

## ORDINANCE 13-2018

### **ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195 OF THE BOROUGH CODE, ENTITLED "LAND DEVELOPMENT" TO CLARIFY AND PROVIDE NECESSARY AMENDMENTS TO CONFORM TO THE MUNICIPAL LAND USE LAW**

**WHEREAS**, the Planning Board has recommended amending Chapter 195 of the Borough Code, the Madison Land Development Ordinance, in regard the review of applications for development or requests for review submitted to the Planning Board; and

**WHEREAS**, the Borough Council has considered the proposed amendment to the Madison Land Development Ordinance and wishes to amend the Code as recommended.

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that Chapter 195 of the Borough Code entitled "Madison Land Development Ordinance" shall be amended as follows:

**SECTION 1:** Section 195-14, entitled "Technical Coordinating Committee" shall be amended as follows:

#### **I. AMEND Chapter 195. Land Development, Article II. Planning Board, 195-14. Technical Coordinating Committee, to read as follows:**

A Technical Coordinating Committee (TCC) shall be established to serve as the Review Advisory Board to review all applications for development or requests for review submitted to the Planning Board. A designee of the Chairperson of the Planning Board shall chair the Committee. The Committee shall include the Board Engineer, Borough Construction Official, Board Planning Consultant, Board Attorney, a representative from the Shade Tree Management Board and, in addition, any member of the Planning Board or any other official as appointed by the Chairperson of the Planning Board whose particular expertise may be required on a specific application or all applications.

A. The TCC shall have the following responsibilities:

- (1) Determine adequacy of application materials provided to address technical standards set forth in this Chapter.
- (2) Determine compliance with the technical standards set forth in this chapter.
- (3) Make recommendations on the design and technical elements of any application.
- (4) Consider and make recommendations regarding waivers of specific Checklist requirements if the proposed development results in minor changes that do no warrant provision of specific items.
- (5) In the case of permitted uses with waiver of site plan details, make recommendations to the Board regarding waiving requirements if the proposed development has secured

previous site plan approval, involves normal maintenance or replacement, such as painting or siding, or does not affect existing drainage, circulation, landscaping, lighting, and other considerations of site plan review, with the exception of signage and solid waste disposal.

(6) Determine whether the project is in a critical area as defined by the Environmental Resources Inventory.

(7) Recommend whether an Environmental Impact Assessment, Traffic Impact Assessment, or any other special studies should be required.

B. The Committee shall make known its findings through a combination of written correspondence provided in advance of any TCC meeting and through TCC minutes.

**SECTION 2:** Section 195-17B, entitled ‘Technical Coordinating Committee’ shall be amended as follows:

**II. AMEND Chapter 195. Land Development Article III. Development Procedures 195-17B, C and D, as follows:**

**Amend 195-17B. Content, to read as follows:**

B. Content. An application for development shall include all relevant completed Checklist(s) as specified in Schedule III, [1] the items specified in the Checklist(s), and a completed application form including all attachments. \_ With the exception of requests for permitted uses with waiver of site plan details (in specific instances only) or for interpretation or appeals of a decision of a Borough Official, all applications shall provide all items specified in Checklist A in Schedule III.

**SECTION 3:** Section 195-17C, entitled ‘Technical Coordinating Committee’ shall be amended as follows:

**Amend 195-17C. Complete application, to read as follows:**

C. Complete application. The administrative officer or his/her designee shall review all applications and accompanying documents required by this chapter to determine whether or not the submission is a valid application for development in accordance with 195-17B. Upon such a finding, the administrative official or his/her designee shall certify the application as being complete and shall so notify the applicant and the TCC. If the application is found to be incomplete, the administrative officer shall indicate the manner in which the application is incomplete, by reference to the specific section or sections of the applicable Checklist(s). The administrative official shall notify the applicant, in writing, of any finding of incompleteness and said specific deficiencies of the application. The application shall be deemed to be complete if a written notification of incompleteness, as provided above, has not been sent to the applicant within 45 days of the submission of the application to the Board. The applicant may request that one or more of the submission requirements be waived, in which event the TCC shall consider the waivers and provide a recommendation to the Planning Board, which shall grant or deny the request within 45 days from the first hearing date before the Board.

**SECTION 4:** Section 195-17D, shall be amended as follows:

**Amend 195-17D. Additional information, to read as follows:**

D. Additional information. In its review of the application, the TCC or Planning Board may request additional information after certification as a complete application to correct any information found to be in error and/or submission of additional information not specified in this chapter or any revision to the accompanying documents, as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met.

**SECTION 5:** Section 195-18, shall be amended as follows:

**III. Amend Chapter 195, Land Development Article III, 195-18, Permitted Use with Waiver of Site Plan Details, to read as follows:**

A. Where no physical exterior improvements are proposed on a site occupied by a permitted use, with the exception of signage and solid waste/recycling receptacles, an Applicant may apply for Permitted Use with Waiver of Site Plan Details.

B. The applicant shall submit the required fee and the requisite application materials itemized in Checklist E for review and consideration by the administrative official for completeness. Upon determination by the administrative official that the application is complete, the applicant shall submit additional copies of all plans as directed by the administrative official, who will then place the item on the TCC agenda.

C. The TCC shall review the application and determine if any additional details are necessary for formal consideration by the Planning Board, particularly if signage variance relief is triggered.

D. Where appropriate, the provisions of § 195-22 shall apply.

**SECTION 6:** Section 195-19, shall be amended as follows:

**IV. Amend Chapter 195, Land Development Article III, 195-19, Informal Review, B through D, to read as follows:**

B. Applicants seeking review of a concept plan shall provide twelve copies of the plan and the completed application and the required review fees to the Board Secretary at least 10 days before a regularly scheduled meeting of the TCC. The TCC shall review the application pursuant to the requirements of § 195-14 and shall provide input on the materials to be provided to the Planning Board.

C. After the TCC has reviewed the plan, 15 copies of the concept plan that incorporates any TCC comments shall be submitted to the Planning Board for discussion purposes.

D. The concept plan is a general plan that is neither fully engineered nor surveyed. The plan should be sufficiently detailed to allow the Planning Board to make suggestions on general site design and layout for circulation, stormwater management, location of open space and buffers, building arrangements and to determine how the proposal meets the Borough's development goals and objectives.

**SECTION 7:** Section 195-20G, shall be amended as follows:

**V. Amend Chapter 195, Land Development Article III, 195-20G. Traffic impact statement, to read as follows:**

G. Traffic/transportation impact statement.

(1) When required. The Board may require a transportation impact statement as part of preliminary approval if, in the opinion of the Board, the development could have an adverse impact on the road network, pedestrian safety, existing onsite parking, ingress/egress or on-site circulation.

(2) General provisions.

(a) The traffic/transportation impact statement shall be prepared by a New Jersey licensed professional engineer having appropriate experience and background.

(b) All relevant sources of information used in the preparation of said statement shall be identified.

(3) Submission format. All impact statements shall provide a description of the impact and effect of the proposed land development upon all roads that are adjacent to or immediately affected by traffic and shall specifically address the following items:

(a) Existing conditions in the vicinity of the proposed project, including:

[1] Roadway network.

[2] Representative traffic counts, not during holiday or summer periods.

[3] Traffic accident statistics for the most recent three-year period, including all crashes involving pedestrians or cyclists.

[4] Availability/locations of public transportation and on-street/public parking.

[5] Level of service of adjacent roadways.

[6] Existing and proposed off-street parking serving the proposal.

(b) Traffic/parking demand generated by the proposed development including:

[1] Trip generation.

[2] Trip distribution.

[3] Modal split.

[4] Trip assignment.

[5] Level of service under proposed conditions.

[6] Anticipated parking demand based on acceptable industry sources.

(c) Identification of transportation impacts caused by the proposed development.

(d) Explanation of traffic reduction/traffic management plans necessary pursuant to any current federal, state or county requirements, and, where applicable, proposed interaction with appropriate County Transportation Management Areas (TMA).

(e) Recommendations for alleviating or diminishing any possible congestion or disruption to the established traffic or transportation or parking patterns.

(f) Any other information requested by the appropriate Board reasonably required to make an informed assessment of potential transportation impacts.

**SECTION 8:** Section 195-21A and B, shall be amended as follows:

**VI. Amend Chapter 195, Land Development Article III, 195-21A and 195-21B, to read as follows:**

**A. Application.**

(1) The applicant shall submit the required elements of an application for development, as identified in 195-17.

(2) Upon determination by the administrative official that the application is complete and upon review by the TCC, the Applicant shall submit the requisite number of additional copies of all plans and application materials, and the Board Secretary will place the item on the TCC agenda.

**B. Submission requirements.**

(1) Submission requirements for subdivision applications are provided in the Checklists in Schedule III.

(2) The Board Secretary, within five business days of the certification of completeness for preliminary approval, shall forward copies of the plat or site plan to the following for review and comment, where appropriate:

- (a) Environmental Commission.
- (b) Borough Fire Department.
- (c) Borough Police Department.
- (d) Borough Water Department.
- (e) Borough Electric Department.
- (f) Borough Public Works Department.
- (g) Borough Historic Preservation Commission.
- (h) Sign and Facade Committee of Downtown Development Commission.

**SECTION 9:** Section 195-17C, shall be amended as follows:

**VII. Amend Chapter 195, Land Development Article III, 195-22A and 195-22B, Preliminary approval of major subdivision and site plan, to read as follows:**

**A. Application.**

(1) The applicant shall submit the required elements of an application for development, as identified in 195-17.

(2) Upon determination by the administrative official that the application is complete and upon review by the TCC, the Applicant shall submit the requisite number of additional copies of all plans and application materials, and the Board Secretary will place the item on the agenda.

**B. Submission requirements.**

(1) Submission requirements for all application types are provided in the Checklists in Schedule III, specifically Checklist A and Checklist C.[1

(2) The Board Secretary, within five business days of the certification of completeness for preliminary approval, shall forward copies of the plat or site plan to the following for review and comment, where appropriate:

- (a) Environmental Commission.
- (b) Borough Fire Department.
- (c) Borough Police Department.

- (d) Borough Water Department.
- (e) Borough Electric Department.
- (f) Borough Public Works Department.
- (g) Borough Historic Preservation Commission.
- (h) Madison-Chatham Joint Meeting.
- (i) Sign and Facade Committee of Downtown Development Commission.

(3) The Board shall also have the authority to refer any plat to other agencies or individuals for comment or recommendations.

C. Review. The officials and agencies cited above shall forward their comments and recommendations in writing to the Board within 20 days from the receipt of the plat or site plan or by the date of the scheduled public meeting. In the case of signage, the time periods for review as established in § 195-33.1B, shall apply.

**SECTION 10:** Section 195-22, shall be amended as follows:

**VIII. Amend Chapter 195, Land Development Article III, 195-22.1A and B,  
Final approval of major subdivision and site plan, to read as follows:**

**A. Application.**

(1) The applicant shall submit a final plat or final plan to the Secretary of the Board within three years after the date of the preliminary approval or any authorized extension thereof.

(2) Upon determination by the administrative official that the application is complete, the applicant shall submit 15 additional copies of all plans, and the Secretary of the Board will place the item on the agenda.

**B. Submission requirements.**

(1) Submission requirements for final subdivision and site plan approval are provided in Checklist D in Schedule III.

(2) The Board Secretary, within five business days of the certification of completeness of an application for final approval, shall forward copies of the plan or plat to the following officials for review and comment where appropriate:

- (a) Environmental Commission.
- (b) Borough Fire Department.
- (c) Borough Police Department.
- (d) Borough Water Department.
- (e) Borough Electric Department.
- (f) Borough Public Works Department.
- (g) Borough Historic Preservation Commission.
- (h) Sign and Facade Committee of Downtown Development Commission.

(3) The Board shall also have the authority to refer any plan or plat to other agencies or individuals for comment or recommendations. In the case of signage, the time periods for review as established in § 195-33.1B, shall apply.

**SECTION 11:** Section 195-22, shall be amended as follows:

**IX. Amend Chapter 195, Land Development Article III, 195-22.3A to read as follows:**

**A. Application**

- (1) An applicant may apply for variances concurrently with a subdivision or site plan application or file for a variance with the Board of Adjustment where no subdivision or site plan application is required.
- (2) The applicant shall submit the required fee and requisite copies each of the application and required submission materials to the Board Secretary for review by the administrative official for completeness.
- (3) Upon determination by the administrative official that the application is complete, the applicant shall submit additional copies of all plans as directed by the administrative official, and the Board Secretary will place the item on the agenda.

**X. Amend Chapter 195, Land Development Article III, 195-22.5. Checklists, to read as follows:**

No application for development shall be deemed complete unless the items, information and documentation listed for each application Checklist is submitted to the administrative official for the approving Board. A complete Application Form must all be submitted with all required signatures. If any of the required items is not submitted, the applicant must request a waiver and state the reasons for such request in writing. Such written requests for waivers are required for an application to be deemed administratively complete.

**XI. Repeal Existing Schedule III and replace with the following:**

Checklist A: General Requirements for All Applications for Development

ADOPTED AND APPROVED  
March 26, 2018

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ROBERT H. CONLEY, MAYOR

Attest:

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ELIZABETH OSBORNE, Borough Clerk

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