

**TOWNSHIP OF LONG HILL
ORDINANCE # 394-17**

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE TOWNSHIP LAND USE
ORDINANCES AS RECOMMENDED BY THE PLANNING BOARD**

WHEREAS, Planning Board Planner Kevin O'Brien, P.P., in a July 14, 2016 memorandum to the Township Committee, set forth various changes to the Township Land Use Ordinance that have been recommended by the Planning Board and the Ordinance Subcommittee; and

WHEREAS, the Township Committee has reviewed those proposed changes and agrees that they should be adopted;

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, that the Township of Long Hill's Land Use Ordinance, 1996, as supplemented and amended, is hereby further supplemented and amended as follows

Section 1. The definition of "Critical Area" set forth in Section 111 entitled "Definitions" is amended to read as follows:

"CRITICAL AREA" - the combined area of any portion of a site having an average slope of 15% or greater measured across ten vertical feet of contour; and/or an area of special flood hazard; and/or any wetlands area. ~~Topographic slope of fifteen (15%) percent grade or greater as measured across ten (10) foot contours. ; .; and any surface retention and detention basins, wet basin, dry well and underground detention basin."~~

Section 2. The following sections of Section 130 entitled "Bulk and Supplemental Regulations" are amended as follows:

A. Subsections 133.7 and 133.9 are deleted.

“133 YARD AND BUILDING REQUIREMENTS

~~133.7—Surface retention and detention basins shall meet all required setback regulations for a principal structure for the zone in which they are located.~~

~~133.9—Surface retention and detention basins are considered critical areas and all new development shall adhere to the critical area setback requirements.~~

B. The following new Subsection 134.7, entitled “Residential Sheds’ is added:

134.7 RESIDENTIAL SHEDS

These regulations are applicable to one and two family homes in residential zone districts.

- a. Each property shall be limited to one shed.
- b. Maximum shed size is 100 SF.
- c. Shed must be set back from the side and rear property lines a minimum of 10 feet, measured from its dripline.
- d. The shed area will not count as lot coverage provided that a minimum of 8 inches of crushed stone is placed under the structure and two feet beyond the dripline.
- e. Sheds are not allowed in any front yard.

C. The following new paragraph “g” regulating residential decks is hereby added to Subsection 136.2 entitled ‘Yard Modifications’:

g. These regulations are applicable to decks for one and two family homes in residential zone districts.

1) If a deck is not covered, it is eligible for a 50% reduction in lot coverage provided it meets the following requirements:

- a. Decks shall conform to all principal structure setbacks.
- b. Homes with nonconforming side setbacks shall provide a minimum deck setback of six feet from the side plane of the home. Decks shall provide a minimum 30% aggregate side yard setback.
- c. Homes with conforming side setbacks shall place the deck no

- closer than the required side yard setback.
- d. There must be a minimum gap of 3/16 of an inch between any adjoining floor boards of the deck.
 - e. To accommodate storm water drainage one of the following shall be installed:
 - 1. Uniformly graded crushed stone, in a bed eight inches deep under the deck, with any necessary filter fabric to prevent clogging of the stone; or
 - 2. A dry well with an effective volume equal to eight inches of uniformly graded crushed stone times the area of the deck, with any necessary piping and filter fabric to prevent clogging of the stone."

Section 3. Paragraph "h" of Subsection 151.2 entitled "Parking Area Design Standards" in Section 150 entitled "Development Design Standards" is hereby deleted:

151.2 PARKING AREA DESIGN STANDARDS

~~h. Except in the case of single family residences (including those with accessory apartments, porous asphalt pavement and modular paving block systems may be used for parking areas and driveways only when allowed by the approving authority. Such degree of perviousness shall be deducted from lot coverage calculations.~~

Section 4. Subsection 162.2, entitled "Site Plan Review" in Section 160 entitled "Site Plan and Subdivision Review" is hereby supplemented and amended by adding A new subparagraph "a6":

Permanent Generators are allowed for conforming nonresidential uses in all commercial (non one and two family residential zones) zone districts if they conform to all of the standards listed below. If any of the conditions are not met, Minor Site Plan approval is required.

- a. Maximum pad size of 64 SF.
- b. Pad shall be placed a minimum 75 foot distance from any adjoining residential zone.
- c. Required buffer - a visually solid fence with a minimum height of four feet up to the height of the generator shall enclose the generator. A row of plantings with a minimum 4 foot height at planting shall buffer the enclosure.

- d. The generator may only be run between 8 a.m. and 6 p.m. on nonholiday weekdays for maintenance purposes.
- e. Generators are not allowed in any front yard.
- f. Permanent Generators are eligible for Site Plan Waiver Committee review if all items above are met. The Site Plan Waiver Committee Resolution shall provide information on all of the above items.

Section 5. Section 167 entitled “Land Use Application Checklist” is hereby amended to read as follows:

“167 LAND USE APPLICATION CHECKLIST

~~The Land Use Application Checklist is hereby adopted by the Township as Section 167, Exhibit A.~~

A. The Land Use Application Checklist is attached hereto as Exhibit “A” and is incorporated herein by reference.¹

B. The Land Use Application Checklist for Bulk Applications is attached hereto as Exhibit “B” and is incorporated herein by reference.²

The final determination as to whether this checklist is suitable for use with a specific application shall be made by the Planning and Zoning Coordinator.”

Section 5. Subsection 173.3 entitled “Minutes” in Section 170 entitled “Land Use Procedures” is amended to read as follows:

“173.3 MINUTES

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

¹ Existing “A” is the existing checklist.

² Exhibit “B” is a new checklist and is attached to this ordinance.

~~also retain a certified shorthand reporter to appear at every hearing of the Planning Board and the Board of Adjustment.”~~

Section 6. Section 182 entitled “Fee and Escrow Deposits” is amended as follows:

- “(a) The escrow deposit for all bulk variances (line 20) is reduced from \$4,000 to \$2,800.
- (b) The escrow deposit for all use variances (line 21) is reduced from \$5,000 to \$3,500.
- (c) Line 22 is amended to read as follows: ~~Each~~ All use variances: three and more family residential.
- (d) Line 23 is amended to read as follows: ~~Each~~ All use variances:
Nonresidential

[existing checklist]

Exhibit A

Attachment Checklist

Exhibit B

**TOWNSHIP OF LONG HILL
CHECKLIST FOR LAND USE APPLICATIONS "B"
LIMITED TO BULK VARIANCES**

(Not to be used for Site Plan, Subdivision or Use Variance Applications)

ITEM NO.	ITEM DESCRIPTION	HOW TO DO IT	COMPLY	N/A
1	Place the following information on any plan or other submission to the Board: Name of Applicant; Property Address, Block and Lot.			
2	For each item that is listed as "N/A", on a separate sheet of paper, list the items and explain why you believe each item does not apply to your application.			
3	Copy of Letter of Denial by the Zoning Officer of intended use, occupancy, or construction.	You will receive this from the Zoning Officer.		
4	Certification from the Township Tax Collector that all taxes and assessments are paid to date.	FORM INCLUDED. Complete top portion only. The Planning & Zoning Coordinator will submit the request to the Tax Office at the appropriate time.		
5	Color photograph(s) no smaller than 4" X 6" showing the property as it currently exists from the front, back, both sides and the area of proposed development.	You will need to take a minimum of five 4" X 6" color photos. Label each photo (e.g. "Front." "Left Side," etc.).		
6	Copy of completed application form to the Morris County Planning Board. Upon Completeness Review , other applications to other agencies may be required.	FORM INCLUDED. Complete Sections I, II, and III. The Planning & Zoning Coordinator will complete the remainder		
7	Copy of completed Soil Erosion and Sediment Control Certification form. Upon Completeness Review , other applications to other agencies may be required.	FORM INCLUDED. Please check off one of the options at the bottom of the form and sign.		
8	A plan with the location of all proposed improvements drawn to scale and dimensioned to the front, rear, and side yards.	Generally, your builder or architect will need to complete this requirement.		
9	An aerial view or map showing the entire tract and its relation to the surrounding area, including at least one roadway intersection, and including all zone district boundaries within 200 feet of property, at a scale of 1 inch equals not more than 800 feet (such as a Google map).	Go to Google Maps https://www.google.com/maps , zoom into your property.		
10	A Boundary and Existing Conditions survey showing the existing structures on the property with North arrow, scale, date of survey and the name, signature and embossed seal of the preparer of the survey.	You should have received a sealed copy when you purchased your home. Your mortgage company might also have a copy.		
11	A Zoning Table including zone district with all area and bulk requirements, comparing existing and proposed conditions.	FORM INCLUDED. The Zoning Application you filled out prior to this application will have that information.		
12	Obtain Certified Tax List from Tax Assessor listing names of all property owners within 200 feet for notification prior to hearing date. (\$10 fee)	FORM INCLUDED. Complete the top portion. The Planning & Zoning Coordinator will submit the request to the Tax Office at the appropriate time.		
13	Completed "Owner's Letter of Consent" form if the Applicant is not the Owner.	FORM INCLUDED.		
14	A copy of any protective covenants, deed restrictions, or easements applying to the land being developed.	These can be found in your deed or on a survey.		
15	Any information necessary to fully describe the proposed development, such as floor plans, architectural elevation, lighting, construction details, building and lot cover dimensions, product/promotional pamphlets and similar information.	Generally, your builder or architect will need to complete this requirement.		

**TOWNSHIP OF LONG HILL
CHECKLIST FOR LAND USE APPLICATIONS "B"
LIMITED TO BULK VARIANCES**

(Not to be used for Site Plan, Subdivision or Use Variance Applications)

ITEM NO.	ITEM DESCRIPTION	HOW TO DO IT	COMPLY	N/A
16	All existing and proposed wooded and landscaped areas and proposed buffering and screening to be shown (such as a Google map).	Generally, your builder or engineer will need to complete this requirement.		
17	A plan of any proposed landscaping including details as to the size, number, location and type of vegetation and method of planting to be used.	Generally, your builder or engineer will need to complete this requirement.		
18	A site grading plan if any changes in grading are proposed.	Generally, your builder or engineer will need to complete this requirement.		
19	For applications that disturb more than 5% or 1,000 sq. ft. of lot area (whichever is less), or create a net increase of more than 400 sq. ft. of impervious surface, stormwater calculations consistent with Sec. 146 must be provided.	Generally, your builder or engineer will need to complete this requirement.		
20	The location and size of all existing and proposed utilities for both undeveloped and developed lots that are part of the application.	Generally, your builder or engineer will need to complete this requirement.		
21	For sites with no critical areas , a plan note, signed by the preparer of the plan, indicating the site contains no critical areas. For sites with critical areas, provide a map noting the location of all critical areas, as defined in the Land Use Ordinance (Section 110), with the <i>source</i> of critical area delineation noted. The map shall also note: <ol style="list-style-type: none"> 1. The square footage of critical areas 2. The square footage of non critical areas 3. The square footage of impervious lot coverage of non critical areas 4. Setback dimensions from all principal buildings to any critical area. 	Generally, your builder or engineer will need to complete this requirement.		
22	For properties that contain a special flood hazard area , any information required by Chapter 143, Flood Damage Prevention.	Generally, your builder or engineer will need to complete this requirement, if necessary.		

DEFINITIONS

COMPLETENESS REVIEW - a review of the application and accompanying checklist documents by the Board Planner, Board Engineer and Planning and Zoning Coordinator to ensure that all the necessary information has been provided for the appropriate board to make a qualified decision.

CRITICAL AREA - The combined area of any portion of a site having an average slope of fifteen percent (15%) or greater measured across ten vertical feet of contour; and/or an area of special flood hazard; and/or any wetlands areas.

FLOOD HAZARD AREA — the areas of any project as identified by the map referred to in Section 143.3b. of the Land Use Ordinance. The term "flood hazard area" includes the terms "area of special flood hazard" and "floodplain."

IMPERVIOUS LOT COVERAGE - anything such as a building, pavement, walkways, patios, pools, gravel (with the exception of decorative gravel), decks, etc. which prevents or limits infiltration of water into the soil. (See Land Use Ordinance Section 110 "Definitions" - *Lot Coverage*)

Section 7. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 8. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 6. This ordinance shall take effect immediately upon final passage and publication as required by law.

NOTICE

The foregoing ordinance having been introduced and passed on first reading by the Township Committee of the Township of Long Hill, in the County of Morris on Wednesday, February 22, 2017 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:00 p.m. on Wednesday, March 22, 2017 at the Municipal Building, 915 Valley Road, Gillette, New Jersey, when and where or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

Deborah Brooks, RMC, CMR, Clerk

1st Reading and Introduction: February 22, 2017
1st Publication: March 3, 2017
Referral to Planning Board: February 23, 2017
Notice to County Planning Board Prior to Adoption: February 23, 2017
Notice to Clerks of Adjoining Municipalities: February 23, 2017
2nd Reading and Adoption: March 22, 2017
2nd Publication: March 30, 2017
Filing with County Planning Board: March 23, 2017