

**TOWNSHIP OF LONG HILL, MORRIS COUNTY, NJ
TOWNSHIP COMMITTEE
REGULAR SESSION AGENDA
SEPTEMBER 12, 2018**

7:30 PM OPEN SESSION, Closed Session 6:45 PM

A draft of the Township Committee Regular Session Agenda is posted on the Township website at www.longhillnj.us on the Monday preceding the meeting.

STATEMENT OF ADEQUATE NOTICE

“In compliance with the Open Public Meetings Law of New Jersey, adequate notice of this meeting was electronically sent to the Echoes Sentinel and the Courier News. Notice was also posted on the Township Website. The notice was posted on the bulletin board in the Municipal Building on January 3, 2018 and has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.”

EXECUTIVE SESSION

**RESOLUTION #18-233
EXECUTIVE SESSION**

BE IT RESOLVED, pursuant to the Open Public Meetings Act, that the Township Committee of Long Hill Township meets in closed session to discuss the following matters:

Land Acquisition:

- BI 10402 Lot 55

Personnel:

- DPW

BE IT FURTHER RESOLVED that the minutes of this executive session meeting will be released to the public in a timely fashion pursuant to the Open Public Records Act and other applicable laws and regulations.

MOVED by: _____ of the Township Committee of the Township of Long Hill that Resolution #18-233 is hereby approved for Executive Session. **SECONDED** by:

ROLL CALL VOTE:

OPEN PUBLIC MEETING:

PLEDGE OF ALLEGIANCE:

ROLL CALL: Clerk will call the Roll

LIAISON REPORTS:

ADMINISTRATOR’S REPORT:

CONSENT AGENDA RESOLUTIONS:

The following items are considered to be routine by the Township Committee and will be acted upon in one motion. There will be no separate discussion of these items unless a Committee member so requests. In this event, the item will be removed from the Consent Agenda and considered in the normal sequence of the Agenda.

MOVED by: _____ of the Township Committee of Long Hill Township, that Resolution #18-237 through #18-251 are hereby approved. **SECONDED** by: _____. **ROLL CALL VOTE:**

**RESOLUTION 18-237
APPROVING PAYMENT OF BILLS**

BE IT RESOLVED, that the Township Committee of the Township of Long Hill does hereby approve the payment of the bills as presented by the Chief Financial Officer.

BE IT FURTHER RESOLVED, that the bills list be appended to the official minutes.

**RESOLUTION 18-238
APPROVAL AND RELEASE OF MINUTES**

BE IT RESOLVED, that the Township Committee of the Township of Long Hill does hereby approve and release the Township Committee Minutes of the August 22, 2018 Township Committee Special Meeting.

BE IT FURTHER RESOLVED that the Township Committee hereby approves the August 1 and August 22, 2018 Executive Session Meeting Minutes as redacted by the Township Attorney.

**TOWNSHIP OF LONG HILL
RESOLUTION 18-239
Lake Stirling Staff**

BE IT RESOLVED that the Township Committee of the Township of Long Hill upon the recommendations of the Recreation Director and Lake Director, that the following be moved from Head Lifeguard to Assistant Lake Director to the 2018 Stirling Lake Personnel effective retroactively to August 18, 2018:

Last Name	First Name	Position	Hourly Rate
Blakeslee	Garrett	Asst. Lake Dir.	15.00

**TOWNSHIP OF LONG HILL
RESOLUTION 18-240
Resolution Authorizing Disposal of Surplus Property
Of Long Hill Township**

WHEREAS, the Long Hill Township is the owner of certain surplus property which it no longer needs for public use: and

WHEREAS, the Long Hill Township is desirous of selling said surplus property in an “as is” condition without express or implied warranties.

NOW THEREFORE BE IT RESOLVED by the Long Hill Township as follows:

- (1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com.
- (2) The sale will be conducted online September 13, 2018 to September 18, 2018 and the address of the auction site is www.govdeals.com
- (3) The sale is being conducted pursuant to Resolution 2018-XXX
- (4) A list of the surplus property to be sold is as follows:

1994 Chevrolet C/K 2500 Pickup
1995 Ford F-800 Dump Truck
Lot of (4) Snowplows
Sewage Pump & Equipment
Stone 4000 Asphalt Roller
2010 Ford Crown Victoria Police Interceptor
2010 Ford Crown Victoria Police Interceptor
1999 Ford Crown Victoria Police Interceptor
2001 Ford Crown Victoria Police Interceptor
2004 Dodge Intrepid 4Dr Silver
2004 Dodge Durango 4WD
2004 Dodge Durango 4WD
2004 Dodge Durango 4WD
Katolight Generator
Lot of Bicycles
Mini Quad
Tree-Mounted Deer Stand

- (5) The surplus property shall be sold in an “as is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- (6) Long Hill Township reserves the right to accept or reject any bid submitted.

**TOWNSHIP OF LONG HILL
RESOLUTION 18-241**

**AUTHORIZING SETTLEMENT OF DEMAIO ELECTRICAL COMPANY
LITIGATION**

WHEREAS, DeMaio Electrical Company, Inc. (“DeMaio”), filed a complaint against the Township in the Superior Court of New Jersey, Law Division, Morris County, at Docket No. MRS-L- 1120-16, seeking damages in the amount of \$545,541.98 in connection with the Township’s Wastewater System Improvement Project; and

WHEREAS, the matter was thereafter transferred to the American Arbitration Association at Case No. 01-18-0000-8901, and the demand was reduced to \$544,384.34; and

WHEREAS, the parties have negotiated a settlement of the case whereby the Township will pay DeMaio \$200,000 and, in return, DeMaio will dismiss its complaint against the Township and release the Township from any further liability; and

WHEREAS, the Township Committee has determined that it is in the best interest of the Township to settle this matter for \$200,000;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, as follows:

1. The Township Committee hereby confirms the settlement of the above matter.
2. The Township CFO is hereby authorized and directed to issue a check to DeMaio Electrical Company, Inc. from the Township Sewer Utility in the amount of \$200,000.
3. The Mayor and Township Clerk are hereby authorized and directed to sign a Settlement Agreement with DeMaio Electrical Company, Inc. in form acceptable to the Township Attorney.

**TOWNSHIP OF LONG HILL
RESOLUTION 18-242
In Grade Advancement - Roberts**

BE IT RESOLVED, by the Township Committee of the Township of Long Hill, County of Morris, State of New Jersey upon the advice and recommendation of Police Chief Ahmed

Naga, does hereby approve the grade advancement of Officer John Roberts to Officer Grade I, effective September 25, 2018 at an annual salary of \$106,980.00.

BE IT FURTHER RESOLVED, that this advancement is consistent with the current PBA 322 Collective Bargaining Agreement.

**TOWNSHIP OF LONG HILL
RESOLUTION 18-243
Watchung Hills Regional Municipal Alliance Grant
July 1, 2018-June 30, 2019**

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Long Hill Township Committee of the Township of Long Hill of Morris, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Long Hill Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Long Hill Township Committee has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Morris;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Long Hill of Morris County of State of New Jersey hereby recognizes the following:

1. The Long Hill Township Committee does hereby authorize submission of a strategic plan for the Watchung Hills Regional Municipal Alliance grant for fiscal year July 1, 2018 to June 30, 2019 in the amount of:

DEDR	\$9,537.00
Cash Match	\$2,384.25
In-Kind	\$7,152.75

2. The Long Hill Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

**TOWNSHIP OF LONG HILL
RESOLUTION 18-244**

**AUTHORIZATION TO CLOSE SOMERSET ST. FROM
STIRLING FIRE STATION TO MAIN ST.**

BE IT RESOLVED that the Township Committee of the Township of Long Hill does hereby approve the request for Somerset Street to be closed from the Stirling Fire Station to Main Street for an OPEN House for Stirling Fire Department from 8AM to 5PM on October 6th, 2018.

BE IT FURTHER RESOLVED that the Township Committee does hereby approve the request for the road closure(s) with the provision that barricades are obtained from the Department of Public Works.

**TOWNSHIP OF LONG HILL
RESOLUTION 18-245**

**APPROVING SPECIAL EVENT LICENSE
[2018 BIKE MS: COUNTRY CHALLENGE]**

BE IT RESOLVED, by the Township Committee of the Township of Long Hill, in the County of Morris, State of New Jersey upon the advice of the Township Clerk, that all documents have been reviewed and are in good order, does hereby authorize the Township Clerk to approve and sign the application and approve License Number S 18-15 for the event to the “Sponsor” National MS Society, NJ Metro Chapter, for their Special Event 2018 Bike MS: Country Challenge to be held 8:00 AM – 2:30PM on September 15-16, 2017; and

BE IT FURTHER RESOLVED that the Police Department has determined that the applicant is exempt for the cost of police coverage required for this event.

**TOWNSHIP OF LONG HILL
RESOLUTION 18-246**

APPOINTING INTERIM PRINCIPAL PUBLIC WORKS MANAGER

WHEREAS, N.J.S.A. 40A:9-154.16 provides that, “[c]ommencing January 1, 1997, the governing body . . . of each municipality . . . shall appoint a principal public works manager for that municipality . . .”; and

WHEREAS, paragraph “b” of N.J.S.A. 40A:9-154.16 goes on to provide that, “No person shall be selected to perform the duties of a principal public works manager unless he holds a public works manager certificate . . .”; and

WHEREAS, paragraph c of N.J.S.A. 40A:9-154.16 provides that:

“When a vacancy occurs in a position in which the duties of principal public works manager are performed, the governing body . . . may select, for a period not to exceed one year and commencing on the date of the vacancy, a person who

does not hold a certified public works manager certificate to perform on an interim basis, the duties of a principal public works manager. Any person so selected may be selected as principal public works manager for one additional year; provided, however, that no person shall perform on an interim basis the duties of a temporary principal public works manager for more than two years in any municipality . . . ”; and

WHEREAS, the Township Committee has determined that Al Gallo, who has been serving as Acting DPW Director since Tom Sweeney’s resignation on June 15, 2018, is best qualified to serve in the position;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, that Al Gallo (“Gallo”) is hereby appointed Long Hill Township Interim Principal Public Works Manager for a period of one year commencing on June 16, 2018, subject to the following terms and conditions:

1. *Salary* - Gallo’s annual salary while serving as Interim Principal Public Works Manager shall be \$95,000, which shall be effective September 3, 2018 and which shall be prorated for the balance of 2018.
2. *Vacation* - Gallo shall be entitled to four weeks of vacation.
3. *Vehicle* - Al Gallo shall be allowed to use his Township truck to commute to and from his home.
4. *Sick Leave* – Gallo shall receive seven (7) days of sick leave each year. He may accumulate an unlimited amount of sick leave. Any accumulated sick leave not used during his period of employment shall lapse at the time of his retirement or separation from the department. He shall not be entitled to apply his accumulated sick leave toward early retirement nor shall he be paid in one lump sum at the time of his retirement or separation. Gallo shall not lose the accumulated sick leave he accrued prior to his

appointment as Interim Principal Public Works Manager. At present, he is carrying 47.5 sick days and will be eligible to buy back 4.6 sick days at the end of 2018, if they are still unused at that time.

5. *Raise* - Gallo shall receive a salary increase when he successfully completes the Certified Public Works Manager Program, successfully passed the examinations held by the Director of Community Affairs and has received the Certificate in accordance with the provisions of *N.J.S.A. 40A:9-154 et seq.*
6. In all other respects, the terms and conditions of Gallo's employment shall be governed by the Township Personnel Policies and Procedures Manual.

**TOWNSHIP OF LONG HILL
RESOLUTION 18-247
APPOINTING TEMPORARY PART TIME LABORER
[Calleo Jr.]**

BE IT RESOLVED, by the Township Committee of the Township of Long Hill, County of Morris, State of New Jersey as follows:

1. Upon the advice and recommendation of Interim Director of Public Works Al Gallo, that Darren Calleo Jr. be appointed as a Temporary Part Time Laborer for 14.5 hours/week.
2. This appointment shall be effective retroactively to September 3, 2018 at an hourly rate of \$15.00.
3. Mr. Calleo Jr. will be a member of the Long Hill Public Works Association and a copy of the Agreement shall be provided.

**TOWNSHIP OF LONG HILL
RESOLUTION 18-248
APPOINTING ASSISTANT FOREMAN
[Wojtech]**

BE IT RESOLVED, by the Township Committee of the Township of Long Hill, County of Morris, State of New Jersey as follows:

1. Upon the advice and recommendation of Interim Director of Public Works Al Gallo, that Randy Wojtech be promoted to Assistant Foreman.
2. This appointment shall be effective retroactively to September 3, 2018 at an hourly probationary rate of \$33.32. Following a successful probationary period of six months, the rate shall be \$35.36 per hour.

**TOWNSHIP OF LONG HILL
RESOLUTION 18-249
DPW Pay Increase
[Phillips]**

BE IT RESOLVED, by the Township Committee of the Township of Long Hill, County of Morris, State of New Jersey as follows:

1. Upon the advice and recommendation of Interim Director of Public Works Al Gallo, that Robert Phillips’s hourly rate in the position of Clean Communities Worker from \$14.00 per hour to \$16.00 per hour effective retroactively from September 3, 2018.

**TOWNSHIP OF LONG HILL
RESOLUTION #18-250
Sewer Payment Refund**

BE IT RESOLVED: That the Township Committee of the Township of Long Hill does hereby authorize the following refund due to an overpayment of a 2018 Sewer payment in the amount of \$631.75 on Block 10201 Lot 7 to: Joshi, Swati; 1749 Valley Rd. Millington, NJ 07946

**TOWNSHIP OF LONG HILL
RESOLUTION 18-251
APPOINT SAFETY OFFICER - Anderson**

BE IT RESOLVED the Township Committee hereby appoints James Anderson as Safety Officer effective retroactively to September 3, 2018 and adjusts his annual salary to increase by \$2,500.00.

ORDINANCES:

INTRODUCTION/FIRST READING

**TOWNSHIP OF LONG HILL
ORDINANCE #426-18**

AMENDING THE DUTIES OF THE PLANNING AND ZONING COORDINATOR TO REFLECT RECENT AMENDMENTS TO THE TOWNSHIP LAND USE ORDINANCE

WHEREAS, the duties of the Township Planning and Zoning Coordinator are set forth in subsection 2-26.4 of the Township Code entitled “Powers and Duties of the Planning and Zoning Coordinator”; and

WHEREAS, paragraph “g” of that subsection provides that the Planning and Zoning

Coordinator shall “serve as a member of the Technical Review Committee pursuant to section 162.9 of the Township Land Use Ordinance”; and

WHEREAS, section 14 of Ordinance 424-18 entitled “An Ordinance Amending Various Sections of the Township Land Use Ordinance of 1996 to Clarify Zoning and Construction Permits, Amend Site Plan Approval Provisions, Improve Application Processing and Adjust Fees and Escrow Deposits” abolishes the Technical Review Committee;

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 Chapter II of the Township Code entitled “Administration” is hereby supplemented and amended as follows:

Section 1. Paragraph “g” of subsection 2-26.4 entitled “Powers and Duties of the Planning and Zoning Coordinator” in section 2-26 entitled “Planning and Zoning Coordinator” is hereby deleted.

Section 2. In all other respects, section 2-26 shall remain unchanged.

Section 3. 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 4. 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 5. 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, September 12, 2018 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, October 10, 2018 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.

MOVED by: _____, that Ordinance #426-18 be introduced on first reading and advertised for second reading which is scheduled for the October 10th, 2018 Meeting.

SECONDED by: _____, **ROLL CALL VOTE**

ADOPTION/SECOND READING

**TOWNSHIP OF LONG HILL
ORDINANCE #421-18**

**PERMITTING PARKING WITHOUT A PERMIT IN THE STIRLING RAILROAD
STATION PARKING LOT AFTER 4:00 P.M.**

Statement of purpose: to permit parking in the Stirling railroad station parking lot after 4:00 p.m. to help alleviate the parking shortage in downtown Stirling.

WHEREAS, there is a shortage of parking in downtown Stirling; and

WHEREAS, section 8-3 of the Township Code presently provides that:

“It shall be unlawful to park or permit any vehicle to remain parked:

“a. unless such vehicle has a current valid Township parking permit properly displayed in accordance with instructions issued by the Township Clerk. No permit shall be required to park between 3:00 p.m. Friday and 8:00 p.m. Sunday or at any time on a Federal or New Jersey State holiday...”; and

WHEREAS, opening up the Stirling railroad station parking lot on weekdays after 4:00 p.m. would help alleviate the parking shortage in downtown Stirling;

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 Chapter VIII of the Township Code entitled “Parking Lots” is hereby amended as follows:

Section 1. Paragraph “a” of section 8-3 entitled “Open Parking Restrictions” is hereby amended to read as follows:

“It shall be unlawful to park or permit any vehicle to remain parked:

“a. Unless such vehicle has a current valid Township parking permit properly displayed in accordance with instructions issued by the Township Clerk. No permit shall be required to park between 3:00 p.m. Friday and ~~8:00 p.m. Sunday~~ 2:00 a.m. Monday or at any time on a Federal or New Jersey State holiday. No permit shall be required to park in the Stirling railroad station parking lot (as described in section 8-2 above) between 4:00 p.m. on any Monday, Tuesday, Wednesday or Thursday and 2:00 a.m. the following day.”

Section 2. 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 3. 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 4. 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, August 22, 2018 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:00 p.m. on Wednesday, September 12, 2018 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.

OPEN PUBLIC
CLOSE PUBLIC

MOVED by: _____, of the Township Committee of the Township of Long Hill, that Ordinance 421-18 is hereby adopted.

SECONDED by: _____, **ROLL CALL VOTE**

**TOWNSHIP OF LONG HILL
ORDINANCE # 422-18**

**AN ORDINANCE CONCERNING PARKING REGULATIONS ON MAIN AVENUE,
AND AMENDING CHAPTER VII OF THE TOWNSHIP CODE ENTITLED “TRAFFIC”**

BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, New Jersey that Chapter VII of the Township Code entitled “Traffic” is hereby supplemented and amended as follows:

Section 1. Section 7-12 entitled “Parking Time Limited on Certain Streets” is hereby amended by amending the parking restrictions on Main Avenue to read as follows:

7-12 PARKING TIME LIMITED ON CERTAIN STREETS.

No person shall park a vehicle for longer than the time limit between the hours listed on any day (except Sundays and public holidays) upon any of the following described streets or parts of streets described.

Name of Street	Side	Time Limit	Hours	Location
Main Avenue	Both	2 hours	8:00 a.m. to 4:00 p.m.	From a point 50 feet north of the prolongation of the southerly curbline of Somerset Street to the railroad tracks.
Main Avenue	Both	2 hours	8:00 a.m. to 4:00 p.m.	From a point 30 feet south of Somerset Street to Union Street
<u>Main Avenue</u>	<u>Both</u>	<u>2 hours</u>	<u>8:00 a.m. to 4:00 p.m.</u>	<u>From the railroad tracks to Union Street.</u>

Section 2. Section 7-14 entitled “Parking Prohibited at all Times on Certain Streets” is hereby amended by deleting the two Main Avenue locations as follows:

7-14 PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS.

No person shall park a vehicle at any time upon any streets or parts thereof described.

Name of Street	Side	Location
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~~Main Avenue — Both — From the center of the railroad tracks to a point 100 feet south.~~

~~Main Avenue — Both — From a point 50 feet north of the prolongation of the northerly curbline of Somerset Street to a point 50 feet south of the prolongation of the southerly curbline of Somerset Street.~~

Section 3. The effectiveness of this ordinance is continued upon signs being erected as required by law.

Section 4. 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 5. 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, August 22, 2018, will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, September 12, 2018 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.

OPEN PUBLIC
CLOSE PUBLIC

MOVED by: _____, of the Township Committee of the Township of Long Hill, that Ordinance 422-18 is hereby adopted.

SECONDED by: _____, **ROLL CALL VOTE**

**TOWNSHIP OF LONG HILL
ORDINANCE #424-18**

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE TOWNSHIP LAND USE
ORDINANCE OF 1996 TO CLARIFY ZONING AND CONSTRUCTION PERMITS AND
CERTIFICATES, AMEND SITE PLAN APPROVAL PROVISIONS, IMPROVE
APPLICATION PROCESSING AND ADJUST FEES AND ESCROW DEPOSITS**

WHEREAS, the Township Planning Board has recommended a number of changes to the Township Land Use Ordinance of 1996, as previously supplemented and amended, to bring the Ordinance into compliance with the Municipal Land Use Law; to simplify and expedite the application process, and to bring clarity to the Ordinance; and

WHEREAS, the Township Committee has determined that the recommended changes are in the best interest of the Township and its residents; and

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 Land Use Ordinance of 1996 is hereby supplemented and amended as follows:

Section 1. Section 111, entitled “General Terms”, is amended and supplemented as follows:

Administrative Officer –

1. The Township Planning and Zoning Coordinator shall be the Administrative Officer charged with reviewing development applications and requests for administrative waivers and determining whether they are complete in accordance with the provisions of N.J.S.A. 40:55D-10.3.
- ~~2. The Administrative Officer may consult with the Township Technical Review Committee in determining complete applications.~~
3. The Township Zoning ~~Enforcement~~ Officer shall be the Administrative ~~Official~~ Officer for all other purposes.

~~Application Expediting Committee – a committee of the Planning Board and Zoning Board of Adjustment charged with reviewing the technical and design elements of land development applications to ensure consistency with the technical requirements of the Ordinance.~~

Certificate of approval - a certificate issued in accordance with the Uniform Construction Code upon the completion of work that requires a construction permit but not a certificate of occupancy.

Certificate of continued occupancy - a certificate issued by the Construction Official acknowledging that as a result of a general inspection of the visible parts of a building or structure that no work requiring a construction permit has been determined to have occurred and no unsafe conditions or violations of the Uniform Construction Code have been found.

Certificate of continued zoning compliance – a certificate issued by the Zoning Officer upon a change of ownership, use, occupancy or tenancy of any nonresidential property or part thereof acknowledging that the change complies with all requirements and conditions of this Ordinance and any preexisting approval granted by any approving authority.

~~Certificate of occupancy~~ — a certificate issued by the Construction Official upon completion of construction, alteration or change in occupancy of a building. The certificate shall acknowledge compliance with all requirements of this Ordinance, such adjustments thereto granted by the approving authority, and/or all other applicable requirements.

Certificate of occupancy - a certificate issued by the Construction Official upon completion of work that was authorized by and in compliance with the construction permit issued therefor and in compliance with the Uniform Construction Code.

Certificate of zoning compliance – a certificate issued by the Zoning Officer after the completion of any work contemplated by a zoning permit upon a finding that the work performed continues to meet all of the requirements and conditions of this Ordinance and any approval granted by an approving authority.

~~Completeness review authority~~ — the Construction Official, the Application Review Committee, or any other individual or agency established by the Planning Board."

Construction permit – authorization issued by the Construction Official in accordance with the Uniform Construction Code for the commencement of the construction, reconstruction, repair, structural alteration, rehabilitation, placement, relocation, addition to or demolition of a building or structure or part thereof.

~~Technical Review Committee~~ — the Committee shall consist of: the Administrative Officer, the Zoning Officer, the Planning Board Engineer and the Planning Board Planner. The Committee may be called to review applications at the discretion of the Administrative Officer.

Sign Permit – A short form of the Zoning Permit which may be used for permanent signs when required in Section 155.6.

Zoning Permit - a document issued by the Zoning Officer which acknowledges that a use, development, structure or building complies with the requirements and conditions of this Ordinance or approval therefor duly authorized by an approving authority.

Section 2. Subsection 103.3 entitled, “Variances”, in Section 103, which Section is entitled, “Scope”, is amended, as follows:

103.3 Variances.

Any deviation from any provision of Sections 120, 130, 142, 151 and 155 of the Township Land Use this Ordinance shall require a variance pursuant to N.J.S.A. 40:545D-70 c. or d. or N.J.S.A. 40:55D-60 a. ~~If an applicant can clearly demonstrate that, because of peculiar conditions pertaining to the applicant's property, the literal enforcement of one (1) or more of the regulations of any other section of this Ordinance is impracticable or will exact undue hardship, the approving authority may permit an exception or waiver from the aforementioned requirements only as may be reasonable and within the general purpose and intent of the rules, regulations and standards established by this Ordinance.~~

Section 3. Section 104 entitled, “Construction Permit”, is amended as follows:

104 CONSTRUCTION PERMIT

104.1 ~~No~~ Before any building or structure or part thereof shall be erected, constructed, reconstructed, structurally altered, rehabilitated, repaired, placed, or moved or demolished unless the owner thereof has obtained a construction permit, the property owner or designee shall apply to the Construction Official for a construction permit, if required by the Uniform Construction Code, in the manner and on forms required by the Uniform Construction Code and shall pay all fees required by the Township Code.

104.2 ~~No~~ A construction permit shall not be issued until the property owner or developer designee has obtained all required development approvals from the Planning Board or Zoning Board of Adjustment or has obtained a Zoning Permit, if required, from the Zoning Officer. in accordance with the provisions of Section 106 below.

Section 4. Section 105, entitled “Certificates of Occupancy”, is deleted in its entirety and replaced with the following:

105 CERTIFICATE OF OCCUPANCY; CERTIFICATE OF APPROVAL; CERTIFICATE OF CONTINUED OCCUPANCY

105.1 The issuance of certificates of occupancy, certificates of approval and certificates of continued occupancy shall be governed by the standards of the Uniform Construction Code. The Construction Official may issue a temporary certificate of occupancy upon written request from the applicant and in accordance with the Uniform Construction Code.

105.2 Certificate of Occupancy or Certificate of Approval

- a. After completion of the work performed under an issued construction permit, a property owner or designee shall apply to the Construction Official for a certificate of occupancy or certificate of approval, as appropriate, in a manner consistent with and as required by the Uniform Construction Code. All improvements contemplated by the issued construction permit and as shown on any approved plans must be installed at the time of the issuance of the certificate of occupancy or certificate of approval, unless otherwise specified herein.
- b. The fee for the certificate of occupancy or certificate of approval, as required by the Township Code, shall be paid to the Construction Official at the time a construction permit is issued.
- c. Before a certificate of occupancy or a certificate of approval is issued, the Construction Official will perform an inspection to determine whether the work performed under the issued construction permit meets all of the requirements of the construction permit, the Uniform Construction Code and, if a Zoning Permit was required, shall require the applicant to obtain a certificate of zoning compliance from the Zoning Officer.
- d. If a certificate of zoning compliance was issued, then a certificate of occupancy shall specify the use of the land or building and any circumstances or conditions recited in the certificate of zoning compliance.
- e. If a zoning permit was issued, a certificate of occupancy shall not be issued until a certificate of zoning compliance is issued by the Zoning Officer. A temporary certificate of occupancy may be issued before a certificate of zoning compliance is issued in accordance with the Uniform Construction Code.

105.3 Certificate of Continued Occupancy

- a. Upon any change of ownership, tenancy, occupancy or use of any non-residential use on a nonresidential property, for which no construction permits have been issued, the property owner, tenant or occupant shall apply to the Construction Official for a certificate of continued occupancy in a manner and on forms consistent with the Uniform Construction Code.
- b. The fee for the certificate of continued occupancy, as required by the Township

Code, shall be paid to the Construction Official at the time the certificate of continued occupancy is issued.

- c. Upon receipt of a complete application for a continued certificate of continued occupancy, the Construction Official shall perform an inspection of the property to ensure that all requirements of the Uniform Construction Code are being met. If the inspection is satisfactory, the Construction Official will issue a certificate of continued occupancy to the applicant with a copy to the Zoning Officer, who will then issue a certificate of continued zoning compliance or a certificate of zoning compliance.
- d. If violations of the Uniform Construction Code are discovered, the Construction Official shall deny the application for a certificate of continued occupancy and require that an application be filed for necessary construction permits and that any violations be abated.

Section 5. Section 106, entitled, “Zoning Permits; Certificates of Compliance; and Referrals to Shade Tree Commission”, is deleted in its entirety and replaced with the following:

106 ZONING PERMIT ; CERTIFICATE OF ZONING COMPLIANCE; CERTIFICATE OF CONTINUED ZONING COMPLIANCE

106.1 Zoning permit.

- a. An approved zoning permit is required before any construction permit shall be issued by the Construction Official for work that, once completed, requires a certificate of occupancy. A zoning permit shall not be required for work exempted from the requirement for a certificate of occupancy.
- b. Application for a zoning permit shall be made to the Zoning Officer on the form provided. For every application, the Zoning Officer shall require two (2) sealed plot plans prepared by a New Jersey licensed professional engineer or land surveyor, drawn to scale and showing the size and location of all existing and proposed buildings, structures and other facilities, as well as architect’s plans, elevation drawings, and manufacturers specification sheets and installation instructions for any prefabricated or mechanical equipment, sufficient to enable the Zoning Officer to determine whether all Township land use requirements are met. The Zoning Officer may consult with any Township staff or professionals, County agency or State agency when reviewing an application for a zoning permit.
- c. The Zoning Officer may waive the requirement for sealed plot plans for additions, alterations or accessory structures to existing single- or two- family dwellings or de minimis site improvements of nonresidential premises and accept a sketch prepared by the owner or applicant. Where there is any question as to the site, location or any other zoning or land use requirement, the Zoning Officer shall require sealed plot

plans.

- d. A simplified application form with reduced requirements for common situations, including but not limited to an application for a sign permit, shall be available from the Zoning Officer.
- e. The Zoning Officer shall issue or deny the zoning permit within ten (10) business days after receipt of a complete application. Upon notice to applicant of the pending issuance of a zoning permit, the applicant shall remit the fee required by the Ordinance before the zoning permit will be issued.
- f. After reviewing the application, the Zoning Officer shall issue the zoning permit if the work proposed in the application is in compliance with this Ordinance and any approvals from the Planning Board, the Zoning Board of Adjustment or any other approving authority. If an application for a zoning permit is denied, the Zoning Officer shall notify the applicant in writing stating the reason(s) for the denial, together with advice to seek relief for site plan or variance approval.
- g. If a zoning permit is approved by the Zoning Officer and it shall appear at any time to the Zoning Officer that the application or accompanying plan(s): is in any material way false or misleading; that the work being done on the premises is materially different from that indicated in the application or may be in violation of any provision of this Ordinance; or that any conditions imposed by an approving authority are not being met within the time or in the manner required by the approving authority, then the Zoning Officer may forthwith revoke the zoning permit.
- h. If a zoning permit is denied or revoked by the Zoning Officer, an applicant may do one of the following:
 - i. Modify the proposed use or development so that it complies with all applicable provisions of this Ordinance, if possible, and/or any approval granted by the approving authority and reapply for zoning permit approval.
 - ii. File the appropriate application with the approving authority.
 - iii. Take no action toward the commencement of the proposed use or development.

106.2 Certificate of zoning compliance.

- a. An application for a certificate of zoning compliance shall be made to the Zoning Officer within thirty (30) days of completion of the work authorized by an approved zoning permit. A certificate of occupancy for work under approved construction permits shall not issue until a certificate of zoning compliance is issued.

- b. If an approving authority allows an applicant to satisfy a condition or conditions of any approval subsequent to occupancy and the applicant obtains a temporary certificate of occupancy therefor, the Zoning Officer shall monitor such conditions to ensure that they are satisfied in accordance with the resolution of the approving authority and shall issue a certificate of zoning compliance upon completion before a certificate of occupancy shall be issued.
- c. In those cases involving only a change of use where a use variance is required from the Zoning Board of Adjustment, and no construction permit is required, the owner or developer shall obtain a certificate of zoning compliance from the Zoning Officer upon completion of any conditions of the variance approval and after the Construction Official has issued a certificate of continued occupancy.

106.3 Certificate of continued zoning compliance.

- a. Upon the commencement of or change in the use, occupancy or tenancy of any nonresidential property or nonresidential part thereof, where no construction is proposed and therefore a zoning permit is not required, a certificate of continued zoning compliance shall be obtained before any such new use, occupancy or tenancy shall commence.
- b. The owner or tenant of the premises about to be used, occupied or re-occupied shall apply to the Zoning Officer for a certificate of continued zoning compliance on a form provided by the Zoning Officer and shall submit any information required thereby.
- c. The application for a certificate of continued zoning compliance shall be accompanied by a certificate of continued occupancy which is available from the Construction Official.
- d. The Zoning Officer shall issue the certificate of continued zoning compliance within ten (10) days after receipt of a complete application or, in the alternative, shall notify the applicant in writing of a denial, the reason(s) therefor, and advise the applicant to apply for site plan or variance approval, if appropriate.
- e. If it shall appear at any time to the Zoning Officer that the application or accompanying information: is in any material way false or misleading; that the use or occupant seeking to occupy the premises is materially different from that indicated in the application; that the use is in violation of any provision of this Ordinance; or that any conditions imposed by the approving authority are not being met in the manner required by any approval, then the Zoning Officer may forthwith revoke the certificate of continued zoning compliance.
- f. A certificate of continued zoning compliance, unless revoked, shall continue in effect so long as there is no change of use, ownership, occupancy, or tenancy of the premises.

Section 6. Section 108, entitled, “Municipal Continued Occupancy Permits”, is deleted in its entirety.

Section 7. Section 134 entitled, “Accessory Structures”, is supplemented, as follows:

134.8 Generators

- a. Permanent generators and their mounting pads are considered accessory structures and must meet all the requirements of Subsections 134.1, 134.4, 134.5, and 134.6. Generators shall meet industry standards for noise emissions and are subject to Chapter 3-15.1, entitled “Unnecessary Noise”, of the Township Code.
- b. The following additional regulations apply to generators at nonresidential uses in any commercial zone.
 1. The pad size shall not exceed sixty-four (64) square feet.
 2. A visually solid fence with a minimum height of four (4) feet up to the height of the generator shall enclose the generator. A row of plantings with a minimum of four (4) foot height at planting shall buffer the enclosure.
 3. The generator mounting pad shall be placed a minimum of seventy five (75) feet from any adjoining residential zone.

Section 8. Paragraph d in Subsection 143.6, entitled, “Waiver of Requirements”, in Section 143, which Section is entitled, “Flood Damage Prevention”, is amended, as follows:

- d. ~~The Township Engineer, in consultation with the Completion Review Committee (“CRC”),~~ may issue an administrative waiver of the requirements for a development permit in the following cases:

Section 9. Subsection 152.1, entitled, “General Guidelines”, in Section 152, which Section is entitled, “Building Design”, is amended, as follows:

152.1 General Guidelines

- a. The requirements of this Section shall apply to all site plan ~~or site plan waiver~~ applications.

Section 10. The existing subsection 155.12 in Section 155, which Section is entitled, “Permanent Signs”, is deleted in its entirety.

Section 11. The existing subsection 161.2 in Section 161, which Section is entitled, “Jurisdiction and Responsibility”, is deleted in its entirety.

Section 12. Subsection 162.2 entitled, “Site Plan Review”, is deleted in its entirety and replaced with the following:

162.2 Site Plan Review

- a. Major Site plan. No zoning permit or construction permit shall be issued for any development, unless exempted herein, until a site plan application has been reviewed and approved by the Planning Board or Zoning Board of Adjustment, as the case may be. Any development that is not designated herein as requiring minor site plan approval or is not exempt from site plan approval shall require major site plan approval.
- b. Minor site plan. The following activities shall not require major site plan approval if the proposed development otherwise conforms to the following:
 - 1. Any addition, alteration or modification to an existing conforming nonresidential or multifamily residential building which will result in less than five hundred (500) square feet of additional building coverage and/or require fewer than five (5) additional parking stalls.
 - 2. Addition of a permitted accessory building or structure to a lot containing an existing conforming nonresidential or multifamily residential building which accessory building or structure is no larger than five hundred (500) square feet in floor area.
 - 3. Addition of a home office to an existing residential structure used for residential purposes.
 - 4. Establishment of a family day care home in a residential structure used for residential purposes.
 - 5. Installation of a permanent standby generator for a nonresidential use in a commercial zone which does not meet all requirements of Section 134 of the Ordinance.
- c. Exemptions from site plan approval. The following activities shall require zoning permits but are exempt from any site plan approval, major or minor. The Zoning Officer shall issue a zoning permit after a determination that no

variances are required and that the application conforms to this Ordinance. If any Ordinance requirement is not met, site plan approval will be required.

1. Construction or alteration of a detached single- or two-family dwelling used solely for residential purposes and its customary accessory structures on a single lot.
2. Erection of a sign that fully conforms to all standards of the Ordinance.
3. Installation of a permanent standby generator accessory to any detached single- or two- family dwelling used solely for residential purposes or accessory to any clubhouse or similar structure in a conforming multifamily residential development, which is operated or maintained by a homeowners' association, and which is part of the common elements of that development.
4. Resurfacing of existing parking areas or other paved areas provided that the resurfacing results in no change to grading, drainage, the number and orientation of parking stalls, and other design details of the area to be resurfaced.
5. Changes in use or occupancy at existing industrial uses in any zone and all properties within the LI-2 zone district and the VIO overlay zone district upon a finding by the Zoning Officer that the existing site improvements meet the development design standards in this Ordinance and any restrictions or conditions imposed by any decision of the Planning Board or Zoning Board of Adjustment, as the case may be.
6. Normal maintenance or replacement, such as a new roof, painting, new siding, or similar activity so long as no new building construction or expansion or site alterations or improvements are proposed.
7. Improvements or alterations on sites which secured previous site plan approval under the terms of this Ordinance if the proposed improvements or alterations comply with the previous site plan approval and any conditions or restrictions imposed therein.
8. Installation of a permanent standby generator for a nonresidential use in a commercial zone which meets all requirements of Section 134 of this Ordinance.

9. Outdoor dining in accordance with Section 124.13 of this Ordinance.

Section 13. Subsection 162.7 entitled, “Waivers and Variances”, in Section 162, which Section is entitled, “Requirements”, is amended as follows:

162.7 Waivers and Variances

- a. ~~The approving authority, when acting upon an application for any approval permitted in this Ordinance shall have the power to grant such variances, exceptions and waivers as established by subsection 103.3 of this Ordinance. The approving authority, when acting upon applications for site plan approval or subdivision approval, shall have the power to grant such exceptions from the requirements for site plan and subdivision approval established by this Ordinance as may be reasonable and within the general purpose and intent of the provisions of site plan and subdivision review and approval pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., if the literal enforcement of one or more of the provisions is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.~~
- b. ~~The approving authority shall consider the opinion of the Application Review Committee Application Expediting Committee, if applicable, in evaluating any site plan waiver or site plan submission or design waiver request by an applicant.~~

Section 14. Subsection 162.9 entitled, “Technical Review Committee”, in Section 162, which Subsection is entitled, “Requirements”, is deleted in its entirety. ~~and replaced with the following:~~

~~162.9 Application Expediting Committee~~

~~Purpose. An Application Expediting Committee (AEC) is established for the purpose of informally reviewing the technical and design aspects of site plan and subdivision applications and requests for waivers from design standards or checklist items after such applications have been deemed complete by the Administrative Officer.~~

- ~~a. The AEC shall consist of two members chosen from the Class II or Class~~

~~IV members of the Planning Board and two members or alternate members of the Zoning Board of Adjustment, each to be appointed by the Chair of each respective Board.~~

- ~~b. The AEC may review the technical and design aspects of site plan and subdivision applications and requests for waivers except those portions of applications requiring relief pursuant to N.J.S.A. 40:55D-70. The AEC may make recommendations regarding changes or alterations of the technical or design aspects of applications in order to expedite efficient presentation before the approving authority.~~
- ~~c. The AEC may consult with Township and/or Board staff and professionals during its review of any application. The AEC may meet with the applicant and/or the applicant's professionals during its review of an application.~~
- ~~d. Upon completion of its review of an application, the AEC may communicate recommendations to the applicant and/or the applicant's professionals and shall direct the Board professionals to prepare timely reports for the Board's consideration.~~
- ~~e. The AEC shall not itself be a public body and its actions shall not be decisions of a municipal agency subject to a right of approval or appeal. Any recommendations provided by the AEC shall not be construed to be binding on the applicant or the approving authority. Said recommendations shall not relieve the applicant from having to comply with any Township requirements or the requirements of any other law or regulation or any other governmental agency having jurisdiction over the application or any aspect thereof.~~

Section 15. Section 163 entitled, “Submission of Variance and Site Plan Waiver Applications Not Requiring Site Plan or Subdivision Approval”, is amended as follows:

163 ~~SUBMISSION OF VARIANCE AND SITE PLAN WAIVER APPLICATIONS NOT REQUIRING SITE PLAN OR SUBDIVISION APPROVAL~~

163.1 ~~Application Procedure for Variance and Site Plan Waiver Applications Not Requiring Site Plan or Subdivision Approval~~

a. The applicant shall submit to the Secretary of the approving authority at least four (4) weeks prior to the next meeting of the approving authority: twenty-two (22) copies of each of the following: the appropriate application(s), which includes the application(s) for any requested variance(s) and the applicable checklist(s) with the items of information required therein; a site survey showing the proposed and existing structures on the property; any protective covenants, easements and/or deed restrictions applicable to the subject site, whether recorded or unrecorded; evidence of payment of the fee in accordance with Section 180 of this Ordinance; and an acknowledgement signed by the applicant stating that the applicant is familiar with the procedure set forth herein for submitting and acting upon variance ~~and site plan waiver~~ applications and agrees to be bound by it. The Secretary shall process the application and shall issue an application number; said number shall appear on all papers, maps, plats or plans and other documents for processing in conjunction with the application.

Section 16. Subsection 163.3 entitled, “Submission Requirements for Variance and Site Plan Waiver Applications Not Requiring Site Plan or Subdivision Approval”, in Section 163, which Section is entitled, “Submission of Variance and Site Plan Waiver Applications not Requiring Site Plan or Subdivision Approval”, is amended as follows:

163.3 Submission Requirements for Variance and Site Plan Waiver Applications Not Requiring Site Plan or Subdivision Approval

- b. Photographs, Additional Information and Waivers.
 - 1. Each application for variance or waiver submitted under this Section shall be accompanied by a photograph or photographs showing the property as it currently exists and all structures thereon.
 - 2. The approving authority may request additional information of any applicant seeking variance approval if said information is deemed necessary by the Board to make an informed opinion on the application, except that the request for such additional information shall not be considered grounds to deem any application incomplete.
 - 3. The approving authority may waive submission of any information required of variance or waiver applications in appropriate cases and for specific applications ~~after first considering the opinion of the Application Review Committee Expediting Committee on the waiver request made by the applicant.~~

Section 17. Subsection 163.4 entitled, “Submission Requirements (Checklist) for Administrative Site Plan Waivers”, is deleted in its entirety.

Section 18. Paragraphs a, c, and e in Subsection 164.2 entitled, “Action by the Township”, in Section 164, which Section is entitled, “Submission of Minor Site Plans and Minor Subdivisions”, are amended as follows:

- a. The ~~completeness review authority~~ Administrative Officer shall review the application and shall certify its completeness to the approving authority.
- c. Prior to any action by the approving authority, all reports and comments submitted by the ~~Application Review Committee, Township Board Planner, Township Board Engineer,~~ other Township agencies, officials and consultants, and other governmental agencies shall be entered into the record of the proceedings on the subject application. Questions and comments from the public shall also be considered prior to any action by the approving authority.
- e. All hearings held on applications for minor site plan approval shall not require public notice of the hearing unless the application also requires variance approval and/or the site for which minor site plan approval is sought is located wholly within or within 200 feet of a residential zoning district. The approving authority shall set the date, time and place for the public hearing and shall inform the applicant of this at least fourteen (14) days prior to said hearing date. Notice of the hearing shall be given by the applicant at least ten (10) days prior to the date of the hearing.

Section 19. Subsection 165.2 entitled, “Action by the Township”, in Section 165, which Section is entitled, “Submission of Preliminary Major Site Plans and Preliminary Major Subdivisions”, is amended as follows:

165.2 Action by the Township

- a. The ~~completeness review authority~~ Administrative Officer shall review the application and shall certify its completeness to the approving authority.

Section 20. Subsection 166.2 entitled, “Action by the Township, in Section 166, which

Section is entitled, "Submission of Final Major Site Plans and Final Major Subdivisions", is amended as follows:

166.2 Action by the Township

- a. The ~~completeness review authority~~ Administrative Officer shall review the application and shall certify its completeness to the approving authority.

Section 21. Subsection 171.10 entitled, "Application Review Committee", in Section 171, which Section is entitled, "Planning Board", is deleted in its entirety and replaced with the following:

171.10 Pre-Application Review Committee

Purpose. A Pre-Application Review Committee (PARC) is established as an advisory service provided by the Planning Board to provide a non-binding review of all proposals submitted to it.

- a. The PARC shall consist of 4 members of the Planning Board. All terms shall be for 1 year and any vacancies and absences shall be filled by other Planning Board members. The Planning Board Chair shall appoint the Chair and members of the PARC.
- b. Any potential applicant may meet with the PARC to discuss a development proposal with respect to: the Land Use Ordinance; the Design Standards Manual; the Master Plan; any other regulations which may be relevant, and any other topics which may arise. A potential applicant shall obtain from the Planning Board Secretary the necessary instructions, forms and a suggested list of supporting documents.
- c. The advice of the PARC shall not be construed to relieve the potential applicant of the responsibility for complying with all zoning requirements, development regulations, and development design standards of this Ordinance, and such advice shall not be binding on the approving authority or the potential applicant.
- d. Meetings of the PARC shall be scheduled by the PARC Chair and Board Secretary as demand requires. Meetings may be scheduled prior to any regularly scheduled Planning Board meetings or at other times. All meetings of the PARC may be attended by the Board Planner and Board Engineer at the request of the PARC Chair.

Section 22. Subsection 173.11 entitled, "Certificate of Construction Official", in

Section 173, which Section is entitled, “Provisions Applicable to Both Planning Board and Board of Adjustment”, is deleted in its entirety.

Section 23. Subsection 181.1 entitled, “General”, in Section 181, which Section is entitled, “Handling of Application Fees and Escrow Deposits”, is amended as follows:

181.1 General

- a. Every applicant before the approving authority shall pay the fees and escrow deposits set forth in Section 182, “Schedule of Fee and Escrow Deposits”.
- b. Unless otherwise stated, all fees are nonrefundable.
- c. There shall be a fee for each type of relief requested ~~with the exception of charges pursuant to Section 182, “Bulk Variances”.~~
- d. Fees for Permits and Certificates are due at the time such document is issued.
- e. Fees and escrow deposits for development applications are due as a condition of the application(s) being deemed complete.
- f. Where separate escrow deposits are listed for multiple forms of relief within the same application for development, the initial deposit shall not exceed \$10,000 subject also to Subsection 181.5.
- g. The Board of Education and any public service, charitable, religious, or fraternal organization shall not be charged the Application Fees in Section 182.

Section 24. Section 182, entitled, “Schedule of Fees and Escrow Deposits”, is deleted in its entirety and replaced with the following:

182 SCHEDULE OF FEES AND ESCROW DEPOSITS

	Section	Category	Application Type	Application Fee §181.1	Escrow Deposit §181.5
1	§106.1 §106.2		Zoning Permit and Certificate of Zoning Compliance (one fee for both)	\$100	\$0

2	§106.3		Certificate of Continued Zoning Compliance	\$75	\$0
3	§143.9	Permit	Development Permit Fee	\$200	\$500
4	§164	Site Plan	Minor Site Plan	\$650	\$2,500
5	§165	Site Plan	Major, Preliminary Approval	\$650 + \$.20 per SF	\$4,000
6	§166	Site Plan	Major, Final Approval	25% of the Preliminary Site Plan Fee	25% of the Preliminary Site Plan Escrow
7	166.3	Site Plan	Amendment	50% of the Preliminary Site Plan Fee	25% of the Preliminary Site Plan Escrow
8	§164	Subdivision	Minor Subdivision	\$650	\$2,500
9	§165	Subdivision	Major, Preliminary Approval	\$650 + \$200 per Lot	\$500 per lot \$4000 minimum
10	§166	Subdivision	Major, Final Approval	25% of the Preliminary Subdivision Fee	25% of the Preliminary Subdivision Escrow
11	§181.4	Subdivision	Tax Map Revision Fee	\$100 Per Lot	\$0
12	§162.4	Subdivision or Site Plan	Concept Review	\$325	\$2,000
13	§163.3	Bulk Variance	Bulk Variances (Single fee for all variances)	\$650	\$2,500
14	§122-124	Use Variance	One & Two Family Residential (Single fee for all variances)	\$650	\$3,000
15	§122-124	Use Variance	Three + Residential (Single fee for all variances)	\$650	\$4,000

16	§122-124	Use Variance	Non-Residential (Single fee for all variances)	\$650	\$4,000
17		Hearing	Request for Extension of Approval	\$200	\$0
18	§172.10	Hearing	Appeals or Interpretations	\$200	\$2,000
19	§181.2(a)	Hearing	Special Hearing	\$325	\$0
20	§171.8	Other App	All other Applications	\$325	\$1,000
21	§126	Other App	Certification of Nonconforming Use	\$650	\$2,000
22	§181.3	Rezoning	Rezoning Application	\$650	\$3,000
23	§110	Unimproved Road	Unimproved Road Application	\$650	\$2,000

Section 25. If any part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

Section 26. Should any section, paragraph, sentence, or clause of this ordinance be declared unconstitutional or invalid for any reasons, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared severable.

Section 27. The within ordinance shall take effect in the time and manner provided by law and, in particular, the procedure delineated in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

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, August 22, 2018 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:00 p.m. on Wednesday, September 12, 2018 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.

OPEN PUBLIC

CLOSE PUBLIC

MOVED by: _____, of the Township Committee of the Township of Long Hill, that Ordinance 424-18 is hereby adopted.

SECONDED by: _____, **ROLL CALL VOTE**

**TOWNSHIP OF LONG HILL
ORDINANCE #425 -2018**

**AN ORDINANCE REQUIRING THE REGISTRATION OF VACANT AND
ABANDONED RESIDENTIAL PROPERTIES INCLUDING PROPERTIES IN
FORECLOSURE AND SUPPLEMENTING AND AMENDING CHAPTER XVI OF
THE TOWNSHIP CODE ENTITLED “PROPERTY MAINTENANCE”**

WHEREAS, mortgage foreclosures often result in the abandonment and neglect of residential properties; and

WHEREAS, in situations where properties are not in mortgage foreclosure, the abandoned properties create a range of problems; and

WHEREAS, the Abandoned Properties Rehabilitation Act (N.J.S.A. 55:19-78, et seq) authorizes municipalities to adopt ordinances for the purpose of regulating the care, maintenance, security and upkeep of the exterior of vacant and abandoned residential properties; and

WHEREAS, N.J.S.A. 40:48-2.12s authorizes municipalities to adopt ordinances for the purpose of regulating the care, maintenance, security and upkeep of the exterior of vacant and abandoned residential properties for which a creditor has filed an action to foreclose; and

WHEREAS, it is in the public interest for the Township of Long Hill to establish a mechanism to identify and track vacant and abandoned residential properties in the Township including those properties which are in foreclosure, to establish standards for the maintenance of those properties and to enforce those standards of maintenance.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the

Township of Long Hill, in the County of Morris and State of New Jersey as follows:

Section 1. Chapter XVI of the Township Code entitled “Property Maintenance” is hereby supplemented and amended by adding a new section 16-7 entitled “Registration and Maintenance of Vacant and Abandoned Residential Properties Including Those in Foreclosure,” which reads as follows:

“16-7 Registration and Maintenance of Vacant and Abandoned Residential Properties Including Those in Foreclosure

16-7.1 Definitions

1. “Creditor” means a State chartered bank, savings bank, savings and loan association or credit union, any person or entity required to be licensed under the provisions of the "New Jersey Residential Mortgage Act," P.L. 2009, c.53 (C.17:11C-51 et seq.), any foreclosing entity subject to the provisions of C.46:10B-51 (P.L. 2008, c. 127, Sec. 17, as amended from time to time) and any entity acting on behalf of the creditor named in the debt obligation including, but not limited to, servicers.
2. “Vacant and Abandoned” residential property means, consistent with section 1 of P.L. 2012, c.70 (C.2A:50-73), residential real estate, where a notice of violation has been issued pursuant to Paragraph e. 1 of this Section and subsection b. of section 1 of P.L.2014, c.35 (C.40:48-2.12s), or property which any condition on its own or combined with other conditions present would lead a reasonable person to believe that the property is or has been vacant for three (3) or more months.

Residential property shall further be deemed Vacant and Abandoned where a mortgaged property is not occupied by a mortgagor or tenant.

Such evidence would include, but is not limited to, evidence of the existence of two (2) or more of the following conditions at the property:

- (a) over grown or neglected vegetation;
- (b) the accumulation of newspapers, circulars, flyers or mail on the property;
- (c) disconnected gas, electric, or water utility services to the property;
- (d) the accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- (e) the accumulation of junk, litter, trash or debris on the property;

- (f) the absence of window treatments such as blinds, curtains or shutters;
- (g) the absence of furnishings and personal items;
- (h) statements of neighbors, association management, delivery persons, or government employees indicating that the residence is vacant and abandoned;
- (i) windows or entrances to the property that are boarded up or closed off or multiple window panes that are damaged, broken and unrepaired;
- (j) doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- (k) a risk to the health, safety or welfare of the public, or any adjoining or adjacent property owners, exists due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
- (l) an uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
- (m) the mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
- (n) a written statement issued by any mortgagor expressing the clear intent of all mortgagors to abandon the property;
- (o) any other reasonable indicia of abandonment.

3. "Owner" means the titleholder, any agent of the titleholder having authority to act with respect to the vacant property, or any other entity determined by the Township of Long Hill to act with respect to the property.

16-7.2 Registration of Vacant and Abandoned Properties

4. A Creditor filing a summons and complaint in an action to foreclose on a Vacant and Abandoned property, or a Creditor who has previously filed a summons and complaint to foreclose on a residential property which subsequently becomes Vacant and Abandoned, or the Owner of a Vacant and Abandoned property, shall within thirty (30) calendar days after the building becomes Vacant and Abandoned or within thirty (30) calendar days after assuming ownership of the Vacant and Abandoned property, whichever is later; or within ten (10) calendar days of receipt of notice from the Township, and annually thereafter, file a registration statement for such Vacant and Abandoned property with the municipal clerk on forms provided by the Township for such purposes. Any failure to receive notice from the Township shall not constitute grounds for failing to register the Vacant and Abandoned property.

5. Each Vacant and Abandoned property having a separate block and lot number as designated in the official tax maps of the Township shall be registered separately.

6. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of a person twenty one (21) years or older, designated by the Creditor or the Owner as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such Creditor in connection with the enforcement of any applicable code.

7. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of the firm and the actual name(s) of the Owner of the Vacant or Abandoned property or the firm's individual principal(s) responsible for maintaining the Abandoned and Vacant property. The Owner or the individual or representative of the firm responsible for maintaining the Abandoned and Vacant property shall be available by telephone or in person on a twenty-four-hour per day, seven-day per week basis. The two entities may be the same or different persons. In the case of a Creditor, both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.

8. The registration shall remain valid for one year from the date of registration except for the initial registration which shall be valid through December 31st of the year in which it was filed. The Owner of the property or the Creditor shall be required to renew the registration annually as long as the building remains Vacant and Abandoned and shall pay a registration or renewal fee in

the amount prescribed in Paragraph c. of this Section for each Vacant and Abandoned property registered.

9. The annual renewal shall be completed by January 1st each year. The initial registration fee shall be pro-rated for registration statements received less than ten (10) months prior to that date.

10. The Owner of the property or the Creditor shall notify the municipal clerk within thirty (30) calendar days of any change in the registration information by filing an amended registration statement on a form provided by the municipal clerk for such purpose.

11. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Township against the Creditor.

16-7.3 Fee Schedule

The initial registration fee for each Vacant and Abandoned property under the provisions of this Section shall be five hundred (\$500.00) dollars. The fee for the first annual renewal shall be seven hundred fifty (\$750.00) dollars and the fee for all subsequent annual renewals shall be one thousand (\$1,000.00) dollars.

16-7.4 Penalties for Violation

a. Any person who violates any provision of this section shall be liable, upon conviction, to the penalties set forth in section 1-5 of this Code.

b. Upon conviction for violation of any of the provisions of this section, each and every day thereafter that the violation continues shall be deemed and constitute a separate and distinct offense hereunder.”

Section 2. Any or 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 3. 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 4. This ordinance shall become effective immediately upon final passage and publication as required by law.

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, August 22, 2018 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:00 p.m. on Wednesday, September 12, 2018 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.

OPEN PUBLIC
CLOSE PUBLIC

MOVED by: _____, of the Township Committee of the Township of Long Hill, that Ordinance 425-18 is hereby adopted.

SECONDED by: _____, **ROLL CALL VOTE**

DISCUSSION:

- 2017 Reserve Budget Allocation

OLD BUSINESS/NEW BUSINESS:

ANNOUNCEMENTS/CORRESPONDENCE:

- Bone Density Screening – Sept. 19 1pm to 4pm, Peapack-Gladstone Mun. Bldg.

MEETING OPEN TO THE PUBLIC:

- Remarks and Statements Pertaining to Any Matter
- Comments and remarks will be limited to 3 Minutes

ADJOURNMENT