ROLL CALL: Councilman Stephen Dalina	Aye
Councilwoman Leslie Koppel	Aye
Councilman Michael Leibowitz	Aye
Council Vice-President Henry L. Miller	Aye
Council President Gerald W. Tamburro	Aye

Copy of Ordinance Duly Filed.  
O-7-2012-014

**UPON MOTION** made by Councilwoman Koppel and seconded by Councilman Dalina, an Ordinance of which the following is the title was moved on second reading for final passage: **BOND ORDINANCE PROVIDING FOR VARIOUS 2012 WATER AND SEWER UTILITY IMPROVEMENTS, ALL LAWFUL AND PUBLIC PURPOSES, BY AND IN THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$2,020,000 THEREFOR FROM THE WATER AND SEWER UTILITY OF THE TOWNSHIP (INCLUDING CERTAIN INSURANCE PROCEEDS IN THE AMOUNT OF \$693,000) AND AUTHORIZING THE ISSUANCE OF \$1,327,000 BONDS OR NOTES TO FINANCE THE COST THEREOF.**

**ORDINANCE** as follows: (O-7-20112-015)

**WHEREAS**, the Township of Monroe, in the County of Middlesex, State of New Jersey (the "Township") sustained damage to the Ashmall Avenue Sanitary Sewage Pumping Station (the "Ashmall Pumping Station") and the Tynedale Avenue Stormwater Pumping Station (the "Tynedale Pumping Station") as a result of flooding caused by the 2011 storm system named Hurricane Irene; and

**WHEREAS**, the Township has received or expects to receive various insurance proceeds in the aggregate amount of \$693,000 to fund a portion of the cost of improvements necessary to repair the flooding damages caused by Hurricane Irene; and

**WHEREAS**, the Township has determined that it is necessary to repair the flooding damages caused by Hurricane Irene and to make various improvements to the Ashmall Pumping Station and the Tynedale Pumping Station, which improvements will prevent similar flooding damages in the event of future storm systems (collectively, the "Project"); and

**WHEREAS**, the Township Council of the Township hereby desires to adopt this bond ordinance in order to finance the Project .

**BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

**SECTION 1.** The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Water and Sewer Utility of the Township as general improvements. For the said improvements stated in Section 3, there is hereby appropriated the principal amount of \$2,020,000 from the Water and Sewer Utility of the Township, which sum includes various insurance proceeds received or expected to be received in the aggregate amount of \$693,000 (the "Insurance Proceeds"). Pursuant to the provisions of N.J.S.A. 40A:2-7(h) and 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), no down payment is required as the Water and Sewer Utility is self-liquidating.

**SECTION 2.** For the financing of said improvement or purpose described in Section 3 hereof and to meet the portion of the \$2,020,000 appropriation not provided by the Insurance Proceeds, negotiable bonds of the Water and Sewer Utility of the Township are hereby authorized to be issued in the principal amount of \$1,327,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Water and Sewer Utility of the Township in a principal amount not exceeding \$1,327,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**SECTION 3. (a)** The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued is the Project, said Project includes but is not limited to, various improvements to the Ashmall Pumping Station and the Tynedale Pumping Station, such improvements include but are not limited to, various improvements to the equipment and the accompanying housing structure, wet well, comminutor chamber, valve pit, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto, and other such improvements as more particularly described on a list on file with the Monroe Township Utility Department and by this reference made a part hereof.

**(b)** The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$1,327,000.

**(c)** The estimated cost of said improvement or purpose is \$2,020,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Insurance Proceeds.

**SECTION 4.** In the event the United States of America, the State of New Jersey, and/or the County of Middlesex make a contribution or grant in aid to the Township for the improvements and purposes authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Middlesex. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Middlesex shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

**SECTION 5.** All bond anticipation notes issued hereunder shall mature at such time as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Township shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** The capital budget of the Water and Sewer Utility of the Township is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs will be on file in the Office of the Clerk and will be available for public inspection.

**SECTION 7.** The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Water and Sewer Utility of the Township may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is forty (40) years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Water and Sewer Utility of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$1,327,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$530,000 for items of expense listed in and permitted under N.J.S.A. § 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

**SECTION 8.** Unless paid from other sources, the full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. Unless paid from other sources, the obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

**SECTION 9.** The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$1,327,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of

section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

**SECTION 10.** The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

**SECTION 11.** This bond ordinance shall take effect twenty (20) days after final adoption, and approved by the Mayor, as provided by the Local Bond Law.

Council President Tamburro opened the Public Hearing to Council and Public discussion of this Ordinance.

There was no Council or Public discussion of this Ordinance.

As Councilwoman Koppel and Councilman Dalina regularly moved and seconded the adoption, an Ordinance of which the following is the title was passed on Second Reading and Final Adoption: **BOND ORDINANCE PROVIDING FOR VARIOUS 2012 WATER AND SEWER UTILITY IMPROVEMENTS, ALL LAWFUL AND PUBLIC PURPOSES, BY AND IN THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$2,020,000 THEREFOR FROM THE WATER AND SEWER UTILITY OF THE TOWNSHIP (INCLUDING CERTAIN INSURANCE PROCEEDS IN THE AMOUNT OF \$693,000) AND AUTHORIZING THE ISSUANCE OF \$1,327,000 BONDS OR NOTES TO FINANCE THE COST THEREOF.**

ROLL CALL: Councilman Stephen Dalina	Aye
Councilwoman Leslie Koppel	Aye
Councilman Michael Leibowitz	Aye
Council Vice-President Henry L. Miller	Aye
Council President Gerald W. Tamburro	Aye

Copy of Ordinance Duly Filed.  
O-7-2012-015

**UPON MOTION** made by Councilwoman Koppel and seconded by Councilman Leibowitz, an Ordinance of which the following is the title was moved on second reading for final passage: **ORDINANCE AMENDING THE 2011-2014 SUPERVISORY PERSONNEL SALARY AND WAGE ORDINANCE FOR THE TOWNSHIP OF MONROE, COUNTY OF MIDDLESEX.**

**ORDINANCE** as follows: (O-7-20112-016)

**BE IT ORDAINED** by the Township Council of the Township of Monroe, County of Middlesex and State of New Jersey as follows:

**SECTION 1.** The annual salary and wage ranges shown for Secretary – Cultural Arts Commission in the 2011 – 2014 Supervisory Salary and Wage Ordinance of the Township of Monroe shall be amended as herein below set forth:

<u>POSITION</u>	<u>MINIMUM</u>	<u>2012 MAXIMUM</u>	<u>2013 MAXIMUM</u>	<u>2014 MAXIMUM</u>
<b>SECRETARY – CULTURAL ARTS COMMISSION</b>	<b>\$2,500</b>	<b>\$3,219</b>	<b>\$3,283</b>	<b>\$3,349</b>

**SECTION 2.** All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance shall be and the same are hereby repealed.

**SECTION 3.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION 4.** This Ordinance shall take effect upon final passage and publication as provided by law.

**SO ORDAINED**, as aforesaid.

Council President Tamburro opened the Public Hearing to Council and Public discussion of this Ordinance.

There was no Council or Public discussion of this Ordinance.

As Councilwoman Koppel and Councilman Leibowitz regularly moved and seconded the adoption, an Ordinance of which the following is the title was passed on Second Reading and Final Adoption: **ORDINANCE AMENDING THE 2011-2014 SUPERVISORY PERSONNEL SALARY AND WAGE ORDINANCE FOR THE TOWNSHIP OF MONROE, COUNTY OF MIDDLESEX.**

ROLL CALL: Councilman Stephen Dalina	Aye
Councilwoman Leslie Koppel	Aye
Councilman Michael Leibowitz	Aye
Council Vice-President Henry L. Miller	Aye
Council President Gerald W. Tamburro	Aye

Copy of Ordinance Duly Filed.  
O-7-2012-016

**UPON MOTION** made by Councilman Leibowitz and seconded by Councilman Dalina, an Ordinance of which the following is the title was moved on second reading for final passage: **ORDINANCE AMENDING CHAPTER 122 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED "VEHICLES AND TRAFFIC"**. (Reduction of Speed Limit on Old Church Road)

**ORDINANCE** as follows: (O-7-20112-017)

**BE IT ORDAINED** by the Township Council of the Township of Monroe, in the County of Middlesex, New Jersey as follows:

**SECTION 1.** Chapter 122-44.1. entitled "Schedule XVA: Speed Limits" shall be amended as follows:

Name of Street	Speed Limit (mph)	Location
Old Church Road	35	From Applegarth Road to the terminus (cul-de-sac)

**SECTION 2.** All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION 4.** This Ordinance shall take effect twenty days after final passage, adoption and publication according to law.

Council President Tamburro opened the Public Hearing to Council and Public discussion of this Ordinance.

There was no Council or Public discussion of this Ordinance.

As Councilwoman Koppel and Councilman Leibowitz regularly moved and seconded the adoption, an Ordinance of which the following is the title was passed on Second Reading and Final Adoption: **ORDINANCE AMENDING CHAPTER 122 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED "VEHICLES AND TRAFFIC"**. (Reduction of Speed Limit on Old Church Road)

ROLL CALL: Councilman Stephen Dalina	Aye
Councilwoman Leslie Koppel	Aye
Councilman Michael Leibowitz	Aye
Council Vice-President Henry L. Miller	Aye
Council President Gerald W. Tamburro	Aye

Copy of Ordinance Duly Filed.  
O-7-2012-017

**UPON MOTION** made by Councilman Leibowitz and seconded by Councilwoman Koppel, an Ordinance of which the following is the title was moved on second reading for final passage: **ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF MONROE, SPECIFICALLY CHAPTER 78 THEREOF ENTITLED, "PERSONNEL POLICIES AND PROCEDURES"**.

**ORDINANCE** as follows: (O-7-20112-018)

**WHEREAS**, the Township Council of the Township of Monroe deems it to be in the best interest of the citizens of the Township of Monroe to review and update its Personnel Policies and Procedures; and

**WHEREAS**, the Township Business Administrator, in conjunction with the Township Attorney, have revised the policies after consultation with Department Heads and review of applicable law;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Monroe, County of Middlesex, and State of New Jersey that the Township of Monroe Personnel Policies and Procedures Manual shall be amended as follows: (**Bolded underlined text is new**)

**SECTION 1.**

**§ 78-13. Employment reference and background checks.**

To ensure that individuals who are employed by the township are well qualified and have a strong potential to be productive and successful, it is the policy of the township to check the employment references and investigate the background of all applicants. Applicants are required to authorize release of this information. (See Exhibit 2)<sup>6</sup>

Reference checks requested by others must be submitted in writing to the Business Administrator or the township will not respond. In its response to such inquiries, the township will only confirm the dates of employment, wage rates, and position(s) held by the referenced employee or former employee.

**Applicants shall submit to being fingerprinted in accordance with applicable State and federal laws, rules and regulations. The authorized municipal official or officer requesting the criminal history record background check of an employee is authorized to exchange fingerprint data with and receive criminal history record information from the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation.**

**§ 78-14. Employee medical examinations.**

The township has an interest in maintaining the health, safety and welfare of its citizens and the members of its workforce. For this reason the township requires that its employees be healthy enough to perform their duties without endangering the health, safety and welfare of themselves or others.

Medical examinations may be required as a condition of employment for any applicant who has received an offer of employment from the township. The offer of employment and assignment to duties is contingent upon completion of an examination and a medical determination that the individual is capable of performing the responsibilities of the offered position. The medical examination will be performed at the township's expense by a physician selected by the township. The applicant will be required to sign a release authorizing the health professional to provide the township with any information obtained during the examination.

The Business Administrator, alone or in consultation with the Clinical Coordinator, may direct full-time and part-time employees to submit to a medical examination under the following circumstances:

- A. When a co-employee or department head forms a good faith belief, detailed in writing, that another employee may need medical attention based upon observed changes in conduct or the occurrence of one (1) or more events which have a negative impact upon that employee's ability to safely and adequately perform his or her duties; or,
- B. When an employee has been absent from work due to illness or injury for such a period of time that a re-entry examination is deemed prudent or is required by law or other township policy.

When the need for a medical examination is indicated based on the foregoing, the following procedures shall be followed:

- (1) The department head shall submit a written request for the employee's medical examination, along with any supporting documentation, to the Business Administrator. If the examination is for re-entry, the employee shall provide any required documentation to his or her department head. The written request shall detail the reasons supporting the request for a medical examination.
- (2) Upon receipt of the request, the Business Administrator shall determine whether a medical examination is appropriate. The Business Administrator may request all such additional information as is deemed necessary to make this determination. The Business Administrator may share the provided information with one (1) or more appropriate healthcare professionals, including but not limited to the Clinical Coordinator, if additional guidance is needed to determine the appropriate course of action.
- (3) If the Business Administrator determines that the employee should be given a medical examination, the employee will be asked to execute a release of information form and an appointment will be scheduled with a physician selected by the township.
- (4) After the physician has examined the employee, a final report shall be submitted which contains specific conclusions relating to the employee's ability to safely continue in the performance of his or her job. If the physician requires further tests or specialized examinations to make such conclusions, then the physician should instead issue a report specifying the additional medical information needed. The Business Administrator will inform the employee if additional medical examinations are requested.
- (5) The employee shall be directed to undergo the additional tests or examinations and to release the results to the initial examining physician. Upon completion, the physician will provide a final report to the Business Administrator. If the report indicates that the employee cannot safely and adequately perform his or her duties, the report shall contain recommendations which will, if possible, permit the employee to safely resume his or her position in the future. A copy of any final report will be provided to the employee.

- (6) The Business Administrator may make compliance with the physician's recommendations a condition of continued employment or take such other employment action including suspension pending the examination as is necessary to ensure the safety of the employee and the public. However, no employment action taken under these circumstances shall be inconsistent with the anti-discrimination and equal opportunity provisions of this Manual, including those which require reasonable accommodation for individuals with a known disability.

Any required examinations or testing will be at the township's expense. Every effort should be made to conduct these examinations promptly and with minimal or no interruption of the employee's non-working hours, if the employee is continuing to work. Any re-entry exams should be handled expeditiously to facilitate the employee's return to township service as promptly as possible. These procedures may not be used to address situations involving possible pregnancy, an employee's HIV status or to obtain genetic information. They do not apply to emergency situations, workers' compensation examinations or any other employment-related medical examinations specifically addressed by law.

**For all positions which require a Commercial Driver's License, the employee must maintain a valid and current Medical Examiner's Certificate or Medical Card which certifies that the employee is physically qualified to drive a commercial motor vehicle.**

Information on an employee's or applicant's medical condition or history will be kept separate from other employee information and maintained confidentially. All such information shall only be retained by the township for any period necessary to make a determination regarding an applicant's or employee's fitness for performing a certain position.

#### **§ 78-24. Employee benefits.**

A number of programs, such as social security, workers' compensation and unemployment insurance, cover all township employees as prescribed by law. In addition, eligible township employees are provided a wide range of other benefits. For these benefits, eligibility is dependent upon factors such as full-time employment status or contract rights. An employee should check with his superior to determine eligibility.

The following benefit programs are available to eligible employees: use of township-owned automobile, auto mileage reimbursement, medical insurance, major medical insurance, prescription plan, dental insurance, life insurance, holidays, vacation benefits, bereavement leave, family leave, jury duty leave, long term disability (optional), sick leave benefits (short term disability), savings bonds/deferred compensation plan (optional), uniform and uniform maintenance (as provided in collective bargaining agreements), personal cancer protection plan (optional), credit union membership (optional), **and a flexible spending account.**

In addition to spouses and other dependents, domestic partners of employees (provided they possess a valid Certificate of Domestic Partnership in accordance with N.J.S.A. 26:8a-1, et seq. and Chapter 246, P.L. 2003) are eligible for major medical/hospitalization insurance, prescription plan and dental insurance.

**All employees who filed a waiver of health benefits with the Township on or after May 21, 2010, and who are entitled to receive a portion of the amount saved by the Township because of the employee's waiver of coverage, shall not receive an amount in excess of twenty-five (25%) percent, or \$5,000.00, whichever is less, of the amount saved by the Township.**

**An employee who wishes to resume coverage for health benefits after filing a waiver shall notify the Township in writing, and file a declaration with the Division of Pensions and Benefits that the waiver is revoked.**

An eligible employee may opt-out of Major Medical (if employee provides proof of current coverage), Chiropractic, Dental and/or Vision plans. One (1) lump sum payment will be made to the employee for the Opt-out Plan no later than the second payroll in December (or on your last payroll check, a pro-rated lump sum if employee leaves employment before the end of the year). Selection of the Opt-out Plan shall entitle employee to a payment equal to fifty percent (50%) of the cost of the program(s) from which employee opts out.

In the event an employee needs to make immediate changes to their healthcare benefits due to an unexpected "life event", the employee may do so. A qualified life event (marriage, domestic partnership, divorce, death of dependent family member, birth or adoption of a child, loss of other health coverage) will enable a full-time employee with medical benefits to make enrollment changes during the year.

**§ 78-32.1. Extended sick leave.**

In the event that any employee, with four (4) or more years of continuous service commencing with the date on which status as a permanent employee was obtained, suffers a debilitating sickness or injury during the course of employment, the township may provide his or her gross pay for a period of ninety (90) calendar days, limited to one (1) leave in a twelve (12) month period. At the start of an employee's ninth (9<sup>th</sup>) year of employment, there will be no limit on the number of leaves in a twelve (12) month period. Extended sick leave may not be utilized until an employee has used all previously accumulated sick leave, including any leave awarded during the period of absence. Such requests shall be made in writing, with medical substantiation, to the Business Administrator. The decision whether to grant extended sick leave shall be at the discretion of the Business Administrator after consultation with the Clinical Coordinator.

After ninety (90) consecutive days of administrative sick leave, an employee may request that the Business Administrator obtain authorization from the Township Council for an additional extended leave of up to ninety (90) days.

As an additional condition of eligibility for extended sick leave benefits, an employee on extended sick leave must apply for any other available compensation and benefits (such as workers' compensation, state disability and social security, if applicable).

During any period of extended sick leave, an employee will accumulate sick days in accordance with any union contract formula or at the rate of one (1) day per month. Extended sick leave may not be utilized until an employee has used all previously accumulated sick leave awarded during the period of absence.

Extended sick leave benefits under this paragraph will commence upon presentation of a physician's certification to the employee's debilitating condition and temporary inability to work. In addition, the township may require that the employee be examined by a physician of its choosing who must also certify to the employee's condition and temporary inability to work.

The provision for extended sick leave will not apply to any employee who becomes unable to return to work on a permanent basis. It shall be the responsibility of any employee seeking extended sick leave benefits to determine whether he or she is entitled to worker's compensation, disability or social security benefits. If any other forms of financial assistance are available to the employee, they shall be pursued. If an employee receives benefits or a compensation award for any portion of the extended sick leave period for which the township paid the employee, the employee shall use the benefits or award to reimburse the township. An employee is not entitled to receive or retain any extended sick leave payments which duplicate compensation received from other sources for the same period of time.

In the event that vacation leave is carried over from one (1) year to the next, it must be used in the subsequent year or is lost.

New employees shall not be eligible for vacation days in the first sixty (60) days of employment.

Vacation days are pro-rated based on the employees annual allotment divided by the number of months worked in the year of termination.

**The provision of extended sick leave shall not apply to any employee who is injured during the performance of services for another Employer.**

**An employee who is ineligible for extended sick leave may apply for a medical leave of absence without pay after exhausting all vacation leave, sick leave, and leave provided under the Family and Medical Leave Act.**

**§ 78-34. Maternity leave for employees hired PRIOR to May 1, 2011.**

Maternity leave shall be granted to full-time employees with two (2) years or more of full-time service. Paid leave shall consist of twelve (12) weeks in any twenty-four (24) month period regardless of whether those days are before or after delivery.

Not later than the fourth (4<sup>th</sup>) month of pregnancy, the employee shall notify the Business Administrator of her pregnancy or adoption and her plans to continue employment or take a leave of absence, not to exceed twelve (12) weeks, unless altered due to medical reasons. Notification of pregnancy shall include a statement from the employee's health care provider which sets forth the condition of pregnancy, the anticipated delivery date and the employee's ability to continue her normal duties. If any change occurs in the employee's ability to continue her normal duties, she shall give the Business Administrator a statement from her physician certifying to that change.

Employees who have been employed for two (2) years will not be required to exhaust any accrued sick leave prior to receiving any maternity leave. While on maternity leave, employees shall continue to accrue sick leave in accordance with the provisions of any collective bargaining agreement or, for non-union personnel, in accordance with Section 78-31, "Sick leave benefits," of this Manual.

The position held by an employee who goes out on maternity leave shall be held open for a period of six (6) months and the individual shall be placed in the same position at the salary schedule that she would have attained had she been employed by the township during such period or she will be restored to an equivalent position with equivalent duties, benefits and pay.

**§ 78-34.1. Maternity leave for employees hired AFTER May 1, 2011.**

**Maternity Leave shall be granted to full-time employees with two (2) years or more of full-time service. Paid leave for full-time employees hired after May 1, 2011 shall consist of sixty (60) calendar days in any twenty-four (24) month period regardless of whether those days are before or after delivery.**

**Not later than the fourth (4th) month of pregnancy, the employee shall notify the Business Administrator of her pregnancy or adoption and her plans to continue employment or take a leave of absence, not to exceed sixty (60) calendar days, unless altered due to medical reasons. Notification of pregnancy shall include a statement from the employee's health care provider which sets forth the condition of pregnancy, the anticipated delivery date and the employee's ability to continue her normal duties. If any change occurs in the employee's ability to continue her normal duties, she shall give the Business Administrator a statement from her physician certifying to that change.**

**Employees are eligible for up to sixty (60) calendar days of paid leave upon adoption of a child provided notice is given at least one (1) month in advance of the scheduled leave.**

**Employees who have been employed for two (2) years will not be required to exhaust any accrued sick leave prior to receiving any maternity leave. While on maternity leave, employees shall continue to accrue sick leave in accordance with the provisions of any collective bargaining agreement or, for non-union personnel, in accordance with Section 31, "Sick Leave Benefits," on Page 38 of this Manual.**

**The position held by an employee who goes out on maternity leave shall be held open for a period of six (6) months and the individual shall be placed in the same position at the salary schedule that she would have attained had she been employed by the Township during such period or she will be restored to an equivalent position with equivalent duties, benefits and pay.**

**SECTION 2.** The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

**SECTION 3.** This Ordinance shall take effect immediately upon final passage and publication in accordance with the law.

**SECTION 4.** All other Ordinances or parts of Ordinances inconsistent herewith are repealed to the extent of such inconsistency.

Council President Tamburro opened the Public Hearing to Council and Public discussion of this Ordinance.

There was no Council or Public discussion of this Ordinance.

As Councilman Leibowitz and Councilwoman Koppel regularly moved and seconded the adoption, an Ordinance of which the following is the title was passed on Second Reading and Final Adoption: **ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF MONROE, SPECIFICALLY CHAPTER 78 THEREOF ENTITLED, "PERSONNEL POLICIES AND PROCEDURES"**.

ROLL CALL:	Councilman Stephen Dalina	Aye
	Councilwoman Leslie Koppel	Aye
	Councilman Michael Leibowitz	Aye
	Council Vice-President Henry L. Miller	Aye
	Council President Gerald W. Tamburro	Aye

Copy of Ordinance Duly Filed.  
O-7-2012-018

**UPON MOTION** made by Councilman Dalina and seconded by Councilman Leibowitz, an Ordinance of which the following is the title was moved on second reading for final passage: **ORDINANCE RELEASING, VACATING AND EXTINGUISHING ANY AND ALL PUBLIC RIGHTS IN AND TO A TWENTY FOOT (20') UTILITY EASEMENT AND A FIFTEEN FOOT (15') RIGHT OF WAY ON AVENUE J.**

**ORDINANCE** as follows: (O-7-20112-019)

**WHEREAS**, application has been made by Lucille DiPasquale, 70 Avenue K, Monroe Township, NJ 08831 for the passage of an ordinance vacating, releasing and extinguishing the public rights in and to a 20' foot Utility Easement, Block 119, Lots 11 and 12 ; Block 118 Lots 1 and 2 and a 15' foot Right of Way located at Block 119 Lots 11-13 as shown on Tax Map Sheets No. 89.02 and 89.03; as more particularly described in the Property Survey prepared by Amertech Engineering, Inc. copies of which are attached hereto as Exhibit "A"; and

**WHEREAS**, the Township Engineer has reviewed said application and has recommended that the Township move forward with the vacation of the 20' foot Utility Easement and 15' foot Right of Way, as outlined in his letter dated May 16, 2012, a copy of which is attached hereto as Exhibit "B"; and

**WHEREAS**, Michael Rogers, Director of the Monroe Township Utilities Department has reviewed said application and per letter dated May 14, 2012, attached hereto as Exhibit "C", has advised that said vacation will not affect any "MTUD" underground utilities and finds the vacation acceptable as requested; and

**WHEREAS**, the Township Council of the Township of Monroe is of the opinion that the public interest will best be served by vacating and releasing the public rights in said easement, street or road;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey as follows:

1. The public rights and interest in the 20' Utility Easement and 15' Right of Way, as described on attached Exhibit "A", are hereby vacated and released.

2. Pursuant to N.J.S.A. 40:67-1, the following described rights of public utilities and cable television companies are hereby expressly reserved and excepted from this vacation: All rights and privileges possessed at the time of the adoption of this Ordinance by public utilities, as defined in R.S. 48:2-13, and by any cable television company, as defined in the "Cable Television Act", P.L. 1972, c. 186 (C.48:5A-1, et seq) to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, highway, lane, alley, square, place or park, or any part thereof, to be vacated.

3. The Chief Finance Officer is hereby authorized to draw a check in the sum of \$11.00 payable to the Middlesex County Clerk, and the Township Clerk shall thereupon file a certified copy of this Ordinance in the Office of the Middlesex County Clerk.

4. This Ordinance shall become effective twenty days after final passage and publication according to law.

Council President Tamburro opened the Public Hearing to Council and Public discussion of this Ordinance.

There was no Council or Public discussion of this Ordinance.

As Councilman Dalina and Councilman Leibowitz regularly moved and seconded the adoption, an Ordinance of which the following is the title was passed on Second Reading and Final Adoption: **ORDINANCE RELEASING, VACATING AND EXTINGUISHING ANY AND ALL PUBLIC RIGHTS IN AND TO A TWENTY FOOT (20') UTILITY EASEMENT AND A FIFTEEN FOOT (15') RIGHT OF WAY ON AVENUE J.**

ROLL CALL: Councilman Stephen Dalina	Aye
Councilwoman Leslie Koppel	Aye
Councilman Michael Leibowitz	Aye
Council Vice-President Henry L. Miller	Aye
Council President Gerald W. Tamburro	Aye

Copy of Ordinance Duly Filed.  
O-7-2012-019

**UPON MOTION** made by Councilwoman Koppel and seconded by Councilman Leibowitz, an Ordinance of which the following is the title was introduced on first reading for final passage: **BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER O-8-2000-026 FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY ON AUGUST 28, 2000 (WHICH PROVIDES FOR VARIOUS 2000 CAPITAL IMPROVEMENTS), AS AMENDED AND SUPPLEMENTED, TO AMEND THE DESCRIPTION SET FORTH THEREIN, AND CANCELLING AND REPEALING BOND ORDINANCE NUMBER O-2-2012-001.**

ROLL CALL: Councilman Stephen Dalina	Aye
Councilwoman Leslie Koppel	Aye
Councilman Michael Leibowitz	Aye
Council Vice-President Henry L. Miller	Aye
Council President Gerald W. Tamburro	Aye

Copy of Ordinance Duly Filed.

**UPON MOTION** made by Councilwoman Koppel and seconded by Councilman Dalina, an Ordinance of which the following is the title was introduced on first reading for final passage:  
**ORDINANCE PROVIDING FOR THE ACQUISITION OF CERTAIN PARCELS OF LAND IDENTIFIED AS BLOCK 109.02, LOTS 6 & 7 ON THE TAX MAP OF MONROE TOWNSHIP IN EXCHANGE FOR CERTAIN PARCELS OF LAND IDENTIFIED AS BLOCK 109.02, LOTS 3 & 4 ON THE TAX MAP OF MONROE TOWNSHIP.**

ROLL CALL: Councilman Stephen Dalina	Aye
Councilwoman Leslie Koppel	Aye
Councilman Michael Leibowitz	Aye
Council Vice-President Henry L. Miller	Aye
Council President Gerald W. Tamburro	Aye

Copy of Ordinance Duly Filed.

**UPON MOTION** made by Councilman Leibowitz and seconded by Councilwoman Koppel, an Ordinance of which the following is the title was introduced on first reading for final passage:  
**ORDINANCE PROVIDING FOR THE ACQUISITION OF CERTAIN PARCELS OF LAND IDENTIFIED AS BLOCK 106.91, LOT 47.01 ON THE TAX MAP OF MONROE TOWNSHIP.**

ROLL CALL: Councilman Stephen Dalina	Aye
Councilwoman Leslie Koppel	Aye
Councilman Michael Leibowitz	Aye
Council Vice-President Henry L. Miller	Aye
Council President Gerald W. Tamburro	Aye

Copy of Ordinance Duly Filed

**UPON MOTION** made by Councilman Leibowitz and seconded by Councilwoman Koppel, an Ordinance of which the following is the title was introduced on first reading for final passage:  
**BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER O-3-2006-010 FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY ON MARCH 27, 2006 (WHICH PROVIDES FOR VARIOUS 2006 CAPITAL IMPROVEMENTS), AS AMENDED AND SUPPLEMENTED, TO INCREASE APPROPRIATIONS, AUTHORIZATIONS AND DOWN PAYMENTS THEREIN.**

ROLL CALL: Councilman Stephen Dalina	Aye
Councilwoman Leslie Koppel	Aye
Councilman Michael Leibowitz	Aye
Council Vice-President Henry L. Miller	Aye
Council President Gerald W. Tamburro	Aye

Copy of Ordinance Duly Filed

**UPON MOTION** made by Councilman Leibowitz and seconded by Councilman Dalina, an Ordinance of which the following is the title was introduced on first reading for final passage:  
**ORDINANCE OF THE MONROE TOWNSHIP COUNCIL AMENDING THE CODE OF THE TOWNSHIP OF MONROE, MIDDLESEX COUNTY, SPECIFICALLY CHAPTER 122 THEREOF ENTITLED "VEHICLES AND TRAFFIC".** (Trucks Over Four Tons Excluded on First & Tenth Avenues between Spotswood-Englishtown & Monmouth Roads)

ROLL CALL: Councilman Stephen Dalina	Aye
Councilwoman Leslie Koppel	Aye
Councilman Michael Leibowitz	Aye
Council Vice-President Henry L. Miller	Aye
Council President Gerald W. Tamburro	Aye

Copy of Ordinance Duly Filed

**UPON MOTION** made by Councilman Leibowitz and seconded by Councilman Dalina, an Ordinance of which the following is the title was introduced on first reading for final passage:  
**ORDINANCE RELEASING, VACATING AND EXTINGUISHING ANY AND ALL PUBLIC RIGHTS IN AND TO A PORTION OF AVENUE F.**

ROLL CALL: Councilman Stephen Dalina Aye  
Councilwoman Leslie Koppel Aye  
Councilman Michael Leibowitz Aye  
Council Vice-President Henry L. Miller Aye  
Council President Gerald W. Tamburro Aye

Copy of Ordinance Duly Filed

**UPON MOTION** made by Councilman Dalina and seconded by Councilman Leibowitz, the following Resolutions were moved for adoption under the **CONSENT AGENDA**, as hereinbelow set forth:

ROLL CALL: Councilman Stephen Dalina Aye  
Councilwoman Leslie Koppel Aye  
Councilman Michael Leibowitz Aye  
Council Vice-President Henry L. Miller Aye  
Council President Gerald W. Tamburro Aye

**RESOLUTIONS** adopted under the **CONSENT AGENDA** are as follows:

- R-7-2012-209 RESOLUTION PROVIDING FOR INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948). Grant - Municipal Court - Alcohol, Education, Rehabilitation and Enforcement Fund - \$1,187.19**
- R-7-2012-210 RESOLUTION REFUNDING THIRD PARTY TAX LIEN PREMIUM PAYMENTS.**
- R-7-2012-211 RESOLUTION AUTHORIZING THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.") TO PREPARE SPECIFICATIONS AND ADVERTISE FOR RECEIPT OF BIDS FOR VARIOUS GOODS AND SERVICES.**
- R-7-2012-212 RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A PROFESSIONAL SERVICE CONTRACT WITH FEIST ENGINEERING, INC. FOR TITLE SURVEY & PROPERTY DESCRIPTION OF BLOCK 77, LOT 11.02 – LEGENDS DRIVE.**
- R-7-2012-213 RESOLUTION REFUNDING TAX OVERPAYMENTS.**
- R-7-2012-214 RESOLUTION AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH SHAIN, SCHAFFER, & RAFANELLO, P.C. FOR LEGAL SERVICES RELATED TO THE PREPARATION OF RFP'S FOR AFFORDABLE HOUSING FOR VETERANS.**
- R-7-2012-215 RESOLUTION AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH MARK A. REMSA, PP FOR PLANNING SERVICES RELATED TO THE PREPARATION OF RFP'S FOR AN AFFORDABLE HOUSING DEVELOPER FOR VETERANS HOUSING.**
- R-7-2012-216 RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE AN AMENDMENT TO THE DEVELOPER'S AGREEMENT BY AND BETWEEN THE TOWNSHIP OF MONROE AND LORI GARDENS ASSOCIATES, II, L.L.C. (A/K/A LENNAR).**
- R-7-2012-217 RESOLUTION AUTHORIZING THE AWARD OF BID FOR NORTH DISBROW HILL DRAINAGE IMPROVEMENT.**
- R-7-2012-218 RESOLUTION AUTHORIZING AND APPROVING THE RENEWAL OF LIQUOR LICENSE FOR THE 2012 – 2013 LICENSE TERM.**

**R-7-2012-219      RESOLUTION AUTHORIZING THE PURCHASE OF COMPUTERS AND ASSESSORIES FOR THE NEW MONROE TOWNSHIP SENIOR CENTER UNDER THE STATE OF NEW JERSEY COOPERATIVE PURCHASING PROGRAM.**

**R-7-2012-220      RESOLUTION AUTHORIZING FACSIMILE SIGNATURES**

Copies of Resolutions Duly filed.

Council President Tamburro explained Resolution #19.I. authorizing facsimile signatures, stating that it pertains to the Irrevocable Trust that has been established for the Affordable Housing.

Mayor Pucci – commented on the proposed Veterans Housing in which Hovnanian donated as part of their approval.

Engineer Feist – spoke on the VC-I Overlay Zone & Open Space within Monroe Township. It may be one of the first zones in Monroe Township that specifically calls out a requirement for 35% of the tract to remain clearly as open space. In addition, there is a requirement of a 5 acre tract for affordable housing.

#### **Council Reports:**

Councilwoman Koppel – commented on the “Monroe News” newspaper and the wealth of information it contains.

She thanked Attorney Schaffer & Planner Mark Remsa for coming tonight to talk about some of the changes. She feels the VC-1 Overlay will be good for Monroe.

Councilman Leibowitz – reported that on July 30<sup>th</sup> the Fire Study Commission Report will be presented at the Council Meeting. He also mentioned that a check was presented to Colin Pasik for the balance of funds collected, the majority of which will be invested for his future. On August 6<sup>th</sup> the ADA Award will be presented to Veterans Post 262.

He further commented that while in California visiting the Regan Library he visited apartments for housing 400 Veterans, some of which were previously homeless.

Vice-President Miller – recommended viewing this meeting on Channel 28 to review the changes discussed here this evening.

Councilman Dalina – wished everyone a happy 4<sup>th</sup> of July.

Council President Tamburro mentioned the 4<sup>th</sup> of July Fireworks being held at dusk in Thompson Park and the general festivities will start at 5pm.

He also mentioned the program, “The Big Bad Wolf vs. the Three Little Pigs” that the Mill Lake School third grade civics class presents. He recommended viewing it on Channel 28 or on the Township website.

#### **Public:**

Gary Busman, 7 Monarch Rd. – questioned Item #19.h. - Developers Agreement with Lori Gardens aka Lennar and a possible lawsuit. Council President Tamburro explained that there was language in the Agreement that Lennar did not agree with. Mike Rogers, Director of MTUD further explained the situation.

Mark Klein, 53 Turnberry Dr. – questioned a large dip in the road on Hoffman Station - Gravel Hill Rd. in the southeast corner. He stated it is very difficult to see at night and is dangerous. Engineer Feist stated he will take a look at it.

Mr. Klein further mentioned that all signals are up and the utility poles removed. Toll estimates activation in August.

Neil Newman, 274 Matchaponix Rd. – questioned the turn off at the Schoolhouse Rd/Perrineville Rd. light. His interpretation is that because there is a light there, there is no turn on red. Perhaps a sign, “No turn on red”, is needed. He was advised it will be addressed.

Engineer Feist stated that unless there is a sign, you can make a right turn at that intersection.

He also questioned a Freehold Soil Plan that he presented to Engineer Feist who gave Mr. Newman his recommendation of how to proceed.

Tom Nothstein, 15 Nathaniel St. – stated that the “Monroe News” is a good source of communication. He recommended the listing of Council, Planning & Zoning Board meeting dates. He also questioned the following line items on the Agenda:

Item #19.d., f. & g. – asked for the amount of money for each

- Item 19.d. – Contract with Feist Engineering – Title Survey & Property Description for Block 77, Lot 11.02 - Legends Dr. - \$6,000.
- Item 19.f. - Contract with Shain, Schaffer & Rafanello – Legal Services related to the preparation of RFP’s in connection with Affordable Housing for Veterans - \$10,000
- Item 19.g. - Contract with Mark Remsa in connection with Planning Services related to the preparation of RFP’s for Affordable Housing for Veterans - \$10,000.

Mr. Nothstein asked for confirmation of the 35% of the tract for the VC-I overlay zone. Engineer Feist confirmed this is correct.

Gerald Kaplan, 50 Turnberry Dr. – District Fire Commissioner for FD #3 – spoke regarding the Emergency Beacon on Applegarth Rd. The original company authorized to do the work went bankrupt. The bonding company for the project has requested new bids to be sent out and the second bid came in lower. Wanted to know the status and Engineer Feist and Council President Tamburro advised the matter will be checked into.

Phil Levy, - 92 Kings Mill Rd. – thanked the Council & Engineer for getting the light at Route #522 up and running. He realizes the hold-up has been the utility company. He also spoke about the striping of a turn lane into the Country Club exit. Engineer Feist was not aware of County approval in connection with the striping plan, but will check his records.

Michelle Arminio, 9 Nathaniel Dr. – questioned Items #14 & 15. Council President Tamburro explained that in Item #14 there is no money involved. It is a matter of 4 lots, swapping 2 to make 4 consecutive lots owned by one person.

Item #15 is Palm Court – an undersized lot that is in the middle of an open space conservation easement with an offer having been made to the owner.

**UPON MOTION** made by Councilman Dalina and seconded by Councilman Leibowitz, the meeting was Adjourned at 8:15pm.

ROLL CALL:	Councilman Stephen Dalina	Aye
	Councilwoman Leslie Koppel	Aye
	Councilman Michael Leibowitz	Aye
	Council Vice-President Henry L. Miller	Aye
	Council President Gerald W. Tamburro	Aye

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SHARON DOERFLER, Township Clerk

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GERALD W. TAMBURRO, Council President

Minutes were adopted on \_\_\_\_\_