

- b. Is issued by a banking or savings institution authorized to do and is doing business in this State;
- c. Is for a period of at least one year; and
- d. Permits the municipality to draw upon the letter of credit if the obligor fails to furnish another letter of credit, which complies with the provisions of this Section, thirty (30) days or more in advance of the expiration date of the letter of credit or such longer period in advance as is stated in the letter of credit.

The Borough shall issue its receipt for such deposits and shall cause the same to be deposited in the name of the Borough to be retained as security for completion of all required improvements and to be returned to the applicant on completion of all required work or, in the event of default on the part of the developer, to be used by the Borough to pay the costs of completing all required improvements.

E. Start of Construction.

Construction pursuant to a site plan or subdivision approval shall not commence until:

1. The developer has paid all fees required by this Ordinance;
2. The developer has received all other governmental permits and approvals required by the Board's resolution granting subdivision or site plan approval;
3. The developer has satisfied all conditions of approval required by the Board's Resolution granting subdivision and/or site plan approval and all changes required by the Board to the developer's subdivision and/or site plans have been filed with and approved by the Borough Engineer;
4. The developer's construction plans have been filed with and approved by the Borough Engineer;
5. The developer has had a preconstruction meeting with the Borough Engineer for the purpose of forecasting and resolving problems that may arise during the course of construction; and
6. The developer has furnished the Borough the performance guarantee required by Section 702.D.

F. Inspection and Tests.

1. All site improvements and utility installations for site plans, subdivisions, plot plans and other realty improvements shall be inspected during the time of their installation under the supervision of the Borough Engineer and/or other officials or professionals serving the Borough in order to ensure satisfactory completion. The total cost of said inspections shall be the responsibility of the developer who shall reimburse the Borough for all reasonable inspection fees paid to the Borough Engineer and/or other officials or professionals serving the Borough. Prior to the start of inspections, the developer shall deposit, with the Borough Chief Financial Officer for payment of the inspection costs, a sum equal to five percent (5%) of the amount of the costs for the construction of the improvements as set forth in the itemized list prepared pursuant to Section 702.D.1 or three thousand dollars (\$3,000.00), whichever is greater.

For those developments for which the inspection fees are less than ten thousand dollars (\$10,000.00), fees may, at the option of the developer, be paid in two (2) installments. The initial amount deposited by the developer shall be fifty percent (50%) of the inspection fees. When the balance on deposit drops to ten percent (10%) of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Borough Engineer for the inspections, the developer shall deposit the remaining fifty percent (50%) of the inspection fees.

For those developments for which the inspection fees are ten thousand dollars (\$10,000.00) or greater, fees may, at the option of the developer, be paid in four (4)

installments. The initial amount deposited by the developer shall be twenty-five percent (25%) of the inspection fees. When the balance drops to ten percent (10%) of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Borough Engineer for the inspections, the developer shall make additional deposits of twenty-five percent (25%) of the inspection fees. The Borough Engineer shall not perform any inspection if insufficient funds to pay for those inspections are not on deposit.

In the event that final approval is by stages or sections of development, these provisions for payment shall be applied by stage or section of the development.

2. The Borough Engineer's office shall be notified at least five (5) business days prior to the commencement of the following phases of work so that he or a qualified representative may inspect the work:
  - a. Road subgrade.
  - b. Curb and gutter forms.
  - c. Curbs and gutters.
  - d. Road paving.
  - e. Sidewalk forms.
  - f. Sidewalks.
  - g. Storm drainage pipes and other stormwater management construction.
  - h. Street name signs.
  - i. Surveyor's monuments.
  - j. Sanitary sewerage.
  - k. Detention and/or retention basins.
  - l. Underground utilities.
  - m. Seeding and planting.
  - n. Soil erosion and sediment control measures pursuant to Section 814 of this Ordinance.
3. In no case shall any paving work be done without permission from the Borough Engineer.
4. Any improvement installed contrary to the plan or plat approved by the Borough shall constitute just cause to void the municipal approval.
5. Any improvement not installed in compliance with Sections 702.E. and 702.F.2 & 3 hereinabove shall constitute just cause for:
  - a. Removal of the improvement, and reinstallation of same in compliance with this Ordinance;
  - b. The payment by the developer of any costs for material testing;
  - c. The restoration by the developer of any improvements disturbed during any material testing; and/or
  - d. The issuance of a "stop work" order by the Borough Engineer pending the resolution of any dispute.
6. Inspection by the Borough of the installation of improvements and utilities shall not operate to subject the Borough of High Bridge to liability for claims, suits or liability of any kind that may at any time arise because of defects or negligence during construction or at any time thereafter, it being recognized that the responsibility to maintain safe conditions at all times during construction and to provide proper utilities and improvements is upon the owner and his contractor, if any.

G. Release.

1. Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the obligor may request of the Borough Council in writing, by certified mail addressed in care of the Borough Clerk, that the Borough Engineer prepare, in accordance with the itemized cost estimate prepared by the Borough Engineer and

- appended to the performance guarantee pursuant to Section 702.D. of this Ordinance, a list of all uncompleted or unsatisfactorily completed improvements. If such a request is made, the obligor shall send a copy of the request to the Borough Engineer. The request shall indicate which improvements have been completed and which improvements remain uncompleted in the judgment of the obligor. Thereupon, the Borough Engineer shall inspect all improvements covered by the obligor's request and shall file a detailed list and report, in writing, with the Borough Council, and shall simultaneously send a copy thereof to the obligor not later than forty-five (45) days after receipt of the obligor's request.
2. The list prepared by the Borough Engineer shall state, in detail, with respect to each improvement determined to be incomplete or unsatisfactory, the nature and extent of, and remedy for the state of each completed improvement determined to be unsatisfactory. The report prepared by the Borough Engineer shall identify each improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory improvement, in accordance with the itemized cost estimate prepared by the Borough Engineer and appended to the performance guarantee.
  3. The Borough Council, by resolution, shall either approve the improvements determined to be completed and satisfactory by the Borough Engineer, or reject any or all of these improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the Borough Engineer and appended to the performance guarantee. This resolution shall be adopted not later than forty-five (45) days after receipt of the list and report prepared by the Borough Engineer. Upon adoption of the resolution by the Borough Council, the obligor shall be released from all liability pursuant to its performance guarantee, with respect to those approved improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that thirty percent (30%) of the amount of the performance guarantee posted may be retained to ensure completion and acceptability of all improvements.
  4. If the Borough Engineer fails to send or provide the list and report as requested by the obligor within forty-five (45) days from receipt of the request, the obligor may apply to the court in a summary manner for an order compelling the Borough Engineer to provide the list and report within a stated time, and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.
  5. If the Borough Council fails to approve or reject the improvements determined by the Borough Engineer to be completed and satisfactory or to reduce the performance guarantee for the completed and satisfactory improvements within forty-five (45) days from the receipt of the Borough Engineer's list and report, the obligor may apply to the court in a summary manner for an order compelling, within a stated time, approval of the completed and satisfactory improvements and approval of a reduction in the performance guarantee for the completed and satisfactory improvements in accordance with the itemized cost estimate prepared by the Borough Engineer and appended to the performance guarantee. The cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.
  6. Any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit portion of the performance guarantee in the same proportion as the original cash deposit bears to the full amount of the performance guarantee.
  7. If any portion of the required improvements is rejected, the Borough Council may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification as set forth hereinabove shall be followed.
  8. Nothing herein shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the Borough Council or the Borough Engineer.

9. If the required improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the Borough of High Bridge for the reasonable cost of the improvements not completed or corrected and the Borough may, either prior to or after receipt of the proceeds thereof, complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of C.40A:11-1, et seq.
10. If the Board requires, as a condition of approval of an application for development, the installation of street lighting on a dedicated public street connected to a public utility, then, upon notification in writing by the developer to the Board and to the Borough Council that the street lighting on a dedicated public street has been installed and accepted for service by the public utility and that Certificates of Occupancy have been issued for at least fifty percent (50%) of the dwelling units or fifty percent (50%) of the floor area of the nonresidential uses on the dedicated public street or the portion thereof contained in the section or phase of the development having received final approval, the Borough shall, within thirty (30) days following receipt of the notification, make appropriate arrangements with the public utility for, and assume the payment of the costs of the street lighting on the dedicated public street on a continuing basis. Compliance by the Borough with the provisions of this Section shall not be deemed to constitute acceptance of the street by the Borough.

#### H. Conditions and Acceptance of Improvements.

To the extent that any of the improvements have been dedicated to the municipality on the subdivision plat or site plan, the Borough Council shall be required upon release of any performance guarantee required pursuant to Section 702.D, to accept dedication for public use of streets or roads and any other improvements made thereon according to site plans and subdivision plats approved by the Board, provided that all of the following conditions have been met:

1. Such improvements shall have been inspected and shall have received final approval by the Borough Engineer, and the Borough Engineer shall have certified in writing that the improvements are completed and that they comply with the requirements of this Ordinance and/or the subdivision or site plan approval.
2. The developer shall have filed with the Borough Council a maintenance guarantee in the amount equal to fifteen percent (15%) of the cost of installing the improvements. The maintenance guarantee shall run for a period of two (2) years from the date of final acceptance of the improvement(s) covered. The method of calculation used and the procedures and requirements governing such maintenance guarantee shall be identical to the method of calculation used and the procedures and requirements for the performance guarantee as set forth in Section 702.D. except that the maintenance guarantee need not include cash. The requirements for a maintenance guarantee may be waived by the Borough Council if the Borough Engineer has certified that the improvements have been in continuous use for not less than two (2) years from the date the Borough Engineer certified completion of such improvements and that during this time period the owner has maintained the improvements in a satisfactory manner.
3. One set of black and white "as-built" or record drawings, certified by a New Jersey-licensed land surveyor, shall be submitted to the Borough Engineer for review and approval. Upon receiving the Borough Engineer's approval, the applicant shall submit to the Administrative Officer three (3) black and white prints, a mylar copy and a CAD-generated file of the drawings appearing on separate layers conforming with the requirements of Section 608.B.1 of this Ordinance. "As-built" or record drawings shall include the following:
  - a. Drainage structures, culverts, pipes, outfalls, swales and stormwater management construction, including invert elevations.
  - b. Sanitary sewerage, including structures with invert elevations, pipes and laterals.
  - c. Water mains, valves, hydrants and service connections.
  - d. Streets in plan and profile, curb and sidewalks.

- e. Signage.
- f. Landscaping.
- g. Other improvements, such as retaining walls, including elevations.

I. Extension of Time.

The time allowed for installation of the improvements for which the performance guarantee has been provided may, but need not, be extended by the Borough Council by resolution, provided that the current municipal cost of installation of such improvements shall first be re-determined by the Borough Engineer and if such current municipal cost is found to be greater than the cost as originally determined, the applicant shall be required to increase the amount of its performance guarantee to an amount equal to one-hundred and twenty percent (120%) of the cost of installation as re-determined as a condition of any such extension. In the event that the re-determined cost is less than the cost as originally determined, and in further event that the developer's performance guarantee exceeds one-hundred and twenty percent (120%) of such re-determined costs, the developer shall be entitled to a reduction of its performance guarantee to an amount equal to one-hundred and twenty percent (120%) of such re-determined costs.

**Section 703. Off-Tract Improvements.**

A. Required Improvements.

Applicants shall be required, as a condition of approval of a subdivision, site plan, conditional use and/or variance to pay their pro rata share of the cost of providing reasonable and necessary street improvements and/or water, sewerage and drainage facility improvements, and any necessary easements therefor, located outside the property limits of the subject premises, but indicated in the Borough Master Plan and necessitated or required by construction or improvements within such subdivision or development. The following criteria shall be utilized in determining the developer's proportionate pro rata monetary share for the necessary off-tract developments.

B. Improvements to be Constructed at the Expense of the Developer.

In cases where the need for an off-tract improvement is created by the proposed subdivision or development and where no other property owners receive a special benefit thereby (as opposed to a mere incidental benefit), the applicant may be required, as a condition of approval and at the applicant's sole expense, to acquire and/or improve lands outside the tract and dedicate such lands to High Bridge Borough or Hunterdon County, as appropriate. Or, in lieu thereof, the Borough may require the developer to deposit with the Borough a sum of money sufficient to allow the Borough to acquire and/or improve such lands as the Mayor and Common Council may deem appropriate.

C. General Standards for Other Improvements.

In cases where the need for any off-tract improvements to be implemented now or in the future is necessitated by the proposed development application, and where it is determined that properties outside the development will also benefit from the improvement, the following criteria, together with the provisions or rules and regulations of High Bridge Borough or any department thereof, may be utilized in determining the developer's proportionate share of such improvements:

1. Sanitary Sewers. For distribution facilities, including the installation, relocation or replacement of collector, trunk and interceptor sewers and the installation, relocation or replacement of other appurtenances associated therewith, the applicant's proportionate share shall be computed as follows:
  - a. The capacity and the design of the sanitary sewer system shall be based on the Rules and Regulations for the Preparation and Submission of Plans for Sewerage Systems, NJDEP, and any applicable High Bridge Borough sewer design standards, including infiltration standards.

- b. Developer's pro rata share:
- (1) The capacity of the existing system to serve the entire improved drainage area shall be computed. If the system is able to carry the total development drainage basin, no improvement or enlargement cost will be assigned to the developer although some charges including, but not limited to, capacity charges may be imposed. If the existing system does not have adequate capacity for the total development drainage basin, the pro-rated enlargement or improvement share shall be computed as follows:

$$\frac{\text{Developer's Cost}}{\text{Total Enlargement or Improvement Cost}} = \frac{\text{Development g.p.d.}}{\text{Total Tributary g.p.d.}}$$

- (2) If it is necessary to construct a new system in order to develop the subdivision or development, the pro-rated enlargement share to the developer shall be computed as follows:

$$\frac{\text{Developer's Cost}}{\text{Total Project Cost System}} = \frac{\text{Development Tributary g.p.d.}}{\text{Total Tributary g.p.d. to New System}}$$

- (3) The plans for the improved system or the extended system shall be prepared by the developer's engineer. All work shall be calculated by the developer and approved by the Borough Engineer.

2. Roadways. For street widening, alignment, channelization of intersections, construction of barriers, new or improved traffic signalization, signs, curbs, sidewalks, trees, utility improvements not covered elsewhere, or the construction or reconstruction of new or existing streets and other associated streets or traffic improvements, the applicant's proportionate cost shall be determined as follows:

- a. The applicant's engineer shall provide the Borough Engineer with the existing and anticipated peak-hour volumes for motor vehicle traffic, which impact the off-tract areas in question.
- b. The applicant shall furnish a plan for the proposed off-tract improvements, which shall include the estimated peak-hour traffic generated by the proposed development. The ratio of the peak-hour traffic generated by the proposed development to the future peak-hour traffic shall form the basis of the proportionate share. The pro-rated share shall be computed as follows:

$$\frac{\text{Developer's Cost}}{\text{Total Cost of Roadway Improvement and/or Extension}} = \frac{\text{Additional Peak-Hour Traffic Generated by the Development}}{\text{Future Total Peak-Hour Traffic}}$$

3. Drainage Improvements. For the stormwater and drainage improvements, including the installation, relocation or replacement of storm drains, culverts, catch basin, manholes, rip-rap or improved drainage ditches and appurtenances thereto and the relocation or replacement of other storm drainage facilities or appurtenances associated therewith, the applicant's proportionate share shall be determined as follows:

- a. The capacity and design of the drainage system to accommodate stormwater runoff shall be based on a method described in Urban Hydrology for Small Watersheds, Technical Release 55, Soil Conservation Service USDA, January, 1975, as amended, and shall be computed by the developer's engineer and approved by the Borough Engineer.
- b. The capacity of the enlarged, extended or improved system required for the subdivision or development and areas outside of the subdivision or development

shall be computed by the developer's engineer and be subject to the approval of the Borough Engineer. The plans for the improved system shall be prepared by the developer's engineer and the estimated cost of the enlarged system shall be calculated by the Borough Engineer. The pro-rated share for the proposed improvement shall be computed as follows:

$$\frac{\text{Developer's Cost}}{\text{Total Enlargement or Improvement Cost of Drainage Facilities}} = \frac{\text{Development cfs}}{\text{Total Tributary cfs}}$$

D. Escrow Accounts.

Where the proposed off-tract improvement is to be undertaken at a future date, funds required for the improvement shall be deposited to the credit of High Bridge Borough in a separate account until such time as the improvement is constructed. In lieu of a cash escrow account, developers may present irrevocable letters of credit for the term required in a form acceptable to the Borough Attorney. If the off-tract improvement is not begun within ten (10) years of the deposit, moneys and interest shall be returned to the applicant subject to the provisions of Section 701.B., or the letter of credit, as the case may be, shall be surrendered. Any off-tract improvement shall be considered "begun" if High Bridge Borough has taken legal steps to provide for the design and financing of such improvements.

E. Referral to Borough Council.

1. Where applications for development suggest the need for off-tract improvements, whether to be installed in conjunction with the development in question or otherwise, the Board shall forthwith forward to the Borough Council a list and description of all such improvements together with a request that the Borough Council determine and advise the Board of the procedure to be followed in construction or installation thereof, including timing. The Board shall defer final action upon the subdivision or site plan until receipt of the Borough Council's determination or the expiration of ninety (90) days after the forwarding of such list and description to the Borough Council without determination having been made, whichever comes first.
2. The Borough Council, within ninety (90) days after receipt of said list and description, shall determine and advise the Board concerning the procedure to be followed and suggested conditions of approval, if any, to adequately protect the Borough.
3. In the event that the Board is required by Statute to act upon the application prior to receipt of the Borough Council's determination as to construction of off-tract improvements, it shall request that the applicant consent to an extension of time within which to act, of sufficient duration to enable the Borough Council to make the aforesaid determination. In the event that the applicant is unwilling to consent to the requested extension of time, the Board shall, in its discretion, either itself determine the procedure to be followed in constructing the aforesaid improvements, or shall condition its approval upon the subsequent determination of the Borough Council.

F. Implementation of Off-Tract Improvements.

1. In all cases, developers shall be required to enter into an agreement or agreements with High Bridge Borough in regard to off-tract improvements, in accordance with this Ordinance and any other ordinances, policies, rules and regulations of the Borough of High Bridge, County of Hunterdon, State of New Jersey, and any departments, authorities or agencies thereof.
2. Where properties outside the subject tract will specifically benefit from the improvements, the Borough Council may require the applicant to escrow sufficient funds, in accordance with Section 703.D. hereinabove, to secure the developer's pro rata share

of the eventual cost of providing future improvements based upon the standards expressed herein.

3. Where properties outside the subject tract will benefit from the improvements, the Borough Council may determine that the improvement or improvements are to be installed by the Borough as a general improvement, the cost of which is to be borne as a general expense. If the Borough Council shall determine that the improvement or improvements shall be constructed or installed as a general improvement, the Borough Council may direct the Board to estimate, with the aid of the Borough Engineer or such other persons who have pertinent information or expertise, the amount, if any, by which the total cost thereof will exceed the total amount by which all properties, including the subject tract, will specifically benefit thereby, and the developer shall be liable to the Borough for such expense.
4. If the Borough Council shall determine that the improvement or improvements shall be constructed or installed as a local improvement, all or a part of the cost of which is to be assessed against properties benefited thereby in proportion to the benefits conferred by the improvements in accordance with Chapter 56 of Title 40 of the Statutes of the State of New Jersey, the developer may be required to sign an agreement acknowledging and agreeing to this procedure, and, in addition, the Borough Council may require that the developer shall be liable to the Borough, in addition to the amount of any special assessments against the subject property for benefits conferred by the improvement or improvements, for the difference between the total cost actually incurred, and the total amount by which all properties, including the subject tract, are specially benefited by the improvement.
5. If the Borough Council shall determine that the improvements are to be constructed or installed by the applicant, such agreement may contain provisions, consistent with the standards in this Ordinance any other rules, regulations or policies of the Borough of High Bridge, County of Hunterdon, State of New Jersey, and any departments, authorities and agencies thereof with jurisdiction therein, whereby the applicant shall be reimbursed by the Borough or otherwise, as a result of any participation fees, connection charges, charges paid in regard to developer's agreements with other applicants and the like, all in accordance with an agreement between the Borough Council and the applicant with respect to special benefits provided by the improvements to other properties.
6. In determining the procedures to be followed in the event of the submission of a list and request from the Board, the Borough Council shall be guided by the following standards and considerations:
  - a. The local trends in regard to the probability of development within the drainage or circulation area in question and the intensity of such development.
  - b. The risk and exposure that neighboring areas are subject to in the event that the improvements to be required are delayed.
  - c. The extent to which temporary measures may sufficiently alleviate the condition or conditions requiring the off-tract improvement and the likelihood that larger, regional or subregional facilities will be required in the future to serve the development tract and the general area of the municipality in which the same is located.
  - d. The extent to which the health, safety and welfare of the residents, both current and future, depend upon the immediate implementation of the off-tract improvement.

## ARTICLE 8

### IMPROVEMENTS AND DESIGN STANDARDS

#### Section 801. Standards and Specifications.

All construction shall be in accordance with the applicable standards and specifications in the "Standard Specifications" of the New Jersey Dept. of Transportation, the "Residential Site Improvement Standards", and construction specifications of the Borough of High Bridge.

All residential development shall comply with the "Residential Site Improvement Standards" (RSIS) of the New Jersey Administrative Code, Title 5, Chapter 21, as promulgated the Commissioner of the Department of Community Affairs pursuant to the authority of P.L. 1993, c. 32 (N.J.S.A. 40:55D-40.1 et. seq.) When a conflict is evident between a requirement of this Ordinance and the "Residential Site Improvement Standards", the "Residential Site Improvement Standards" shall prevail. The standards specified in this Article shall apply to all developments requiring subdivision, site plan, conditional use and/or variance approval.

**Section 802. Stormwater Management.**

- A. Stormwater management systems shall be designed and constructed in accordance with the RSIS. As required in the RSIS, stormwater management systems shall emphasize a natural, instead of an engineered, drainage strategy. If an engineered strategy is preferred by the applicant, then sufficient documentation must be submitted to demonstrate why natural methods are not feasible on the site.
- B. The drainage plan shall maximize the opportunity for stormwater to recharge the groundwater whenever possible. Innovative techniques such as the use of dry wells, dispersed overland flow, porous pavement, etc. are encouraged. If methods to recharge the groundwater on the site are not feasible, then the applicant must submit sufficient documentation to support this conclusion.
- C. Lots shall be graded to secure proper drainage away from the buildings. Additionally, drainage shall be provided in a manner that will prevent the collection of stormwater in pools or other unauthorized concentrations of flow and, to the greatest extent possible, water shall not flow across property lines.
- D. A final drainage plan shall accompany the final subdivision or site plan. Such drainage plan shall show the same information as required on the preliminary plan with the addition that the individual lot grading shall be shown as follows:
  - 1. Final grades shall be shown for each corner, all high and low points and breaks in grade, finished floor elevations or structures, finished grades of septic systems, if applicable, and at the corners of tentative structure locations.
  - 2. If the use of drainage swales is intended, the bottom elevation of these swales shall be shown.
  - 3. The minimum grade of disturbed areas shall be one and one-half percent (1.5%).
  - 4. Prior to construction of foundation walls, an as-built plan of the horizontal and vertical location of the foundation footing shall be submitted to the Zoning Officer for review and approval.
  - 5. As a condition precedent to the issuance of a Certificate of Occupancy for any lot in the development, the developer or building contractor shall submit an as-built, lot-grading plan to the Borough Engineer bearing an engineer's certification that the lot grading complies with the approved final lot grading and Soil Erosion and Sediment Control Plans for the development.
- E. Approval of drainage structures shall be obtained from all appropriate Borough, County, State and Federal agencies and offices. Each applicant shall make appropriate application to the NJDEP, the Hunterdon County Planning Board, and the approval from the proper governmental authorities shall be furnished to the Administrative Officer with a copy of each letter forwarded to the Borough Engineer.

- F. Drainage maintenance easements shall be required by the Borough at locations indicated on an approved development plan where a tract or lot is traversed by a watercourse, surface or underground drainageway or drainage system, channel or stream. The drainage maintenance easement shall conform substantially to the lines of such watercourse and, in any event, shall meet any minimum widths and locations as shown on any adopted Official Map or Master Plan. A drainage maintenance easement shall be established and dedicated along any floodplain and extend at least twenty-five (25) feet from the top of the channel bank. In no event shall the width of a drainage maintenance easement be less than twenty-five (25) feet. Such easement shall be expressed on the plat as follows: "Drainage easement granted for the purposes provided and expressed in the Land Use and Development Ordinance of the Borough of High Bridge". The responsibility for maintenance of the facilities within the easement lies with the owner of the facilities as designated in the RSIS for residential properties (N.J.A.C. 5:21-7.5); however, the property owner shall be responsible for day-to-day maintenance of the easement. All such facilities and easements on commercial or industrial properties are the responsibility of the property owner.
- G. The applicant shall provide an analysis of any additional water which will drain from the site as a result of the approval of the proposed site plan, subdivision, conditional use and/or variance, such analysis to specifically document the anticipated impact that the increased water flow will have upon existing drainage structures located between the site and the downstream facilities and structures.

**Section 803. Sight Triangles.**

- A. Sight triangle easements shall be required at the intersection of a street with another street and at the intersection of a street with a driveway providing ingress and/or egress to a nonresidential or multi-family residential development. The sight triangle easement shall be in addition to the specified right-of-way width of the street and cartway width of the driveway and shall not contain any grading, planting or structure that projects more than twelve (12) inches above the centerline of the street and/or driveway, except that street signs, fire hydrants and lighting standards may be located within a sight triangle easement. Trees within the sight triangle shall be kept trimmed of branches to a minimum height of six (6) feet above ground level.

The sight triangle is that area outside of the street right-of-way or driveway cartway, bounded by the intersecting street right-of-way or driveway cartway lines and the straight line connecting the "sight points", one (1) each located on the two (2) intersecting street and /or driveway centerlines.

- B. Sight triangles shall be in accordance with the latest edition of AASHTO's Standard Specification for a Policy on Geometric Design of Highways and Streets and based on the speed limits established on the intersecting streets.
- C. Additional lands may be required to be included within the sight triangle easement(s) in order to provide an unobstructed sight view for the entirety of the required distances.
- D. The dedication of sight triangle easements shall be expressed on a subdivision plat or site plan as follows: "Sight triangle easement deeded for purposes provided for and expressed in the Land Use and Development Ordinance of the Borough of High Bridge".
- E. The requirement to provide sight triangle easement(s) does not supersede any other requirement of this Ordinance to provide screening of parking lots, loading areas, etc. Where such screening is required, it shall be provided outside of the required sight triangle(s).

**Section 804. Lighting.**

- A. Street Lighting.

1. Street lighting shall be provided at all street intersections where at least one of the streets is designated as other than a "minor street" in the Traffic Circulation Plan Element of the Master Plan. Moreover, additional street lighting may be required for specific locations as deemed necessary for safety reasons by the Borough Engineer, such as vegetation; a sharp curve of the street; or an obtuse or sharply angled intersection.
2. The type of required street lighting to be supplied shall be in accordance with the recommendations of the Borough Engineer and the standards of Jersey Central Power and Light Company or its successor in interest. The light intensity provided at ground level shall average at least five-tenths (0.5) foot-candles at intersections and three-tenths (0.3) foot-candles for other street lighting. High-pressure sodium lighting shall be prohibited on all streets in the Borough.
3. Wherever electric utility installations are required to be underground, the applicant shall provide for underground service for required street lighting.

**B. On-Site Lighting.**

1. All parking areas and walkways thereto and appurtenant passageways and driveways serving commercial, public, office, multiple-family or other uses having common off-street parking and/or loading areas shall be adequately illuminated for security and safety purposes. As much lighting as possible should be automatically turned off within one hour after the close of business for commercial properties or 10 PM, whichever is later, unless otherwise needed for security and safety reasons.
2. The lighting plan in and around the parking areas shall provide for nonglare, recessed lights focused downward. The light intensity provided at ground level shall be indicated in foot-candles on the submitted plans and shall average at least five-tenths (0.5) foot-candles at intersections and three-tenths (0.3) foot-candles elsewhere in the area to be illuminated. Lighting shall be provided by fixtures with a mounting height of not more than twenty (20) feet or the height of the building, whichever is less, measured from the ground level to the center of the light source.
3. Any outdoor lighting such as building and sidewalk illumination, driveways with no adjacent parking, the lighting of signs, and ornamental lighting, shall be shown on the lighting plan in sufficient detail to allow a determination of the effects upon adjacent properties, traffic safety and overhead skyglow. The objective of these specifications is to minimize undesirable off-premises effects. No light shall shine into windows or onto streets and driveways in such a manner as to interfere with or distract driver vision and no light shall be directed off the premises. Light shields may be required wherever necessary to prevent the transmission of light offsite. To achieve these requirements, the intensity of such light sources, the light shielding and similar characteristics shall be subject to site plan approval. The Planning Board retains the right to direct applicants to contact the NJ Astronomical Association for prior approval in order to protect the telescope situated in their Observatory located in Lebanon Township, adjacent to the Borough of High Bridge.

**Section 805. Lot Configuration.**

- A. Insofar as is practical, side lot lines shall be either at right angles or radial to street lines.
- B. Each lot must front upon a county or municipal street or highway, except in instances where private streets and/or other driftways are provided and approved as part of a site plan and/or subdivision submission.
- C. All lots shall be suitable for their intended use(s). Where there is a question as to the suitability of a lot or lots for their intended use(s) due to factors such as poor drainage conditions or flood conditions, percolation tests or test borings indicating the ground conditions to be inadequate for proper sewage disposal for on-lot sewage treatment, or similar circumstances, the Board, after

adequate investigation and receipt of a written report by the Borough Board of Health, if applicable, may withhold approval of such lots. If approval is withheld, the Board shall give reasons and notify the applicant and enter the same in the minutes.

- D. Concrete monuments shall be installed in accordance with the requirements of the New Jersey Map Filing Law. In any case, all corners shall be set with markers in accordance with N.J.A.C. 13:40-5.1.

**Section 806. Natural Features.**

- A. Natural features such as trees, hilltops and views, natural topography, open waters, critical areas and natural drainage features shall be preserved to the maximum extent possible in the design of any development on land containing such features.
- B. No topsoil shall be removed from areas intended for lawns, buffer areas and any undisturbed land. Topsoil moved during the course of construction shall be redistributed on the lot so as to provide at least four (4) inches of cover on all undeveloped areas, which cover shall be stabilized by seeding and/or planting in accordance with an approved landscaping plan (see Section 808). No topsoil shall be exported from the development site.
- C. No soil shall be removed from or imported to any site in excess of twenty (20) cubic yards per year without the prior approval of the Board. For this purpose, a plan shall be submitted showing the quantity and source of the soil and how the soil or underlying material is to be distributed and stabilized, including grading contours. An approved Soil Erosion and Sediment Control Plan in accordance with Section 813 is also required. If the soil is to be imported, a plan shall be submitted describing methodology and frequency of testing the soil to ensure that the soil is not contaminated per NJDEP standards. No hazardous materials shall be buried on site without the knowledge and consent of the Board. Finally, the plan shall describe the size and number of vehicles that are proposed for hauling the removed or imported soil, and the proposed hauling route.
- D. The existing vegetation on the site must be preserved outside of the limits of development. All trees or groups of trees having a diameter of four (4) inches or more, measured four (4) feet off the ground, which are not required to be removed by the proposed construction and which are located within fifty (50) feet or the radius of the drip line of the tree(s), whichever is greater, from any construction area shall be protected with snow fencing prior to the commencement of and during construction. Tree removal may only be done in accordance with a permit issued under the Tree Protection Ordinance, Chapter 183 of the Code of the Borough of High Bridge. The limits of disturbance together with the locations and species of the trees to be preserved shall be indicated on the site plan and/or subdivision submission, along with the proposed means of protection.
- E. All areas with existing vegetation to be preserved, whether trees, shrubs, or fields, must be clearly demarcated on the construction plans and, where required by the Board, fencing or other appropriate methods to prevent unauthorized disturbance must be erected in the field. Other areas where access is restricted, including critical areas, buffers, and easements, shall also be shown on the construction plans and barriers to access erected in the field.
- F. For the continued protection and enjoyment of natural features, the developer shall place such features as directed by the Board into conservation easements.
- G. See also Section 808, Landscaping.

**Section 807. Design of Off-Street Parking, Loading Areas and Driveways.**

- A. Landscaping.

1. Except for parking for single-family detached dwelling units, a screen planting, berm, fence, wall, or combination thereof, not less than two and a half (2 ½) feet nor more than four (4) feet in height in a front yard or six (6) feet in height in a side or rear yard, shall be provided between an off-street parking area and any lot line or street line except where a building intervenes or where the distance between such area and the lot line or street line is greater than one-hundred and fifty (150) feet. The maximum height specified herein does not apply to plantings. The requirement to provide a sight triangle set forth in Section 803 shall not preclude compliance with this Section, and the screen shall be provided outside of the required sight triangle(s).
2. All loading areas shall be landscaped and screened sufficiently to obscure the view of the parked vehicles and loading platforms from any public streets and adjacent properties throughout the year. Such screening shall be an extension of the building, fence, berm, wall, planting, or combination thereof and shall comply with the height requirements given in A.1. above.
3. Each off-street parking area shall have a minimum area equivalent to one (1) space landscaped for every thirty (30) parking spaces. Approximately one-half (1/2) said area should have shrubs no higher than three (3) feet and the other half should have trees with branches no lower than six (6) feet at maturity. Established trees should be pruned to achieve this goal. Such landscaped areas shall be distributed throughout the parking area in order to break the view of parked cars in a manner that does not impair visibility.
4. See also Section 808, Landscaping.

**B. Lighting.**

Lighting used to illuminate off-street parking areas shall be arranged to reflect the light away from residential premises and public streets and shall be in accordance with Section 804.B of this Ordinance. The lighting of all off-street parking areas, including any deferred parking areas that may be approved by the Board as provided in Section 807.C, shall be shown on the plan.

**C. Paving and Curbing.**

1. All parking and loading areas and access drives shall be paved as provided below, except that the Board, at the request of the applicant and in consideration of the specific and documented parking needs of the applicant, may permit a reduction in the paved area devoted to parking provided:
  - a. The submitted plan shall include all the parking spaces required by this Ordinance and shall include those spaces to be paved and those requested not to be paved.
  - b. All parking areas not to be paved shall be suitably landscaped and such landscaping shall be indicated on the submitted plan and be in addition to landscaping otherwise required or necessary.
  - c. The drainage system for the site shall be designed to accommodate the surface water runoff from all parking and driveways areas, considering all areas to be paved, whether initially or at a possible future date.
  - d. The applicant shall agree in writing on the submitted plan to pave any or all of the non-paved parking areas should the paved parking areas prove to be inadequate to accommodate the on-site parking needs of the premises.
2. Parking areas may be covered with pavers or pervious pavement in lieu of impervious pavement when appropriate to reduce the volume of stormwater runoff from a site at the discretion of the Board.
3. All other parking and loading areas and access drives for non-residential uses shall be paved as outlined below unless otherwise specified by the Board and approved as part of the development application approval. All parking areas, regardless of size and location, shall be suitably drained and maintained.
  - a. Areas of ingress and egress, parking stalls, loading and unloading areas, major interior driveways or access aisles and other areas likely to experience heavy traffic

shall be paved with not less than six (6) inches of compacted base course of plant-mixed bituminous, stabilized base course (Mix No. 1-2), constructed in layers of not more than two (2) inches compacted thickness and prepared and constructed in accordance with the "Standard Specifications" and any amendments thereto. A minimum of two (2) inches compacted wearing surface of bituminous concrete mixture (Mix No. 1-5) shall be constructed thereon in accordance with the aforesaid specifications.

- b. Where subgrade conditions of proposed paved areas are wet, yielding or of such a nature that surfacing would be inadvisable without first treating the subgrade, the areas shall be excavated to a suitable depth below the proposed grade and filled with dense grade aggregate stone or a suitable subbase material as approved by the Borough Engineer. Such wet areas must be assessed to determine whether they are wetlands as defined by the NJDEP and whether a permit for crossing of the area is required. Where permitted under the Freshwater Wetlands Protection Act (N.J.A.C. 7:7A) and required by the Borough Engineer, a system of subsurface drains or an alternate solution approved by the Borough Engineer shall be constructed beneath the surface of the paved area and connected to a suitable drain. After the subbase material has been properly placed and compacted, the surfacing material, as described heretofore, shall be constructed thereon.
5. Curbing is required along all paved parking and loading areas and access drives. Where overland drainage is desirable this requirement may be waived.
6. All off-street parking lots shall have adequate designations to indicate traffic flow and parking spaces.
7. All construction shall be in accordance with the "Standard Specifications", unless otherwise specified by the Board with the knowledge and written consent of the Borough Engineer.

D. Access.

The centerlines of any separate access points to a single lot shall be spaced at least one-hundred and twenty-five (125) feet apart, shall handle no more than three (3) lanes of traffic and, on a corner lot, shall have a setback of at least twenty-five (25) feet, or one-half (1/2) the lot frontage, whichever is greater, from the point of tangency of the existing or proposed curb radius of either of the intersecting streets. Driveways into non-residential developments shall have a minimum setback of twenty-five (25) feet from the side property line unless a further distance is required due to buffer areas. Continuous open driveways having a width in excess of sixteen (16) feet at the street line shall be prohibited except that two-way driveways serving nonresidential uses and multiple-family developments shall be at least twenty-four (24) feet wide. In all instances, due consideration to the proposed width, curbing, direction of traffic flow, radii of curves and method of dividing traffic lanes shall be given. Curbing shall be depressed at the driveway or the curbing may be rounded at the corners and the driveway connected with the street in the same manner as another street. All points of access to non-residential and multi-family residential developments shall be graded and adequate drainage facilities installed to minimize the surface discharge of stormwater runoff entering the public road. No use shall have its access from a driveway originating in a different zone than the zone in which the use itself is located and no driveway shall be constructed or used to give access to a use in a zone other than the zone in which the driveway is located.

E. Barrier-Free Access.

All parking areas shall be designed in conformance with C.5:23-7.1 et seq., the Barrier-Free Subcode as well as the Americans with Disabilities Act.

F. Location of Parking and Loading.

No parking or loading of vehicles shall be permitted in fire lanes, streets, driveways, landscaped areas, aisles, buffer areas, sidewalks, or turning areas. All parking and loading areas shall have a minimum setback of twenty-five (25) feet from a property line unless a further distance is required due to buffer areas. Internal roads, parking access aisles, parking and loading areas, curbs and landscaping shall be designed to reasonably accommodate the turning movements of emergency vehicles regularly and routinely serving High Bridge Borough without requiring the mounting of curbs or interference with landscaping. Where there is a row of perpendicular or angled parking stalls contiguous to a building, there shall be a gap of at least nine (9) feet in width defined by mountable curbing to allow access by emergency vehicles to the facade of each building facing such parking. Where a parking space abuts a landscaped area or walkway at one end, a wheelstop or bumper shall be placed within the parking space, two (2) feet from the end, to keep vehicles from overhanging the sidewalk or planted area.

G. Type of Facility.

1. When parking spaces are provided within a garage or other structure, said structure shall adhere to the required principal or accessory building setbacks, as applicable.
2. The provision of parking spaces shall include adequate driveways and necessary turning areas for handling the vehicles for which parking is provided. All single-family residential lots having direct driveway access to other than a minor street shall be provided with an on-site turnaround to permit vehicular access to the road in a head-on direction.
3. Except for a driveway providing access to a garage, all parking areas shall be designed to permit a motor vehicle to proceed to and from a parking space without requiring the moving of any other motor vehicle(s). Aisles providing access to parking areas for non-residential uses shall have minimum dimensions in accordance with those specified in the RSIS.
4. Parking spaces shall be dimensioned in accordance with Section 306.A of this Ordinance.

**Section 808. Landscaping.**

- A. Landscaping shall be provided as part of each overall site plan design and integrated into building arrangements, topography, parking and buffering requirements. Landscaping shall include trees, shrubs, ground covers, perennials, grasses, sculpture, art and the use of building and paving materials in an imaginative manner.
- B. The existing sense and appearance of the rural village and natural scenic qualities of the Borough should be encouraged in site development. Retention of existing, native vegetation is required to the maximum extent possible.
- C. A detailed landscaping plan shall be submitted with each preliminary site plan application. The plan shall identify existing and proposed trees, shrubs, herbaceous plants and ground covers, and natural features such as waterways, boulders and rock outcroppings. It shall show where they are or will be located and the proposed planting details and specifications, including a planting schedule and maintenance plan for new plantings to ensure their continued growth. Planting must only be conducted at the appropriate time of year, generally fall or spring.

Landscaping plans shall be specific as to the location, size, spacing, quantity, and species (botanical and common name) of all plants, as well as the location, perimeter outline, type and thickness of all mulches. Size, quantity, species and other pertinent information shall also be listed in the form of a schedule on the landscaping plan. Where turf is anticipated, topsoiling, seeding or sodding, fertilizing, liming and watering specifications shall be provided. Planting details (staking, fertilizing, watering, soil mixture, etc.) specific to existing soil conditions and the exposure of the site shall also be provided.