

MONROE TOWNSHIP, MIDDLESEX COUNTY

ORDINANCE NO.: O-1-2019-002

ORDINANCE OF THE MONROE TOWNSHIP COUNCIL
AMENDING CHAPTER 108 OF THE CODE OF THE TOWNSHIP OF MONROE
ENTITLED "LAND DEVELOPMENT" TO CREATE
A SIDEWALK AND CURBING CAPITAL CONSTRUCTION FUND

WHEREAS, Section 12.21(A) of Article XII of Chapter 108 of the Code of the Township of Monroe, the "Land Development Ordinance of the Township of Monroe, Middlesex County, State of New Jersey" ("Ordinance"), requires that sidewalks be installed by residential developers seeking approval from the municipal Planning Board or Zoning Board of Adjustment (the "Reviewing Agency"); and

WHEREAS, Section 12.21(A)(1) of the Ordinance permits the Reviewing Agency to relieve residential developers from the obligation to install sidewalks if doing so is reasonable and proper for the particular development, so long as it does not negatively impact the safety, health and welfare of present or future residents; and

WHEREAS, Section 12.8 of the Ordinance requires curbing to be installed on both sides of a street for major subdivisions and for minor subdivisions in accordance with the standards prescribed for the requirements of sidewalks that are seeking approval from a Reviewing Agency; and

WHEREAS, the Ordinance expressly recognizes that, in certain instances, preexisting conditions or the uniqueness of a particular proposal may justify a deviation from certain mandatory design standards; and

WHEREAS, the installation of sidewalks and/or curbing are not always desirable features of new development, such as in primarily rural areas, areas without sidewalks on neighboring properties, areas where it is desirable to preserve trees or minimize impervious coverage, or similar unique circumstances; and

WHEREAS, notwithstanding the above, it is reasonable and equitable that a developer who has been granted an exception from the obligation to install sidewalks and/or curbing be required, in lieu thereof, to contribute an amount equal to the cost savings realized by the exemption to the Township to be used for pedestrian safety purposes;

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Monroe that the Ordinance be amended as follows: (new text is in red and underlined, text to be deleted is ~~struck~~)

Section 1. § 108-12.21, "Sidewalks and aprons" is amended to read as follows:

A. Sidewalk construction shall be required on both sides of all streets within a residential development and entirely around the perimeter of all residential cul-de-sacs. Where the development abuts an existing street, the sidewalk shall be constructed only on that side or as approved by the reviewing agency. Sidewalks shall also be constructed at any other places, such as pedestrian walkways or access points to open space, as shown on or required at the approval of the final plat.

(1) The reviewing agency may grant an exception from the required installation of sidewalks ~~may be waived by the reviewing agency~~ in appropriate cases if the ~~waiver~~ exception is reasonable and proper as related to a particular residential development and the ~~waiver~~ absence of sidewalks does not violate the safety, health and welfare of present or future residents. Said exception may be granted at the request of the developer or on the reviewing agency's own initiative.

(2) In any case where the reviewing agency grants an exception from the required installation of sidewalks, the developer shall be required to pay an amount equal to the reasonable cost of installing said sidewalks, as determined by the Township Engineer, into a Sidewalk and Curbing Capital Contribution Fund, hereby established. Where this requirement has previously been satisfied by in lieu contributions, said funds shall be deposited into the Sidewalk and Curbing Capital Contribution Fund. The Sidewalk and Curbing Capital Contribution Fund shall be dedicated to the installation of sidewalks, curbing and other pedestrian safety projects throughout the Township of Monroe where properly authorized by the Mayor and Council.

(23) Nothing contained herein shall affect the right of the township to enact ordinances requiring assessments for sidewalks from property owners as authorized under N.J.S.A. 40:65-2 or other statutory rights granted to municipalities.

B. Sidewalks within street right-of-ways shall generally be located with the sidewalk edge farthest from the roadway placed one (1) foot from the property line. Sidewalks not within street rights-of-way shall be located to provide for the most likely routes of pedestrian travel. In cases where the topography dictates or a proposed development provides for the extension of an existing street or abuts an existing street, where sidewalks have already been installed in a location other than as specified above or where such variations in sidewalk locations are needed to preserve trees or natural features, the municipal agency may approve alternate sidewalk locations in order to provide for preservation of physical features or the continuation of the existing sidewalks.

C. Sidewalks shall be four (4) feet wide and four (4) inches thick of Class B, air-entrained portland cement concrete. Joints shall be cut in the sidewalk at intervals equal to the width of the sidewalk. Preformed cellular bituminous expansion-joint filler shall be placed at joints not more than twenty (20) feet on centers.

D. Curb ramps for the physically handicapped shall be provided at all curb returns on the side(s) of the street where the sidewalk either exists or is proposed and in all curblines intersected by sidewalk. Details of the proposed ramps shall be shown on the preliminary plans of the proposed development.

Section 2. § 108-12.8, “Curbs and gutters,” is amended to read as follows:

A. Curbing shall be constructed on both sides of all streets shown on all major subdivisions and shall be required on minor subdivisions in accordance with the standards prescribed for the requirements of sidewalks in the case of minor subdivisions. All parking areas and driveways on site plans shall be curbed. Concrete or wood stops shall not be permitted.

(1) The reviewing agency may grant an exception from the required installation of curbing in appropriate cases if the exception is reasonable and proper as related to a particular development and the absence of curbing does not violate the safety, health and welfare of present or future residents. Said exception may be granted at the request of the developer or on the reviewing agency’s own initiative.

(2) In any case where the reviewing agency grants an exception from the required installation of curbing, the developer shall be required to pay an amount equal to the reasonable cost of installing said curbing, as determined by the Township Engineer, into the Sidewalk and Curbing Capital Contribution Fund, established by section 108-12.21(A)(2). Where this requirement has previously been satisfied by in lieu contributions, said funds shall be deposited into the Sidewalk and Curbing Capital Contribution Fund. The Sidewalk and Curbing Capital Contribution Fund shall be dedicated to the installation of sidewalks, curbing and other pedestrian safety projects throughout the Township of Monroe where properly authorized by the Mayor and Council.

- B. Any existing pavements damaged by curb construction shall be repaired to the standards herein and/or as shown on the final plat.
- C. Where one (1) side of the development boundary is along an existing street, the curb and improvements shall be constructed only on a development side unless the reviewing agency requires full roadway improvements.
- D. The following type of curb shall be constructed:
- (1) The concrete curb shall be eight (8) inches wide at its base and not less than six (6) inches wide at its top.
 - (2) Its height shall not be less than eighteen (18) inches constructed to show a vertical face above the roadway pavement of six (6) inches.
 - (3) It shall be constructed by use of suitable lumber or metal forms, true to line and grade, and open joints shall be provided at intervals of ten (10) feet and one-half (1/2) inch bituminous expansion joints every twenty (20) feet.
 - (4) Curb and/or combination curb and gutter shall be constructed of Class B concrete, air-entrained, in accordance with the requirements of the standard specifications.
 - (5) Curbing shall be laid in a workmanlike manner as directed and approved by the Township Engineer.
 - (6) At places where a concrete curb abuts portland cement concrete pavement, joints in the curb shall be placed to match the paving joints, and intermediate joints shall be placed so as to create equal curb panels not longer than twenty (20) feet.
 - (7) When concrete combination curb and gutter is required, the gutter shall be eight (8) inches thick and shall be constructed of Class B air entrained concrete.
 - (a) Joints in the gutter shall be formed simultaneously with joints on the curb.
 - (8) Curb and combination curb and gutter cross sections shall be shown on Figures 3 and 4.
 - (9) The requirements of the standard specifications regarding curing precautions must be strictly observed.
- E. The curb at all delivery openings shall be depressed at the front of the curb to a point two (2) inches above the finished pavement and at the back of the curb three (3) inches above the finished pavement.
- F. The rear top corner of this curb shall have a radius of one-fourth (1/4) inch, and the front top corner shall have a radius of one and one-half (1 1/2) inches.
- G. Curb openings shall be in such width as shall be determined by the Township Engineer but in no case less than sixteen (16) feet at the edge of the pavement.

Section 3. All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance shall be and the same are hereby repealed.

Section 4. 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 5. This Ordinance shall take effect upon final passage and publication as provided by law.

SO ORDAINED, as aforesaid.

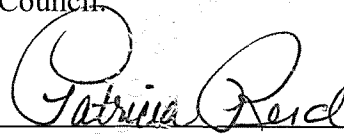


STEPHEN DALINA, Council President

RECORDED VOTE – INTRODUCTION – January 14, 2019						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilman Baskin			X			
Councilwoman Cohen	X		X			
Councilman Dipierro		X	X			
Council V. President Schneider			X			
Council President Dalina						X

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Monroe Township Council held on January 14, 2019. Said Ordinance will again be read and considered for final passage at the next scheduled meeting of the Monroe Township Council to be held on February 4, 2019 at 6:30 p.m. at the Monroe Township Municipal Building, 1 Municipal Plaza, Monroe Township, New Jersey 08831. At said time and place all persons having an interest in the foregoing Ordinance will be granted an opportunity to be heard concerning the same prior to consideration for final passage by the Council.



PATRICIA REID, Township Clerk

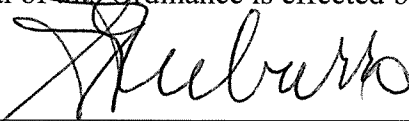
RECORDED VOTE – SECOND READING & FINAL ADOPTION – February 4, 2019						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilman Baskin						X
Councilwoman Cohen	X		X			
Councilman Dipierro			X			
Council V. President Schneider		X	X			
Council President Dalina			X			

ORDINANCE NO.: O-1-2019-002

**AN ORDINANCE OF THE TOWNSHIP OF MONROE,
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,
AMENDING THE LAND DEVELOPMENT ORDINANCE
OF MONROE TOWNSHIP TO CREATE A SIDEWALK
AND CURBING CAPITAL CONSTRUCTION FUND**

MAYORAL APPROVAL

By virtue of the Optional Municipal Charter Law of 1950 and Chapter 3, Section 19 of the Code of the Township of Monroe, my approval of this Ordinance is effected by the affixing of my signature hereto.



GERALD W. TAMBURRO, Mayor

Date signed: 2/5/19

MONROE TOWNSHIP PLANNING BOARD RESOLUTION
RECOMMENDATION OF AMENDMENT TO CHAPTER 108
LAND DEVELOPMENT ORDINANCE

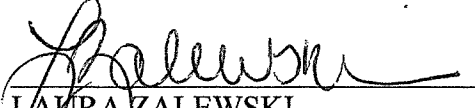
WHEREAS, the MONROE TOWNSHIP PLANNING BOARD, has received a recommendation from the Township Attorney to amend Section 108-12.21 and 108-12.8 of the Land Development Ordinance as indicated in the proposed Ordinance #O-1-2019-002 entitled *Ordinance of the Monroe Township Council Amending Chapter 108 of the Code of the Township of Monroe Entitled, "Land Development" to Create a Sidewalk and Curbing Capital Construction Fund* attached hereto as Exhibit A; and

WHEREAS, the MONROE TOWNSHIP PLANNING BOARD believes that this amendment is meritorious, and should be recommended and referred to the Monroe Township Council, pursuant to NJSA 40:55D-26.

NOW THEREFORE BE IT RESOLVED by the MONROE TOWNSHIP PLANNING BOARD on this 24th day of January, 2019 that it hereby recommends that Chapter 108 Land Development Ordinance Section 108-12.21, and 108-12.8 be amended as indicated in the proposed Ordinance #O-1-2019-002 entitled *Ordinance of the Monroe Township Council Amending Chapter 108 of the Code of the Township of Monroe Entitled, "Land Development" to Create a Sidewalk and Curbing Capital Construction Fund* attached hereto as Exhibit A; and

It is Further Resolved that this Resolution and Exhibit A be delivered to the Monroe Township Council forthwith.

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Monroe Township Planning Board on January 24, 2019 and memorialized on January 24, 2019.


LAURA ZALEWSKI
Board Secretary