

TOWNSHIP OF MONTVILLE

ORDINANCE NO. 2024 - 08

AN ORDINANCE OF THE TOWNSHIP OF MONTVILLE, COUNTY OF MORRIS, AND STATE OF NEW JERSEY AMENDING CHAPTER 368, "TREES," CHAPTER 230, "LAND USE AND DEVELOPMENT," AND CHAPTER 169, "FEE SCHEDULE," OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MONTVILLE

WHEREAS, the Township Code currently sets forth standards and requirements related to the protection of trees on public lands and rights-of-way, and to the clearing and removal of trees throughout the Township; and

WHEREAS, a review of the Township Code related to these standards and requirements has revealed certain deficiencies and changes that must be addressed; and

WHEREAS, the Township Committee has reviewed the proposed amendments to the Code and recommends acceptance of the proposed amendments.

THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Montville, County of Morris, State of New Jersey, that the following amendments and revisions are made to the Revised General Ordinances of the Township of Montville.

SECTION 1. Chapter 368, "Trees," Article I, "Public Shade Trees and Shrubbery," Section 368-1, "Definitions," shall be amended to delete the term "Township Committee" and its associated definition.

SECTION 2. Chapter 368, "Trees," Article I, "Public Shade Trees and Shrubbery," Section 368-1, "Definitions," shall be further amended to include the following new term and definition:

TREE SPECIALIST

The individual responsible for the administration and protection requirements of this chapter, except as provided for herein; for the inspection of sites for which application(s) are filed under this chapter; and for enforcement of this chapter. The Tree Specialist shall be a certified/licensed tree expert (CTE/LTE) by the State of New Jersey and shall be appointed by the Mayor of the Township of Montville.

SECTION 3. Chapter 368, "Trees," Article I, "Public Shade Trees and Shrubbery," Section 368-2, "Prohibited acts," Subsection A. shall be amended to read as follows, and all subparagraphs of this subsection shall remain unchanged:

- A. No person, firm or corporation, or individual connected with such firm or corporation, shall do or cause to be done by others to any tree, shrub or plant on a public highway or place, either purposely, carelessly or negligently, without the permission of the Tree Specialist (or as approved as part of an application by a Board of appropriate jurisdiction) any of the following acts:

SECTION 4. Chapter 368, "Trees," Article I, "Public Shade Trees and Shrubbery," Section 368-3, "Placement of sidewalks; open space around trees," Subsection A. shall be amended to read as follows:

- A. No person or corporation shall, without the permission of the Tree Specialist (or as approved as part of an application by a Board of appropriate jurisdiction), place or maintain or cause to be placed or maintained upon the ground in any public highway or place any stone, cement or other sidewalks, or any stone, cement or other substance, which shall impede the free access of air and water to the roots of any tree or shrub in any public highway or place.

SECTION 5. Chapter 368, "Trees," Article I, "Public Shade Trees and Shrubbery," Section 368-5, "Street and sidewalk construction," shall be amended to read as follows:

No person, firm or corporation is permitted to lay any sidewalk or to open, construct, curb or pave any street or do any like act so as to interfere with or do injury to any highway shade tree without the consent of the Tree Specialist (or as approved as part of an application by a Board of appropriate jurisdiction).

SECTION 6. Chapter 368, "Trees," Article I, "Public Shade Trees and Shrubbery," Section 368-6, "Precautions," Subsection B. shall be amended to read as follows:

- B. No person, firm or corporation shall do any excavating within two feet of any tree or shrub without the permission of the Tree Specialist (or as approved as part of an application by a Board of appropriate jurisdiction).

SECTION 7. Chapter 368, "Trees," Article I, "Public Shade Trees and Shrubbery," Section 368-6, "Precautions," Subsection D. shall be amended to read as follows:

- D. Where in the case of authorized excavations it becomes necessary to expose or cut roots more than one inch in diameter, it shall be the duty of the contractor to protect such roots under advice from the Tree Specialist.

SECTION 8. Chapter 368, "Trees," Article I, "Public Shade Trees and Shrubbery," Section 368-7, "Attachment of wires or other devices to trees; clearance for utility wires," Subsections A. and B. shall be amended to read as follows:

- A. No person, firm or corporation shall, without permission of the Tree Specialist, attach or fasten any wire, insulator or other device for holding any wire to any tree or shrub in any public highway or place.
- B. Any utility company or its agents may, with prior permission from the Tree Specialist, prune and remove trees for line clearance of utility wires.

SECTION 9. Chapter 368, "Trees," Article I, "Public Shade Trees and Shrubbery," Section 368-8, "Procedure for Committee approval," shall be renamed "Procedure for Tree Specialists approval," and amended to read as follows:

§ 368-8 Procedure for Tree Specialist's approval.

Where the permission, consent or approval of the Tree Specialist is required by the provisions of this article, any person, firm or corporation required to obtain such permission, consent or approval shall first make application therefor to the Tree Specialist.

SECTION 10. Chapter 368, "Trees," Article II, "Tree Clearing and Removal," Section 368-10, "Purpose," shall be amended to read as follows:

Indiscriminate and uncontrolled demolition, removal and cutting of trees, and the clearing and destruction of wooded areas, within Montville Township will cause increased drainage control costs, increased soil erosion and sedimentation, decreased fertility of the soil, degradation of water resources, decreased groundwater recharge, increased buildup of atmospheric carbon dioxide, the establishment of a heat island effect and increased dust and pollution. The singular or cumulative effect of any of the above mentioned outcomes could adversely impact the character of Montville Township, decrease property values, render the land unfit and unsuitable for its most appropriate use, and negatively affect the health, safety and general welfare of Montville's residents. Due to the possibility of these negative effects, the Township's governing body desires to regulate and control the indiscriminate and excessive removal of trees, as well as to require appropriate tree replacement, on all properties within the Township.

SECTION 11. Chapter 368, "Trees," Article II, "Tree Clearing and Removal," Section 368-11, "Definitions," shall be amended to delete the terms "Critical Footprint Area" and "Enforcement Officer" as well as their associated definitions.

SECTION 12. Chapter 368, "Trees," Article II, "Tree Clearing and Removal," Section 368-11, "Definitions," shall be further amended, for the following terms and definitions only, to read as follows, and all other remaining terms and definitions in this section shall remain unchanged:

PROTECTED TREE

Consists of the following:

- A. A private protected tree, which means any tree, other than a public protected tree, with a DBH of six inches or more located anywhere on the lot.
- B. A public protected tree, which means any tree located on lands owned by the Township or any land upon which easements are imposed for the benefit of the Township or upon which other ownership control may be exerted by the Township, including rights-of-way, parks, public areas and easements for drainage, sewer, water and other public utilities, with:
 - (1) A DBH of two-and-one-half inches or more located in the sidewalk, planting strip, and/or in the public right-of-way adjacent to the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, and pedestrian refuges; or
 - (2) A DBH of six inches or more located anywhere else.

SECTION 13. Chapter 368, "Trees," Article II, "Tree Clearing and Removal," Section 368-11, "Definitions," shall be further amended to include the following new terms and definitions:

DIAMETER AT POINT OF MEASUREMENT FOR NURSERY GROWN TREES

The trees utilized in the replacement of existing trees or proposed as part of a landscape plan, which shall be measured 12 inches above ground level for trees of four-inch caliper or greater. The measurement shall be six inches above grade for trees less than four-inch caliper (nursery method). Diameter at point of measurement may appear as the abbreviation "DPM."

HAZARD TREE

A tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees.

- A. Has an infectious disease or insect infestation;
- B. Is dead or dying;
- C. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;
- D. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or
- E. Is determined to be a threat to public health, safety, and/or welfare by the Tree Specialist.

TREE FUND

A fund established by the governing body for the administration and promotion of tree and shrubbery resource sustainability projects and practices, as well as to cover the administrative costs necessary to implement this chapter.

TREE PROTECTION ZONE

Tree protection zones are required to be delineated to identify areas within which trees are to be preserved and not disturbed by construction activity. A tree protection zone shall be established on areas of a site contemplated for development disturbance (or incidental tree removal in the absence of an application for development). The tree protection zone shall be the area(s) of a site exclusive of buildings, parking, driveways, streets, storm water management facilities (including swales) and utilities, as well as exclusive of the area needed around a building to permit appropriate grading. The intent is to create an area or areas in which trees shall be retained.

Trees within tree protection zones shall be grouped into tree save areas wherein retention of all trees shall be required unless waived by the Board of Jurisdiction or Township Tree Specialist, as the case may be. For permits that do not require an application for subdivision or site plan approval, the Township Tree Specialist shall determine the adequacy of the management plan. The Township Tree Specialist may consult with the Environmental Commission or appropriate professional staff in their decision. Tree protection zones for individual single-family or two-family lots not subject to a subdivision or site plan approval shall be delineated on an appropriate plot plan or lot grading plan in order to determine compliance with this requirement.

TREE SPECIALIST

The individual responsible for the administration and protection requirements of this chapter, except as provided for herein; for the inspection of sites for which application(s) are filed under this chapter; and for enforcement of this chapter. The Tree Specialist shall be a certified/licensed tree expert (CTE/LTE) by the State of New Jersey and shall be appointed by the Mayor of the Township of Montville.

SECTION 14. Chapter 368, "Trees," Article II, "Tree Clearing and Removal," Section 368-12, "Prohibited activities," shall be amended to read as follows:

No person and/or organization, including utility companies, shall remove a protected tree or heritage tree, or any tree within an environmentally sensitive area, in the Township of Montville without having previously obtained from the Zoning Officer a permit authorizing the removal or clearing.

SECTION 15. Chapter 368, "Trees," Article II, "Tree Clearing and Removal," Section 368-13, "Exemptions," shall be amended to read as follows:

§ 368-13 Exemptions.

A permit shall not be required to remove a public or private protected tree when:

- A. The removal or clearing is on property subject to an approved woodland management program pursuant to the Farmland Assessment Act of 1964, or on property used as a garden center or tree nursery, or any trees located in commercial orchards;
- B. An individual who resides on a residential property, or a contractor hired by that individual, removes less than four protected trees per acre that are less than 30 inches in diameter within a five-year period. [The number of trees removed is a rolling count across a five-year period. For example, if 3 trees are removed in July 2024, the 'count' resets to zero in July 2029. However, if 1 tree is removed in July 2024 and another in July of 2026, the first tree will come off the count in July 2029 and the second in July 2031.];
- C. The removal or clearing is on property located within the air safety zone established pursuant to the New Jersey Air Safety and Zoning Act of 1983;
- D. The tree is a hazard tree, as defined in this Chapter, and is in such condition to pose imminent danger to the public health, safety, and welfare or to existing structures;
- E. The tree is a hazard tree, as defined in this Chapter, and is diseased, dead or dying as a result of natural causes, such as storms; provided, however, that:
 - (1) The person desiring the removal or clearing is the owner of the property on which the tree is located; and
 - (2) Said person either provides prior notification of the proposed removal or clearing to the Tree Specialist and the Tree Specialist verifies the diseased, dead or dying condition that then provides a certificate stating that the tree was diseased, dead or dying as a result of natural causes, and its removal therefore was appropriate.
- F. The tree is growing on property actively operated as a farm under the state's Right to Farm Act, which is removed to create fields for crops and pastures, or to construct a farm building;
- G. The tree is a hazard tree, as defined in this Chapter, and is in a public road right-of-way or sight easement and is required to be cut or removed to facilitate public safety as determined by the Township's Public Works Department.

SECTION 16. Chapter 368, "Trees," Article II, "Tree Clearing and Removal," Section 368-14, "Permit application," shall be amended to read as follows:

§ 368-14 Permit application.

Any person desiring to remove a protected tree or heritage tree, or any tree within an environmentally sensitive area, shall make application to the Zoning Officer for a permit to do so. The application shall be on a form supplied by the Township and shall contain:

- A. An application for the removal of five or less trees shall require the following:
 - (1) Name and address of property owner.
 - (2) Name and address of applicant, if other than the owner, together with the owner's signed consent to the application.
 - (3) Identification by street address and tax lot and block number of the property to which the application applies.
 - (4) The location, species and caliper of all trees to be removed on a survey, if available, or a copy of the Tax Map. The trees to be removed shall be marked with ribbon or other marking so that the Tree Specialist can conduct a visual inspection.
 - (5) Identification of tree protection zone(s), as defined at §368-11, and proposed preservation/protection measures of trees to remain.
 - (6) The location of replacement trees, including a replacement schedule indicating species, quantities and size in accordance with the List of Recommended Replacement Tree Species on the Township's website. Unless otherwise determined by the Tree Specialist or his or her designee (or Board of appropriate jurisdiction), the replacement shall be as designated in §368-18.
 - (7) The purpose for the desired removal.
 - (8) A designation of what equipment is to be used for the removal.
- B. An application for the removal of greater than five trees shall require the following, unless waived by the Tree Specialist:
 - (1) Name and address of the property owner.
 - (2) Name and address of the applicant, if other than the owner, together with owner's signed consent to the application.
 - (3) Identification by street address and tax lot and block number of the property to which the application applies.

- (4) A tree preservation plan that depicts:
 - (a) The location, species and caliper of all trees to be removed on a surveyed drawing. For any clearing greater than three acres, or where determined to be appropriate by the Tree Specialist for any clearing of less than three acres where the property is heavily wooded, a representative five percent sampling of the wooded areas proposed to be cleared shall be inventoried. The representative five percent shall be determined by agreement between the Tree Specialist and the applicant, provided that all heritage trees, as defined at §368-11, shall be indicated on the plan.
 - (b) The location of existing and proposed structures, driveways, etc.
 - (c) Existing contours and proposed grading.
 - (d) Identification of tree protection zone(s), as defined at §368-11, and proposed preservation/protection measures of trees to remain.
 - (e) The location of replacement trees, including a replacement schedule indicating species, quantities and size in accordance with the List of Recommended Replacement Tree Species on the Township's website. Unless otherwise determined by the Tree Specialist or his or her designee (or Board of appropriate jurisdiction), the replacement shall be as stated in §368.18.
 - (f) If known to the applicant, the location of any wetlands, flood hazard areas, and streams on the property.
- (5) The purpose of the removal or clearing.
- (6) A designation of the equipment to be used to remove the trees.
- (7) Signature of applicant.

SECTION 17. Chapter 368, "Trees," Article II, "Tree Clearing and Removal," Section 368-15, "Permit application fee," Subsection A. shall be amended to read as follows:

- A. The application for removal of a protected tree or heritage tree, or any tree within an environmentally sensitive area, shall be accompanied by a fee payable to the Montville Township Tree Fund determined as set forth in Chapter 169, Fees.

SECTION 18. The first paragraph of Chapter 368, "Trees," Article II, "Tree Clearing and Removal," Section 368-16, "Evaluation of application," shall be amended to read as follows, and all subsections of this section shall remain unchanged:

By the filing of the application, the owner consents to an inspection of the property by the Tree Specialist or his or her designee. Following an inspection of the property on which the removal is proposed, the Zoning Officer shall approve or deny the application upon consultation with the Tree Specialist, in whole or in part, with or without conditions (unless approved by a Board of appropriate jurisdiction). In his or her evaluation of the application, which shall be reasonable, the following factors shall be considered by the Tree Specialist:

SECTION 19. Chapter 368, "Trees," Article II, "Tree Clearing and Removal," Section 368-17, "Time period to approve or deny application," shall be amended to read as follows:

The failure of the Zoning Officer to act upon a complete application for tree removal or clearing within 20 days shall constitute an approval of the application, unless the applicant has consented to an extension of said time period.

SECTION 20. Chapter 368, "Trees," Article II, "Tree Clearing and Removal," Section 368-18, "Replacement of protected or heritage tree and reforestation required," shall be renamed "Replacement and reforestation," and amended to read as follows:

§ 368-18 Replacement and reforestation.

Replacement and reforestation for tree removal shall be required as follows:

A. Replacement rate.

(1) Replacement shall be required pursuant to this subsection in the event of tree removal pursuant to §368-14. The replacement requirements shall be as follows:

Number of Trees to be Removed	Size/Diameter (inches)	Number of Replacement Trees	Size of Replacement Trees (inches) DPM	Or Dollar Amount
1	Greater than 6 up to 10	1	2 to 2 1/2	See Township Website
2	Greater than 6 up to 10	1	3 1/2 to 4	See Township Website
1	Greater than 10 up to 16	2	2 to 2 1/2	See Township Website
1	Greater than 16 up to 23	2	3	See Township Website
1	Greater than 23 up to 30	4	3 1/2 to 4	See Township Website
1	Greater than 30	5	3 1/2 to 4	See Township Website

(2) If in the process of removal, a tree other than the tree designated for removal is injured and requires replacement as determined by the Tree Specialist, the injured tree is to be replaced in accordance with the replacement rate set forth at Subsection A.(1) above.

B. Replacement timeline.

(1) When the applicant is issued a tree removal permit by itself, the applicant has six (6) months to remove the tree, after which the permit is no longer valid.

- (2) If the applicant has a tree removal permit in addition to a construction permit, the applicant will abide by the expiration date as set forth in the construction permit.
- (3) Applicant can only remove one tree with a DBH of six to 18 inches per year.
- (4) Applicant cannot remove five or more live trees with a DBH of three to six inches within any given year.
- (5) There shall be no extensive removal of trees or land clearance between April 1st and November 15th in any given year where Indiana Bat Maternity Colonies could be located.
- (6) The applicant shall be required to replace the tree(s) or make a monetary contribution to Montville Township for the Tree Fund pursuant to Subsection A(1) above within six months after the completion of the project for which the permit was issued, the issuance of a Certificate of Occupancy or the issuance of a certificate of approval, whichever shall be sooner. The applicant may submit a written request to the Zoning Officer for an extension of time of up to an additional three months due to unforeseen circumstances or weather conditions, which request shall not be unreasonably denied. Any request for an extension of time greater than three months must be submitted in writing to the Township Committee for consideration.

C. Replacement planting.

- (1) Of the number of trees being replanted, the first one third (1/3) need to be a species native to the area, and 2/3 of the trees should be deciduous in variety, in accordance with the List of Recommended Replacement Tree Species on the Township's website.
- (2) No trees identified as invasive in New Jersey shall be used. The following is a list of trees and plants that shall not be used as replacement trees or be planted due to their invasive and damaging nature. This list has been established in order to protect and promote public health, safety and welfare, and protect public and private properties and indigenous and other plant material through the restriction and prohibition of new plantings of invasive plants, and the cultivating and/or maintenance and/or growing of existing plantings of invasive plants.
 - (a) *Acer platanoides* (Norway Maple)
 - (b) *Ailanthus altissima* (Tree of Heaven)
 - (c) *Albizia julibrissin* (Mimosa)
 - (d) Bamboo
 - (e) *Fraxinus* (Ash)
 - (f) Invasive plants
 - (g) *Pinus nigra* (Austrian Pine)

- (h) *Prunus cerasifera* (Purple Leaf Plum)
 - (i) *Prunus padus* (Purple Leaf Bird Cherry 'Summer Glow')
 - (j) *Pyrus calleryana* (Bradford Pear/Callery Pear)
 - (k) *Sorbus americana* (Mountain Ash)
 - (l) *Tsuga canadensis* (Hemlock) – unless controlled for scale and adelgid
- (3) Replacement trees need to have a minimum trunk caliper in accordance with Subsection A.(1) above for deciduous trees and a minimum height of seven feet for evergreen trees; however, provision will be made for smaller trees if permitted by the Tree Specialist, on a case-by-case basis, where it is demonstrated that a preferred native plant species for the situation are not reasonably available at the required size in the nursery trade.
- (4) Tree area replacement as reforestation. For each square foot of tree area to be removed, the applicant shall prepare a reforestation scheme on other treeless open space areas of the property to compensate for the tree removals. The reforestation plan shall be based on a 20-foot-by-20-foot grid. Of this number of trees, 10% shall be balled and burlapped, two inch to two-and-one-half inch caliper; 20% shall be balled and burlapped, one-and-three-quarter inch to two inch caliper; 30% shall be bare root one-and-one-quarter inch to one-and-one-half inch caliper; and 40% shall be bare root six foot to eight foot tall whips. A mixture of trees, indigenous to the area and site, shall be utilized. Proposed trees shall be planted in natural groves and may be spaced five feet to 20 feet on center.

D. Tree care.

- (1) The property owner is required to care for and maintain the replacement trees for at least two years following the replacement planting, so as to ensure their survival.
- (2) If the replacement tree dies within two years, the property owner is required to replace the tree.

E. Performance bond.

- (1) As a precondition to the issuance of a permit pursuant to §368-14.B., the applicant shall post a cash bond or surety to assure replacement in an amount equal to \$450 for each tree.
- (2) The applicant shall contact the Tree Specialist within 48 hours of the completion of the planting of the trees required for replacement to schedule a date and time for an inspection in order for the Township to determine whether the required replacement has been completed satisfactorily.
- (3) Notwithstanding the above, the applicant and/or property owner shall forfeit the cash bond or surety amount if the applicant and/or property owner fails to complete the planting of the trees within the time of completion set forth in Subsection B(6) above. Prior to the forfeiture of any cash bond or surety monies, the Tree Specialist shall cause a written notice to be served upon the applicant and/or property owner who posted the cash bond or surety. Service of the notice shall be made in person or by certified

mail return receipt requested. Upon service of any notice pursuant to this paragraph, the applicant and/or property owner shall have 10 days, or such further time as the Tree Specialist shall agree, in writing, to plant the trees that have not been planted, or the applicant and/or property owner shall forfeit any cash bond or surety amounts posted by the applicant and/or property owner. Any monies forfeited by the applicant and/or property owner shall be deposited by Montville Township for use by the Township to plant trees elsewhere in the municipality.

- F. Removal without a permit. Any person who removes a protected or heritage tree, or any tree within an environmentally sensitive area, without having first obtained a permit, or does so in violation of any condition of such a permit, shall replace the removed tree on the property at a ratio of one inch in caliper of replacement tree per each inch DBH of each tree removed. As an example, if a 30-inch caliper public tree is removed, trees having a combined diameter of 30 inches shall be planted in its place. All new trees planted shall be in accordance with the List of Recommended Replacement Tree Species on the Township's website. In the event such replacement or restoration cannot reasonably be accomplished on the property where the removal or clearing occurred, with the approval of the Tree Specialist, the person who effected the removal or clearing without a permit or in violation of any condition of the permit may deposit a sum equivalent to the value of the replacement trees required hereunder and the cost of their planting as determined by the Tree Specialist, using the wholesale prices of a local nursery as multiplied by a factor of 2 1/2, by Montville Township for the Tree Fund. The Township may institute a civil action to compel replacement, as herein provided, if the person who effected the tree removal or clearing does not complete the herein required tree replacement or make the herein described money deposit.

SECTION 21. Chapter 368, "Trees," Article II, "Tree Clearing and Removal," Section 368-20, "Appeal of Enforcement Officer's decision," shall be renamed "Appeal of decision," and amended to read as follows:

§ 368-20 Appeal of decision.

An applicant aggrieved by a condition attached to a permit or the denial of a permit application by the Zoning Officer, or any person subject to a determination of the Zoning Officer or Tree Specialist aggrieved thereby, may appeal to the Zoning Board of Adjustment. An appeal shall be taken by filing a written statement with the Township Clerk and Zoning Officer, which statement shall fully set forth the matter under appeal and the grounds for the appeal. The Zoning Board of Adjustment shall then set a time and place for hearing the appeal, notify the applicant, conduct the hearing and affirm, modify or reverse the matter appealed. The Zoning Board of Adjustment shall have the right, however, to refuse to hear or decide any appeal which has not been filed within 14 days after the applicant had notice of the matter as to which the appeal has been taken. The decision of the Zoning Board of Adjustment on such a matter shall be final and conclusive as a municipal action.

SECTION 22. Chapter 368, "Trees," Article II, "Tree Clearing and Removal," shall be amended to include a new Section 368-23, which shall be entitled "Tree Fund account; purpose and use," and which shall read as follows:

§ 368-23 Tree Fund account; purpose and use.

- A. A Tree Fund shall be established for the purpose of serving as a depository for all moneys which are received by Montville Township from all fees and payments made from tree permits and violations.
- B. Funds from the Tree Fund will be used for tree-based environmental programs, including, by not limited to, planting, maintenance, preservation, and park development.

- (1) This specifically includes the caring, pruning and maintenance of trees, replanting trees, reforestation of Township-owned parks and open space, the beautification of municipally-owned lands with trees, as well as the purchase of lands which are already forested in order to preserve them.
- C. The Chief Financial Officer shall be responsible for the maintenance of this fund, and shall designate how to receive and disperse replacement tree contributions.
- D. The Tree Fund may be used to cover administrative costs necessary to implement this chapter, including, but not limited to, payment to the Tree Specialist to conduct site inspections, processing of permits and the supervision of tree replacements.

SECTION 23. Chapter 230, "Land Use and Development," Article IX, "Design Standards for Subdivisions," Section 230-71, "Grading plan," Subsection A(6) only shall be amended to read as follows:

- (6) Limits of clearing, including all trees six inches in diameter at breast height (DBH) or more proposed to be removed. For any clearing greater than three acres, or where determined to be appropriate by the Tree Specialist and/or designated Township consultant for any clearing of less than three acres where the property is heavily wooded, a representative five percent sampling of the wooded areas proposed to be cleared shall be inventoried. The representative five percent shall be determined by agreement between the Tree Specialist and/or designated Township consultant and the applicant, provided that all heritage trees, as defined at §368-11, shall be indicated on the plan.

SECTION 24. Chapter 230, "Land Use and Development," Article XV, "General Provisions," shall be amended to include a new Section 230-143.4, which shall be entitled "Tree clearing and removal," and which shall read as follows:

§ 230-143.4 Tree clearing and removal.

No trees shall be cleared or removed from a property unless in compliance with Chapter 368, Trees.

SECTION 25. Chapter 230, "Land Use and Development," Schedule A, "Checklists A and B," which is included in Chapter 230 as Attachment 1, shall be amended as follows:

- Amend Item #30 in Checklist A and Item #28 in Checklist B to read as "Location of trees 6 inches DBH or more, designating species of each" and require that these checklist items be applicable to Minor Subdivisions and Minor Site Plans provide (in addition to all of the other types of applications to which these checklist items are currently applicable).
- Add a new item to Checklists A and B under the heading "Natural Features On Site and Within 100 Feet Thereof," which new item shall read as "For any clearing greater than 3 acres, or where determined to be appropriate by the Tree Specialist and/or designated Township consultant for any clearing of less than 3 acres where the property is heavily wooded, a representative 5% sampling of the wooded areas proposed to be cleared shall be inventoried. The representative 5% shall be determined by agreement between the Tree Specialist and/or designated Township consultant and the applicant, provided that all heritage trees, as defined at §368-11, shall be indicated on the plan." This new checklist item shall be applicable to all the same types of applications for which Item #30 in Checklist A and Item #28 in Checklist B are applicable.

SEE ATTACHED CHAPTER 230 ATTACHMENT 1 "SCHEDULE A; CHECKLISTS A AND B."

SECTION 26. Chapter 169, "Fee Schedule," Section 169-17, "Tree clearing and removal," shall be amended to read as follows:

§169-17 Tree clearing and removal.

A. The application for removal of a protected tree or heritage tree, or any tree within an environmentally sensitive area, shall be accompanied by a fee payable Montville Township determined as follows (§ 368-15A):

Trees	Fee (per tree)
1 to 10	\$25
11 to 20	\$30
21 or greater	\$35

B. There shall be an additional fee of \$75 for the review of any proposed revision or amendment to a previously approved tree removal permit.

SECTION 27. All Ordinances of the Township of Montville which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 28. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 29. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

ATTEST

TOWNSHIP OF MONTVILLE
COUNTY OF MORRIS
STATE OF NEW JERSEY



Stacy Kostka, Township Clerk



Matthew S. Kayne, Mayor

Introduced: 4/9/2024
Tabled: 4/23/2024
Public Hearing: 5/14/2024
Adopted: 5/14/2024

LAND USE AND DEVELOPMENT

230 Attachment 1

Township of Montville

Schedule A
 [Amended 7-10-2012 by Ord. No. 2012-18; 12-9-2014 by Ord. No. 2014-33; __-__-2024 by Ord. No. 2024-__]
 Checklist "A"

PLAT SPECIFICATIONS	Minor Subdivision	Minor Site Plan	Preliminary Major Subdivision	Preliminary Site Plan	Final Major Subdivision	Final Site Plan	Check One:	
							Submitted	Waiver Requested
1. Plat clearly and legibly drawn or reproduced at a scale not smaller than one inch equals 50 feet.	X	X	X	X	X	X		
2. Sheet size either 15 x 21, 24 x 36, or 30 x 42.	X	X	X	X	X	X		
3. Plans shall be prepared by an architect or engineer if application involves only the location of proposed buildings and their relationship to the site and the immediate environs.	X	X	X	X	X	X		
4. Plans shall be prepared by an architect, planner or engineer if application involves only the location of drives, parking layout, pedestrian circulation, and means of ingress and egress.	X	X	X	X	X	X		
5. Plans shall be prepared by an engineer if application involves only drainage facilities for site plans of 10 acres or more; or involving stormwater detention facilities; or traversed by a watercourse.	X	X	X	X	X	X		

MONTVILLE CODE

	Minor Subdivision	Minor Site Plan	Preliminary Major Subdivision	Preliminary Site Plan	Final Major Subdivision	Final Site Plan	Check One:		
							Submitted	Waiver Requested	
6. Plat prepared to scale based on deed description, tax map or similarly reasonable accurate data for the purpose of review and discussion by the municipal agency (concept discussion only).									
GENERAL INFORMATION									
7. Metes and bounds description the entire tract or property based upon a current (within five years) land survey, prepared by a New Jersey licensed surveyor. Development boundaries shall be clearly delineated.	X	X	X	X	X	X			
8. Property line shown, length in feet and hundredths, bearings in degree, minutes and seconds.	X	X	X	X	X	X			
9. Key map showing location of tract to be considered in relation to surrounding area, within 500 feet.	X	X	X	X	X	X			
10. Title block containing name and address of applicant and owner; name of development; name, address, signature and seal of preparer; lot and block numbers; date prepared; date of last amendment and zoning district.	X	X	X	X	X	X			
11. Each block and lot numbered in conformity with the municipal tax map as determined by the municipal tax assessor.	X	X	X	X	X	X			
12. Scale of map, both written and graphic.	X	X	X	X	X	X			

LAND USE AND DEVELOPMENT

	Minor Subdivision	Minor Site Plan	Preliminary Major Subdivision	Preliminary Site Plan	Final Major Subdivision	Final Site Plan	Check One:	
							Submitted	Waiver Requested
13. North arrow giving reference meridian.	X	X	X	X	X	X		
14. Space for signatures of Chairperson, Secretary and Engineer of the municipal agency.	X	X	X	X	X	X		
15. List of all property owners within 200 feet of subject property as disclosed by a current (within 6 months) certified list of the most recent tax records.	X	X	X	X	X	X		
16. Any municipal limits within 200 feet of the development and the names and zoning of the adjoining municipalities.	X	X	X	X	X	X		
17. Location of existing and proposed property lines with dimensions in feet to the nearest two decimal places.	X	X	X	X	X	X		
18. Zoning district in which parcel is located, indicating all setbacks, lot coverage, height, floor area ratio, density, and other applicable zone requirements, both as to required and proposed. Indicate the above both written and graphically.	X	X	X	X	X	X		
19. Acreage of affected parcel to the nearest hundredth of an acre.	X	X	X	X	X	X		
20. Number of lots following subdivision including areas in acres if 1 acre or over or in square feet if under 1 acre.	X		X		X			

MONTVILLE CODE

	Minor Subdivision	Minor Site Plan	Preliminary Major Subdivision	Preliminary Site Plan	Final Major Subdivision	Final Site Plan	Check One:		
							Submitted	Waiver Requested	
21. Submission of site photographs of existing conditions, including existing structures, site frontage and adjacent properties.	X	X	X	X	X	X			
22. Aerial photograph of site not smaller than 8 1/2 inches by 11 inches, in color.	X	X	X	X	X	X			
23. Submission of all applications, checklists, plans, reports and other materials in electronic format on CD.	X	X	X	X	X	X			
NATURAL FEATURES ON SITE AND WITHIN 100 FEET THEREOF									
24. Cliffs and rock outcroppings.	X	X	X	X	X				
25. Contours to determine the natural drainage of the land. Intervals shall be 2 feet.	X	X	X	X	X	X			
26. Floodplains.	X	X	X	X	X	X			
27. Natural and artificial watercourses, streams, shorelines and water boundaries and encroachment lines.	X	X	X	X	X	X			
28. Aquifer recharge areas, including safe sustained groundwater yield.	X	X	X	X	X	X			
29. Wooded areas indicating predominant species and size.	X	X	X	X	X	X			
30. Location of trees 6 inches or more, designating species of each.	X	X	X	X	X	X			

LAND USE AND DEVELOPMENT

	Minor Subdivision	Minor Site Plan	Preliminary Major Subdivision	Preliminary Site Plan	Final Major Subdivision	Final Site Plan	Check One:		
							Submitted	Waiver Requested	
31. For any clearing greater than 3 acres, or where determined to be appropriate by the Tree Specialist and/or designated Township consultant for any clearing of less than 3 acres where the property is heavily wooded, a representative 5% sampling of the wooded areas proposed to be cleared shall be inventoried. The representative 5% shall be determined by agreement between the Tree Specialist and/or designated Township consultant and the applicant, provided that all heritage trees, as defined at §368-11, shall be indicated on the plan.	X	X	X	X	X	X			
32. Areas in which construction is precluded due to presence of stream corridors and/or steep slopes.	X	X	X	X	X	X			
33. All areas to be disturbed by grading or construction.	X	X	X	X	X	X			
MAN-MADE FEATURES ON SITE AND WITHIN 100 FEET THEREOF									
34. Location and uses of existing and proposed structures and their setbacks from existing and proposed property lines.	X	X	X	X	X	X			
35. Location of existing and proposed sidewalks and driveways.	X		X		X	X			
36. Location of existing and proposed parking spaces and loading areas, including evidence of compliance with ADA guidelines.		X			X	X			

MONTVILLE CODE

	Minor Subdivision	Minor Site Plan	Preliminary Major Subdivision	Preliminary Site Plan	Final Major Subdivision	Final Site Plan	Check One:	
							Submitted	Waiver Requested
37. Location of existing and proposed easements or rights-of-way, including power lines.	X	X	X	X	X	X		
38. Location of railroads, bridges, culverts, drainpipes, water and sewer mains and other man-made installations affecting the tract.	X	X	X	X	X	X		
39. Location of existing and proposed wells and septic systems.	X	X	X	X	X	X		
40. When applicant intends to use a conventional septic disposal system: location of test holes, test results and approximate location of the intended disposal field.	X	X	X	X	X	X		
41. Plans and profiles of existing and proposed utility layouts, such as sewers, stormwater management facilities, water, gas, communications and electric, showing feasible connections to existing or proposed utility systems.			X	X	X	X		
42. Location and description of monuments, whether set or to be set.	X	X			X	X		
43. Location, names and widths of all existing and proposed streets on the property and within 200 feet of the tract.	X	X	X	X	X	X		
44. Required road dedication.	X	X	X	X	X	X		
45. Road orientation (as it relates to energy conservation).	X	X	X	X	X	X		

LAND USE AND DEVELOPMENT

	Minor Subdivision	Minor Site Plan	Preliminary Major Subdivision	Preliminary Site Plan	Final Major Subdivision	Final Site Plan	Check One:		
							Submitted	Waiver Requested	
46. Sketch of prospective future street system of the entire tract where a preliminary plat covers only a portion thereof.			X	X					
MISCELLANEOUS									
47. Proposed sight easements where required.	X	X	X	X	X	X			
48. Proposed drainage easements where required.	X	X	X	X	X	X			
49. Dimensioned preliminary architectural elevations and plans of any proposed buildings showing windows and doors, roof treatments, HVAC units, and preliminary floor plans of each floor of the building.		X		X		X			
50. Circulation plan showing:									
a. Location of off-street parking;		X		X		X			
b. Traffic improvements such as signals, signs and channelization;		X	X	X	X	X			
c. Pedestrian circulation;		X	X	X	X	X			
d. Loading and unloading bays;		X		X		X			
e. Proposed vehicular access, including curb cuts;		X	X	X	X	X			
f. Traffic circulation around the site;		X		X		X			
g. Aisle and parking space dimensions;		X		X		X			
h. Handicapped parking in accordance with ADA guidelines.		X		X		X			

MONTVILLE CODE

	Minor Subdivision	Minor Site Plan	Preliminary Major Subdivision	Preliminary Site Plan	Final Major Subdivision	Final Site Plan	Check One:	
							Submitted	Waiver Requested
51. Landscaping plan, including the types, quantity, size and location of all proposed vegetation, including shade trees. The scientific and common names of all vegetation shall be included.			X	X	X	X		
52. Lighting plan showing location and height of existing and proposed site lights, all construction details and catalog cuts, and Isolux diagrams showing the 0.3 and 0.5 footcandle lines.		X	X	X	X	X		
53. Sign plan showing location of existing and proposed traffic control signs, street signs, development signs, and appropriate sign details showing size, height, materials and lighting.			X	X	X	X		
54. Soil erosion and sediment control plan consistent with the requirements of the local soil conservation district.	X	X	X	X	X	X		
55. Design calculations showing proposed drainage facilities to be in accordance with the appropriate drainage runoff requirements.			X	X	X	X		
56. Environmental impact assessment, including all of the following*: a. Plan and description of the proposed development. b. Inventory of existing natural resources. c. Assessment of environmental impacts.	X	X	X	X	X	X		

LAND USE AND DEVELOPMENT

	Minor Subdivision	Minor Site Plan	Preliminary Major Subdivision	Preliminary Site Plan	Final Major Subdivision	Final Site Plan	Check One:	
							Submitted	Waiver Requested
d. Unavoidable adverse environmental impacts.								
e. Steps to minimize adverse environmental impacts.								
f. Documentation as required by the Township soil testing ordinance (Ch. 3111 of Code).								
g. Details and matter to be evaluated:								
1. Sewage facilities.								
2. Water supply.								
3. Stormwater.								
4. Stream encroachments.								
5. Flood plains.								
6. Wetlands.								
7. Solid waste disposal.								
8. Air pollution.								
9. Traffic.								
10. Social/economic.								
11. Aesthetics.								
12. Licenses, permits, etc.								

MONTVILLE CODE

	Minor Subdivision	Minor Site Plan	Preliminary Major Subdivision	Preliminary Site Plan	Final Major Subdivision	Final Site Plan	Check One:	
							Submitted	Waiver Requested
57. If an environmental impact assessment is not required, a general description of the proposed development and a brief assessment of its effect on the site and neighborhood. This shall include, where applicable, the number of employees, hours of operation, frequency of deliveries and/or shipments, and the nature of materials and chemicals on site.	X	X	X	X	X	X		
58. The purpose of any proposed easement of land reserved or dedicated to public or common use shall be designated and the proposed use of sites other than residential shall be noted.	X	X	X	X	X	X		
59. A copy of all existing and proposed protective covenants or deed restrictions of every nature affecting the subject property, including a statement as to whether such deeds or covenants are of record.	X	X	X	X	X	X		
60. If lots are proposed to be subdivided fronting on or requiring access to a state highway, applicant shall submit any permits issued by NJDOT pursuant to N.J.A.C. 16:47-1 et seq.	X		X		X			
61. Any sections of this checklist for which a waiver is specifically being requested and a narrative paragraph explaining why the applicant is entitled to such waiver.	X	X	X	X	X	X		

LAND USE AND DEVELOPMENT

	Minor Subdivision	Minor Site Plan	Preliminary Major Subdivision	Preliminary Site Plan	Final Major Subdivision	Final Site Plan	Check One:	
							Submitted	Waiver Requested
62. List of design waivers and variances requested or obtained (with the applicable ordinance sections). List of waivers or de minimis exceptions from RSIS (with applicable reference sections). Justifications shall be provided for each.	X	X	X	X	X	X		
63. Applicant must provide documentation supporting compliance with Chapter 311 as it relates to any lands that may have been agricultural/orchard use.	X		X		X			
64. For those projects that lie within the Rockaway River Watershed, copy of correspondence to the Rockaway River Watershed Cabinet advising them of the application.	X	X	X	X	X	X		
ADDITIONAL DOCUMENTS								
65. Affidavit from applicant with reasonable supporting documentation verifying compliance with all terms and conditions of the preliminary approval.					X	X		
66. Affidavit from applicant indicating that the final plan is identical to the preliminary plan. If not, list specific changes with respect to any deviations.					X	X		
67. Separate written estimates of proposed construction costs for both on- and off-site improvements.					X	X		

MONTVILLE CODE

	Minor Subdivision	Minor Site Plan	Preliminary Major Subdivision	Preliminary Site Plan	Final Major Subdivision	Final Site Plan	Check One:	
							Submitted	Waiver Requested
68. A performance guarantee estimate by applicant's engineer for all public improvements submitted.					X			
69. If development is in sections, final plat should so indicate. Also, adequate proof that each section stands on its own for access, stormwater, utilities, etc.					X			
70. Organization documents, including:								
a. Article of incorporation for any association or other organization to maintain the common open space or community facilities.					X	X		
b. Bylaws and membership rules and regulations of any such organization defining its rights.					X	X		
c. A copy of the master deed detailing the rights and privileges of individual owners of common property.					X	X		
d. A copy of all materials submitted to the Department of Community Affairs as required by the NJ Planned Real Estate Development Full Disclosure Act. Regulations and evidence of acceptance and/or approval by the Department of Community Affairs.					X	X		
e. Covenants or easements restricting the use of the common open space or elements.					X	X		

LAND USE AND DEVELOPMENT

	Minor Subdivision	Minor Site Plan	Preliminary Major Subdivision	Preliminary Site Plan	Final Major Subdivision	Final Site Plan	Check One:	
							Submitted	Waiver Requested
f. Covenants or agreements requiring homeowners or residents to pay the organization for the maintenance of the common open space and/or community facilities. This shall include a proposed schedule of membership fees for at least the first three years of operation.					X	X		
71. Maintenance agreements: If there is to be no homeowners' association or similar arrangement for the maintenance of common facilities, the developer shall furnish an agreement under which private roads and other facilities will be maintained, refuse collected and other supplementary services provided.					X	X		
72. A deed, including a legal description by bearings and distances with corresponding area in square feet and/or acres, of all lands to be dedicated for public use, i.e., easements, roads, etc.					X	X		
73. An electronic copy of the approved plans in a form acceptable to the Township Engineering Department.					X	X		
74. Identification of the presence of historic sites and/or districts, as defined in § 230-54, within 200 feet of the development.	X	X	X	X	X	X		

MONTVILLE CODE

NOTES:

* Per § 160-2, an environmental impact statement is required as part of an application for approval of a preliminary plat involving 10 or more acres of land or 10 or more lots, a preliminary site plan involving five acres or more of land, a soil removal permit involving removal of 500 cubic yards or more of soil and for a tree-harvesting and logging operation. Notwithstanding this provision, an environmental impact statement shall be required for any preliminary plat, preliminary site plan or soil removal, regardless of size or number of lots, when located in the CWR District. The Planning Board may also require that an environmental impact statement be submitted as part of any application for development, regardless of size or number of lots, if it determines that the property contains any environmentally sensitive conditions upon which the development may have an adverse impact.

LAND USE AND DEVELOPMENT

Checklist "B"

	"A" Appeal	"B" Interpretation or Special Question	"C" Variance	"D" Variance	"Conditional " Use	Planning Variance	Check One:	
							Submitted	Waiver Requested
PLAT SPECIFICATIONS								
1. Plat clearly and legibly drawn or reproduced at a scale not smaller than one inch equals 50 feet.			X	X	X	X		
2. Sheet size either 15 x 21, 24 x 36, or 30 x 42.			X	X	X	X		
3. Plans shall be prepared by an architect, planner, engineer, land surveyor, or the applicant, where appropriate.			X	X	X	X		
4. Plat prepared to scale based on deed description, tax map or similarly reasonably accurate data for the purpose of review and discussion by the municipal agency.			X	X	X	X		
GENERAL INFORMATION								
5. Metes and bounds description of the entire tract or property based upon a current (within five years) land survey, prepared by a New Jersey licensed surveyor. Development boundaries shall be clearly delineated.			X	X	X	X		
6. Property line shown in degree, minutes and seconds.			X	X	X	X		
7. Key map showing location of tract to be considered in relation to surrounding area.			X	X	X	X		

MONTVILLE CODE

	"A" Appeal	"B" Interpretation or Special	"C" Variance	"D" Variance	"Conditional " Use	Planning Variance	Check One:	
							Submitted	Waiver Requested
8. Title block containing name and address of applicant and owner; name of development; name, address, signature and seal of preparer; lot and block numbers; date prepared; date of last amendment and zoning district.			X	X	X	X		
9. Each block and lot numbered in conformity with the municipal tax map as determined by the municipal tax assessor.			X	X	X	X		
10. Scale of map, both written and graphic.			X	X	X	X		
11. North arrow giving reference meridian.			X	X	X	X		
12. Space for signatures of Chairperson, Secretary and Engineer of the municipal agency.					X	X		
13. List of all property owners within 200 feet of subject property as disclosed by a current (within 6 months) certified list of the most recent tax records.	X	X	X	X	X	X		
14. Any municipal limits within 200 feet of the development and the names and zoning of the adjoining municipalities.			X	X	X	X		
15. Location of existing and proposed property lines with dimensions in feet to the nearest two decimal places.			X	X	X	X		

LAND USE AND DEVELOPMENT

	"A" Appeal	"B" Interpretation or Special	"C" Variance	"D" Variance	"Conditional " Use	Planning Variance	Check One:		
							Submitted	Waiver Requested	
16. Zoning district in which parcel is located, indicating all setbacks, lot coverage, height, floor area ratio, density, and other applicable zone requirements, both as to required and proposed. Indicate the above both written and graphically.			X	X	X	X			
17. Zone requirements per ordinance and per application.			X	X	X	X			
18. Acreage of affected parcel to the nearest hundredth of an acre.			X	X	X	X			
19. Submission of site photographs of existing conditions, including existing structures, site frontage and adjacent properties.			X	X	X	X			
20. Aerial photograph of site not smaller than 8 1/2 inches by 11 inches, in color.			X	X	X	X			
21. Submission of all applications, checklists, plans, reports and other materials in electronic format on CD.			X	X	X	X			
NATURAL FEATURES ON SITE AND WITHIN 100 FEET THEREOF									
22. Cliffs and rock outcroppings.			X		X	X			
23. Contours to determine the natural drainage of the land. Intervals shall be 2 feet.			X		X	X			
24. Floodplains.			X		X	X			
25. Natural and artificial watercourses, streams, shorelines and water boundaries and encroachment lines.			X		X	X			

MONTVILLE CODE

	"A" Appeal	"B" Interpretation or Special	"C" Variance	"D" Variance	"Conditional " Use	Planning Variance	Check One:	
							Submitted	Waiver Requested
26. Aquifer recharge areas, including safe sustained ground water yield.			X		X	X		
27. Wooded areas indicating predominant species and size.			X		X	X		
28. Location of trees 6 inches DBH or more, designating species of each.			X		X	X		
29. For any clearing greater than 3 acres, or where determined to be appropriate by the Tree Specialist and/or designated Township consultant for any clearing of less than 3 acres where the property is heavily wooded, a representative 5% sampling of the wooded areas proposed to be cleared shall be inventoried. The representative 5% shall be determined by agreement between the Tree Specialist and/or designated Township consultant and the applicant, provided that all heritage trees, as defined at §368-11, shall be indicated on the plan.			X		X	X		
30. Areas in which construction is precluded due to presence of stream corridors and/or steep slopes.			X		X	X		
31. All areas to be disturbed by grading or construction.			X		X	X		

LAND USE AND DEVELOPMENT

	"A" Appeal	"B" Interpretation or Special	"C" Variance	"D" Variance	"Conditional " Use	Planning Variance	Check One:	
							Submitted	Waiver Requested
MAN-MADE FEATURES ON SITE AND WITHIN 100 FEET THEREOF								
32. Location and uses of existing and proposed structures and their setbacks from existing and proposed property lines.			X		X	X		
33. Location of existing and proposed sidewalks and driveways.			X		X	X		
34. Location of existing and proposed parking spaces and loading areas, including evidence of compliance with ADA guidelines.			X		X	X		
35. Location and type of existing and proposed easements or rights-of-way, including power lines.			X		X	X		
36. Location of railroads, bridges, culverts, drainpipes, water and sewer mains and other man-made installations affecting the tract.			X		X	X		
37. Location of existing and proposed wells and septic systems.			X		X	X		
38. When applicant intends to use a conventional septic disposal system: location of test holes, test results and approximate location of the intended disposal field.			X	X	X	X		

MONTVILLE CODE

	"A" Appeal	"B" Interpretation or Special	"C" Variance	"D" Variance	"Conditional " Use	Planning Variance	Check One:	
							Submitted	Waiver Requested
39. Plans and profiles of existing and proposed utility layouts, such as sewers, stormwater management facilities, water, gas and electric, showing feasible connections to existing or proposed utility systems.			X		X	X		
40. Location and description of monuments, whether set or to be set.			X		X	X		
STREETS								
41. Location, names and widths of all existing and proposed streets on the property and within 200 feet of the tract.					X	X		
42. Required road dedication			X		X	X		
43. Road orientation (as it relates to energy conservation).					X	X		
44. Plans, profiles and cross-sections of all proposed new streets and/or access to proposed streets.			X		X	X		
MISCELLANEOUS								
45. Proposed sight easements where required.					X	X		
46. Proposed drainage easements where required.					X	X		
47. Dimensioned preliminary architectural elevations and plans of any proposed buildings showing windows and doors, roof treatments, HVAC units, and preliminary floor plans of each floor of the building.					X			

LAND USE AND DEVELOPMENT

	"A" Appeal	"B" Interpretation or Special	"C" Variance	"D" Variance	"Conditional " Use	Planning Variance	Check One:	
							Submitted	Waiver Requested
48. Circulation plan showing:					X			
a. Location of off-street parking;					X			
b. Traffic improvements such as signals, signs and channelization;					X			
c. Pedestrian circulation;					X			
d. Loading and unloading bays;					X			
e. Proposed vehicular access including curb cuts;					X			
f. Traffic circulation around the site;					X			
g. Aisle and parking space dimensions;					X			
h. Handicapped parking in accordance with ADA guidelines.					X			
49. Landscaping plan, including the types, quantity, size and location of all proposed vegetation, including shade trees. The scientific and common names of all vegetation shall be included.					X			
50. Lighting plan showing location and height of existing and proposed site lights, all construction details and catalog cuts, and Isolux diagrams showing the 0.3 and 0.5 footcandle lines.					X			
51. Sign plan showing location of existing and proposed traffic control signs, street signs, development signs, and appropriate sign details showing size, height, materials and lighting.					X			

MONTVILLE CODE

	"A" Appeal	"B" Interpretation or Special	"C" Variance	"D" Variance	"Conditional " Use	Planning Variance	Check One:	
							Submitted	Waiver Requested
52. Soil erosion and sediment control plan consistent with the requirements of the local soil conservation district.					X			
53. Design calculations showing proposed drainage facilities to be in accordance with the appropriate drainage run-off requirements.			X	X	X	X		
54. Environmental impact assessment, including all of the following*:			X	X	X	X		
a. Plan and description of the proposed development.								
b. Inventory of existing natural resources.								
c. Assessment of environmental impacts.								
d. Unavoidable adverse environmental impacts.								
e. Steps to minimize adverse environmental impacts.								
f. Documentation as required by the Township soil testing ordinance (Ch. 311 of Code).								
g. Details and matter to be evaluated:								
1. Sewage facilities.								
2. Water supply.								
3. Stormwater.								
4. Stream encroachments.								
5. Floodplains.								

LAND USE AND DEVELOPMENT

	"A" Appeal	"B" Interpretation or Special	"C" Variance	"D" Variance	"Conditional " Use	Planning Variance	Check One:	
							Submitted	Waiver Requested
6. Wetlands.								
7. Solid waste disposal.								
8. Air pollution.								
9. Traffic.								
10. Social/economic.								
11. Aesthetics.								
12. Licenses, permits, etc.								
55. If an Environmental Impact Assessment is not required, a general description of the proposed development and a brief assessment of its effect on the site and neighborhood. This shall include, where applicable, the number of employees, hours of operation, frequency of deliveries and/or shipments, and the nature of materials and chemicals on site.			X	X	X	X		
56. The purpose of any proposed easement of land reserved or dedicated to public or common use shall be designated and the proposed use of sites other than residential shall be noted.	X	X	X	X	X	X		
57. A copy of all existing and proposed protective covenants or deed restrictions of every nature affecting the subject property, including a statement as to whether such deeds or covenants are of record.	X	X	X	X	X	X		

MONTVILLE CODE

	"A" Appeal	"B" Interpretation or Special	"C" Variance	"D" Variance	"Conditional " Use	Planning Variance	Check One:	
							Submitted	Waiver Requested
58. Any sections of this checklist for which a waiver is specifically being requested and a narrative paragraph explaining why the applicant is entitled to such waiver.	X	X	X	X	X	X		
59. List of design waivers and variances requested or obtained (with the applicable ordinance sections). List of waivers or de minimis exceptions from RSIS (with applicable reference sections). Justifications shall be provided for each.			X	X	X	X		
60. For those projects that lie within the Rockaway River Watershed, copy of correspondence to the Rockaway River Watershed Cabinet advising them of the application.			X	X	X	X		
61. Identification of the presence of historic sites and/or districts, as defined in § 230-54, within 200 feet of the development.			X	X	X	X		

NOTES:

* Per § 160-2, an environmental impact statement is required as part of an application for approval of a preliminary plat involving 10 or more acres of land or 10 or more lots, a preliminary site plan involving five acres or more of land, a soil removal permit involving removal of 500 cubic yards or more of soil and for a tree-harvesting and logging operation. Notwithstanding this provision, an environmental impact statement shall be required for any preliminary plat, preliminary site plan or soil removal, regardless of size or number of lots, when located in the CWR District. The Planning Board may also require that an environmental impact statement be submitted as part of any application for development, regardless of size or number of lots, if it determines that the property contains any environmentally sensitive conditions upon which the development may have an adverse impact.