

**2023-16**

**BOROUGH OF DUNELLEN  
COUNTY OF MIDDLESEX**

**ORDINANCE ADDRESSING PROCEDURES TO THE  
DUNELLEN PLANNING BOARD**

The following ordinance was Introduced for first reading on June 19, 2023. It is now being furthered considered for public hearing and adoption on July 3, 2023, at 7:00 p.m. in the Dunellen Borough Municipal Building, 355 North Avenue, Dunellen, New Jersey. Copies of this ordinance have been posted on the Municipal Bulletin Board and have been available at the Office of the Borough Clerk for any interested members of the public.

**WHEREAS**, the Borough of Dunellen currently maintains ordinances in Chapter 115A relating to Land Development within the Borough;

**WHEREAS**, the Dunellen Planning Board is responsible for hearing and approving land development applications pursuant to the ordinances in Chapter 115A;

**WHEREAS**, the ordinances in Chapter 115A contain procedures for applicants to submit materials to the Dunellen Planning Board; and

**WHEREAS**, the Dunellen Planning Board seeks to streamline and simplify the ordinances in Chapter 115A and to allow for electronic submission of application materials.

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

**Section 1. Chapter 115A of the General Ordinances, titled "Land Development," is hereby amended as follows:**

**Chapter 115A Land Development**

**§ 115A-2 Purpose.**

A. The purpose of this chapter shall be to provide rules, regulations and standards to guide land subdivision and site development in the Borough of Dunellen in order to promote the public health, safety, convenience and general welfare of the municipality. It shall be administered to ensure the orderly growth and development, the conservation, protection and proper use of land and adequate provision for circulation, utilities and services.

B. It shall also be a purpose of this chapter to ensure that any new development gives due consideration to the physical, visual and spatial characteristics of the existing streetscape, neighborhood and district in which such is located and the Borough generally, and to ensure that the physical, visual and spatial characteristics of any proposed development shall not be so markedly incongruous with the same characteristics of the existing streetscape, neighborhood

and district in which such is located, and the Borough generally, so as to materially detract from the real property value of the adjacent or nearby properties.

**IISA-2.1 Electronic and paper submission of documents.**

A. Unless otherwise specifically provided herein, all documents required to be submitted under the Land Development Ordinance shall be submitted electronically in the manner prescribed by the Planning Board Secretary or designee. The prescribed manner shall be set forth on the Borough's website for public dissemination.

B. One (1) official hard copy, one (1) courtesy hard copy of any new application and any signed and sealed plans shall be submitted to the Planning Board Secretary in addition to electronic submission.

C. The Planning Board Secretary may require hard copies in addition to the requirements contained in Ordinance in his or her discretion.

**§ IISA-5 Filing of Sketch plat and preliminary or final site plan.**

A. General procedures.

(1) Sketch plats and preliminary and final site plans, together with an application, shall be filed with the Zoning Official of the Borough of Dunellen. At the time of filing the application, the developer shall pay all fees and submit the application, maps and other documents in the form and manner required by this chapter and the Board's rules and regulations.

(2) The Board shall review the sketch plat and preliminary or final site plan application, which are filed, with the assistance of the Borough Planner, Borough Engineer, Zoning Official and Board Attorney to make a determination as to whether or not the application is complete. If the application is determined to be complete, the Administrative Officer shall have the application scheduled for hearing at the next available meeting. The administrative officer shall notify the developer that the application is complete and of the date of the hearing. If the application is incomplete, the applicant shall be notified in writing of the deficiencies in said application. If the application is complete, the developer shall file the required number of copies of plans or maps within the time prescribed by the Board.

(3) The Board shall adopt rules and regulations setting forth the form of application and a checklist with the information necessary to be shown on sketch plats and preliminary final site plans. The requirements for sketch plats and preliminary site plans set forth in the Board's rules and regulations shall not be in conflict with this chapter.

B. Minor subdivisions. The Board or designated Subdivision Committee shall classify the application. If classified as a minor subdivision, the minor subdivision shall be approved or denied within 45 days of the date of submission of a complete application to the administrative officer or within such further time as may be consented to by the applicant. Failure of the Board to act within the period prescribed may constitute minor subdivision approval, and a certificate

of the administrative officer as to the failure of the Board to act may be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement of other evidence of approval herein required and may be so accepted by the county recording officer for purposes of filing subdivision plats.

§ H5A-6 Preliminary and final subdivision plans.

A. Preliminary and final subdivision plans, together with an application, shall be filed with the Zoning Official of the Borough of Dunellen. At the time of filing the application, the developer shall pay all fees and submit the application, maps and other documents in the form and manner required by this chapter.

B. The Board shall review the application and preliminary or final subdivision, which are filed, with the assistance of the Borough Planner, Borough Engineer, Zoning Official and Board Attorney to make a determination as to whether or not the application is complete. If the application is determined to be complete, the Administrative Officer shall have the application scheduled for hearing at the next available meeting. The Administrative Officer shall notify the developer that the application is complete and the date of the hearing. If the application is incomplete, the applicant shall be notified in writing of the deficiencies in said application. If the application is complete, the developer shall file the required number of copies of plans or maps within the time prescribed by the Board.

C. The Board shall adopt rules and regulations setting forth the form of application and a checklist with the information necessary to be shown on sketch plats and preliminary final site plans.

D. The requirements of preliminary and final subdivision plans set forth in the Board's rules and regulations shall not be in conflict with this chapter.

E. The developer shall submit the required number of plans and such other information as is required in § 11SA-12 of this chapter and by the rules and regulations of the Board.

**§ 11SA-8 Submission of final plat or final site plan for major subdivisions.**

A. The final plat shall be submitted to the Construction Official for final approval within three years from the date of preliminary approval. The Board shall act upon the completed application for final plat within 45 days after the date of submission for final approval (or 95 days in the case of a subdivision involving more than 10 lots), and a certificate of the administrative officer as to the failure of the Board to act shall be issued on request of the applicant, and it may be sufficient in lieu of the written endorsement or other evidence of approval herein required and may be so accepted by the County Recording Officer for purposes of filing subdivision plats.

B. Whenever review or approval of the application by the County Board is required by applicable law, statute, regulations or ordinance, in the case of a subdivision or a site plan, the municipal Planning Board shall condition any approval that it grants upon timely receipt of a

favorable report on the application by the County Planning Board or approval by the County Planning Board in its failure to report thereon within the required time period.

C. An applicant shall submit three translucent reproducible Mylar or equivalent copy, black-on-white print and a copy of the application form to the Board. Unless the preliminary plat is approved without changes, the final plat shall have incorporated all changes or modifications as required by resolution of the Board.

D. The final plat shall be accompanied by a statement by the Borough Engineer that he is in receipt of a map showing all utilities or extensions thereof in exact location and elevation, identifying those portions already installed and those to be installed, and that the subdivider has complied with one or both of the following:

- (1) Installed all improvements in accordance with the requirements of these regulations.
- (2) A performance guaranty has been posted with the Borough in sufficient amount to ensure the completion of all required improvements.

E. Upon final approval, copies of the final plat shall be filed by the Board with the following:

- (1) Borough Clerk.
- (2) Borough Engineer.
- (3) Construction Official.
- (4) Tax Assessor.
- (5) County Planning Board.
- (6) Official issuing certificate for approved lots.

F. The final plat, after final approval, shall be filed by the subdivider with the County Recording Officer within 95 days from the date of such approval. If any final plat is not filed within this period, the approval shall expire. The Board may, for good cause, extend the period for recording for an additional period not to exceed 190 days from the date of the signing of the plat.

G. No plat shall be accepted for filing by the county recording officer unless it has been duly approved by the Board and signed by the Chairman and Secretary of the Board and Borough Engineer.

**§ IISA-13 Details of preliminary and final site plans.**

A site plan, as herein required, shall be submitted to the Construction Official. The preliminary and final site plans shall be drawn, show or be accompanied by the following:

- A. A minimum scale of 50 feet to the inch, except where otherwise authorized by the Board. All distances shall be in feet and decimals of a foot, and all bearings shall be given to the nearest 10 seconds.
- B. The names of all owners of record of all adjacent properties and any property directly across from any official street and the block and parcel number of the property and a key map showing general location of the site to adjacent properties.
- C. Existing zoning district boundaries, boundaries of the property, setback lines and lines of existing streets, lots, reservations, easements and areas dedicated to public use, where applicable.
- D. A copy of the deed and any covenants or deed restrictions that exist or are intended to cover all or any part of the tract.
- E. Location of existing buildings and all other physical structures, such as walls, fences, culverts, bridges and roadways, with spot elevations of such features. The outline of such structures shall be indicated by a dashed line.
- F. Location of all sanitary and storm drainage structures and utility lines, whether existing or proposed, publicly or privately owned.
- G. Existing and proposed contours with intervals of one foot where slopes are 10% or less and five feet where slopes are more than 10%, referred to a datum as required by the Borough Engineer. Control elevations shall be shown.
- H. Location of existing rock outcrops, high points, watercourses, depressions, ponds, marshes, wooded areas and other significant existing features, including flood hazard boundaries.
- I. Title, date, North arrow, scale, name and address of record owner and name, address and New Jersey professional license number and seal of the engineer, architect or land surveyor preparing the site development plan, to appear in a box at the lower right-hand corner of the site plan which shall contain the date of revisions.
- J. A survey prepared by a surveyor licensed in the State of New Jersey, which survey shall show the boundaries of the parcel and the limits of all proposed streets, easements and any other property to be dedicated to public use, and all existing and proposed monuments.
- K. The proposed use or uses of land and buildings and existing and proposed location of buildings and elevations of all proposed buildings.
- L. All proposed means of vehicular access and egress to and from the site onto public streets, showing the location and dimension of driveways and curb cuts.

M. The location and design of any off-street parking areas or loading areas, showing size and location of bays, aisles and barriers.

N. The location of all proposed waterlines, valves and hydrants and of all sewer lines or alternative means of water supply or sewerage disposal and treatment in conformance with the applicable standards of the Borough and the New Jersey Department of Environmental Protection (NJDEP).

O. The proposed location, direction of illumination, type and shielding of proposed outdoor lighting.

P. All proposed landscaping, including a planting plan, showing type, size and quantity of proposed plantings.

**Section 2. Severability.**

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

**Section 3. Repealer.**

All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this Ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

**Section 4. Effective Date.**

This Ordinance shall take effect upon final adoption and publication in accordance with law.