

## CHAPTER 6 – SITE PLAN REVIEW

### SECTION 6.1 – PURPOSE

The purpose of this Chapter is to establish rules, regulations, standards and procedures for approval of land development and use to promote and ensure:

- A. Consistency of the layout or arrangement of the development with the requirements of the zoning ordinance;
- B. Streets in the development of sufficient width and suitable grade and suitably located to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings and coordinated so as to compose a convenient system consistent with the official map, if any, and the circulation element of the master plan, if any, and so oriented as to permit, consistent with the reasonable utilization of land, the buildings constructed thereon to maximize solar gain; provided that no street of a width greater than 50 feet within the right-of-way lines shall be required unless said street constitutes an extension of an existing street of the greater width, or already has been shown on the master plan at the greater width, or already has been shown in greater width on the official map, and also subject to the New Jersey Residential Site Improvement Standards, as applicable;
- C. Adequate water supply, drainage, shade trees, sewerage facilities and other utilities necessary for essential services to residents and occupants;
- D. Suitable size, shape and location for any area reserved for public use pursuant to *N.J.S.A. 40:55D-44*;
- E. Reservation pursuant to *N.J.S.A. 40:55D-43* of any open space to be set aside for use and benefit of the residents of planned development, resulting from the application of standards of density or intensity of land use, contained in this Ordinance, pursuant to *N.J.S.A. 40:55D-65(c)*;
- F. Regulation of land designated as subject to flooding, pursuant to *N.J.S.A. 40:55D-65(e)*, to avoid danger to life or property;
- G. Protection and conservation of soil from erosion by wind or water or from excavation or grading;
- H. Conformity with standards promulgated by the Commissioner of Transportation, pursuant to the "Air Safety and Hazardous Zoning Act of 1983" (*N.J.S.A. 6:1-80, et seq.*) for any airport hazard areas delineated under that act;
- I. Conformity with a municipal recycling ordinance required pursuant to *N.J.S.A. 13:1E-99.16*;
- J. Conformity with the State highway access management code adopted by the Commissioner of Transportation under section 3 of the "State Highway Access Management Act" (*N.J.S.A. 27:7-91, et seq.*) with respect to any State highways within the municipality;
- K. Conformity with any access management code adopted by the county under *N.J.S.A. 27:16-1*, with respect to any county roads within the municipality;
- L. Conformity with any municipal access management code adopted under *N.J.S.A. 27:67-1*, with respect to municipal streets;

- M. Protection of potable water supply reservoirs from pollution or other degradation of water quality resulting from the development or other uses of surrounding land areas, which provisions shall be in accordance with any siting, performance, or other standards or guidelines adopted therefor by the Department of Environmental Protection;
- N. Conformity with the public safety regulations concerning storm water detention facilities adopted pursuant to *N.J.S.A. 40:55D-95.1* and reflected in storm water management plans and storm water management ordinances adopted pursuant to *N.J.S.A. 40:55D-93 et seq.*;
- O. Conformity with the model ordinance promulgated by the Department of Environmental Protection and Department of Community Affairs pursuant to *N.J.S.A. 13:1E-99.13a* regarding the inclusion of facilities for the collection or storage of source separated recyclable materials in any new multifamily housing development;
- P. Standards, subject to the New Jersey Residential Site Improvement Standards, as applicable, for grading, improvement and construction of streets or drives and for any required walkways, curbs, gutters, streetlights, shade trees, fire hydrants and water, and drainage and sewerage facilities and other improvements as shall be found necessary, and provisions ensuring that such facilities shall be completed either prior to or subsequent to final approval of the site plan by allowing the posting of performance and maintenance guarantees by the developer;
- Q. Standards to ensure that site plans shall conform to the applicable provisions of this Ordinance;
- R. Performance in substantial accordance with the final development plan; provided that the planning board may permit a deviation from the final plan, if caused by change of conditions beyond the control of the developer since the date of final approval, and the deviation would not substantially alter the character of the development or substantially impair the intent and purpose of the master plan and zoning ordinance;
- S. Off-tract water, sewer, drainage and street improvements which are necessitated by a development, subject to the provisions of *N.J.S.A. 40:55D-42*.
- T. In the case of a development which proposes construction over a period of years, the protection of the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development.
- U. The submission of proof that no taxes or assessments for local improvements are due or delinquent on the property for which any subdivision, site plan, or planned development application is made.
- V. Preservation of existing natural resources on and near the site;
- W. Safe and efficient vehicular and pedestrian circulation, parking and loading on and near the site;
- X. Appropriate screening, landscaping and location of structures;
- Y. Appropriate exterior lighting on and near the site as needed for safety reasons in addition to any requirements for street lighting;
- Z. Conservation of energy and use of renewable energy sources;
- AA. Recycling of designated recyclable materials; and

BB.Promotion of any other purposes or objectives of *N.J.S.A. 40:55D-1, et seq.*, the Pennsville Township Master Plan, and this Ordinance.

## **SECTION 6.2 – APPLICABILITY**

Except as exempted or waived pursuant to this Chapter 6, site plan review and approval is required as a condition for the issuance of a permit for any development, including any division of a parcel of land into two or more parcels; any construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining excavation or landfill; and any use or change in the use of any building or other structure, or land or extension of use of land. No excavating, grading, clearing or subdivision of land shall be allowed, nor shall any construction permit, zoning permit or certificate of occupancy be issued for any non-exempt new or changed structure or use, unless the Planning Board has granted site plan approval or waived site plan review for such excavating, grading, clearing or subdivision, or new or changed structure or use. Developments, divisions, construction, and other projects and uses that are exempt or granted waivers from site plan review pursuant to this Chapter 6 are nonetheless subject to all applicable grading and drainage requirements set forth in Chapter 5, Section 5.16 of this Ordinance.

*Use*, for purposes of this Chapter, means the specific activity or undertaking that occurs at or upon a lot or at, upon or within a structure, or the specific purpose for which a lot or structure is occupied or employed, rather than the category or classification of the activity, undertaking or purpose.

## **SECTION 6.3 - EXEMPTIONS**

The following uses and structures, and the lots on which they occur or are situate, are exempt from site plan review requirements:

- A. Agricultural principal and accessory structures and uses; excavating, grading and clearing for agricultural purposes; and divisions of farmland pursuant to Section 7.9 of this Ordinance;
- B. Municipal principal and accessory structures and uses, and municipal excavating, grading, clearing and subdivision;
- C. Detached one or two dwelling-unit buildings on individual lots and residential subdivisions;
- D. The alteration or repair of existing structures for which no change of use is proposed, if the Zoning Officer determines that such alteration or repair (1) will not result in additional building coverage, building height, or lot coverage, (2) will conform with all applicable zoning requirements, and (3) will not increase the need for off-street parking spaces. The Zoning Officer's determination of exemption pursuant to this Section must be presented to and approved by majority vote of the Planning Board.
- E. Banner Signs as defined in this ordinance if installed in full compliance with applicable conditional use requirements.

## **SECTION 6.4 – WAIVER**

- A. General Waiver of Site Plan Review. The Planning Board may waive all site plan review requirements if the Board determines based on information or materials provided by the applicant that (1) the proposed development will not affect existing drainage, circulation, relationship of buildings to each other, landscaping, buffering, lighting and other considerations and purposes of site plan review; (2) the existing lot and structures upon it do not require upgraded or additional site improvements in order to accomplish the purposes of site plan review; and (3) that the property and the development conform to all applicable requirements of the Residential Site Improvement Standards (*N.J.A.C. 5:21-1.1, et seq.*). General site plan waiver requests shall be made by completion of the Application Cover Sheet, Checklist Schedule A (General Requirements), Checklist Schedule B (Approvals Requested), Checklist Schedule X (Site Plan Waiver), and payment of the requisite fee and review escrow deposit. A waiver of site plan review can be granted only by majority vote of the fully authorized membership of the Planning Board.
- B. Waiver of certain site plan review requirements. The Planning Board, when acting upon applications for preliminary or minor site plan approval, shall have the power to grant such exceptions from the requirements of site plan review as may be reasonable and within the general purpose and intent of the Pennsville Township Land Development Ordinance if the literal enforcement of one or more provisions of the Ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question. Requests for waivers from specific site plan review requirements must be listed in the application pursuant to Checklist Schedule A, Item 9 with a statement of reasons why each requested waiver should be granted.

## **SECTION 6.5 – MINOR SITE PLANS**

- A. Classification. A minor site plan is a plan or proposal for development within a single lot that requires site plan review but which will involve clearing, grading, excavation, fill, paving, construction, and/or the creation of additional impervious materials coverage only within a total combined area of less than one thousand (1,000) square feet, provided that the development plan or proposal (a) does not involve planned development or any new street or extension of any off-tract improvement which is to be prorated pursuant to *N.J.S.A. 40:55D-42*; and (b) does not involve or propose the creation, continuation or expansion of a prohibited use or structure (or any combination of prohibited uses or structures) or a request for variance relief pursuant to *N.J.S.A. 40:55D-70(d)*. All site plan applications which are not classified as minor site plans will be classified as applications for preliminary site plan approval (also referred to as preliminary “major” site plan approval).
- B. Application Requirements. Applications for minor site plan approval shall include a completed Application Cover Sheet and be made in accordance with Checklist Schedule A (General Requirements), Checklist Schedule B (Approvals Requested), and Checklist Schedule O (Minor Site Plan), and shall include applicable fees and escrow deposits.
- C. Review. If the Planning Board determines that the application for development is complete and conforms to the above definition of “minor site plan”, and if the applicant’s proposal appears, based on the opinions and reports of the Board’s professionals, to comply with all applicable zoning requirements and other requirements for approval, the Board may waive or require public notice, and schedule the application for hearing. Minor site plan approval shall be deemed to be final approval of the site plan by the Board, provided that the Board shall condition any minor site plan approval that it grants upon timely receipt of a favorable report on the application by the Salem County Planning Board as may be applicable pursuant to *N.J.S.A. 40:27-6.6*, or approval by the Salem County Planning

Board by its failure to report thereon within the required time period. The Board may also condition minor site plan approval upon the posting of performance and maintenance guarantees to ensure the provision of certain improvements pursuant to *N.J.S.A.* 40:55D-38, -39, -41 and -53, as well as provision of review and inspection escrows relating thereto, and applicable approvals from other regulatory agencies.

- D. Time for Decision. Minor site plan approval shall be granted or denied within forty five (45) days after completeness is certified or deemed by law, or within such further time as may be consented to by the applicant.
- E. Amendment. Applicants may amend a minor site plan approval prior to expiration of the approval. Applications for amendment must include the completed Application Cover Sheet, Checklist Schedule A (General Requirements), Checklist Schedule B (Approvals Requested), Checklist Schedule P (Amendment of Minor Site Plan), and all required materials, information and fees. Any application for amendment of a minor site plan approval for which public notice was required, or with which major subdivision approval or variances were also granted, or which involves any new major subdivision approval or any new variance request, must be heard on public notice pursuant to *N.J.S.A.* 40:55D-11 and -12. When approving an amendment to a previous approval in which variances or major subdivision approval were granted, the Planning Board may modify the nature and extent, and any terms or conditions of such variances or subdivision approval. The engineer's estimate on which any posted performance or maintenance guarantees have been calculated, and the guarantees themselves, as well as any easements or restrictions that were required as part of the earlier approval, should be reviewed to determine whether any changes are necessary.
- F. Expiration. Minor site plan approval shall expire two years following the date the initial resolution of approval is adopted. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor site plan approval was granted, shall not be changed within the aforesaid two (2) year period. The planning board shall grant an extension of this period for a period determined by the board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the approvals. A developer shall apply for this extension before: (a) what would otherwise be the expiration date, or (b) the 91<sup>st</sup> day after the date on which the developer receives the last of the legally required approvals from the other governmental entities, whichever occurs later. Any extension request for a minor site plan approval for which public notice was required, or with which major subdivision approval or variances were also granted, or which involves any new major subdivision approval or any new variance request, must be heard on public notice pursuant to *N.J.S.A.* 40:55D-11 and -12. Applications to extend a minor site plan approval must include the completed Application Cover Sheet, Checklist Schedule A (General Requirements), Checklist Schedule B (Approvals Requested), Checklist Schedule Q (Extension of Minor Site Plan Approval), and all required materials, information and fees. The engineer's estimate on which any posted performance or maintenance guarantees have been calculated, and the guarantees themselves, as well as any easements or restrictions that were required as part of the earlier approval, should be reviewed to determine whether any changes are necessary.
- G. Post-Approval Requirements.
  - 1. The minor site plan shall not be signed by the Planning Board engineer, Chair or Secretary until all conditions of approval are satisfied, including posting of approved performance guarantees, maintenance guarantees, and inspection escrows, with proof satisfactory having been provided to

the Township Solicitor of the Township's right to go upon the property to exercise the Township's rights under the guarantees. The applicant must provide eight (8) paper copies of the approved plan to the Planning Board Engineer for signature before presenting them to the Planning Board Secretary for signature by the Secretary and Chair.

2. No zoning or building permit can be issued until the minor site plan is signed.
3. No clearing, land disturbance, or installation of site improvements can commence without a zoning permit.
4. No construction of buildings can commence without a building permit.
5. Applicants may apply for field changes or minor amendments to minor site plan approval pursuant to Section 9.11. Applicants may also make application for amended minor site plan approval, provided that if public notice pursuant to *N.J.S.A. 40:55D-11* and *-12* was required by the Board for the initial approval, such notice will also be required for any application for amendment.

#### **SECTION 6.6 – MAJOR SITE PLANS**

- A. Classification. All site plan applications not classified as minor pursuant to Section 6.5, above, shall automatically be classified as major site plan applications. All major site plans should be formally reviewed in two stages, preliminary and final.
- B. Preliminary Major Site Plan Application Requirements. Applications for preliminary major site plan approval must include a completed Application Cover Sheet and meet the filing requirements listed in Checklist Schedule A (General Requirements), Checklist Schedule B (Approvals Requested), and Checklist Schedule R (Preliminary Major Site Plan), and must include all required fees and escrow deposits. Public notice is required for any hearing
- C. Review (Preliminary Application). After the application has been certified or deemed complete pursuant to Section 4.1.B, the Planning Board shall review the preliminary major site plan application at a public hearing on public notice pursuant to *N.J.S.A. 40:55D-11* through *-12.2* for the purpose of making an informed decision as to whether the requirements necessary for preliminary major site plan approval have been met. The site plan and any engineering documents to be submitted shall be required in tentative form for discussion purposes for preliminary approval. If any architectural plans are required to be submitted for site plan approval, the preliminary plans and elevations shall be sufficient. If the planning board requires any substantial amendment in the layout of improvements proposed by the developer that have been the subject of the hearing, an amended application for development shall be submitted and proceeded upon, as in the case of the original application for development. The planning board shall, if the proposed development complies with the ordinance and this act, grant preliminary site plan approval.
- D. Time for Decision (Preliminary Application). For a site plan which involves 10 acres of land or less, and 10 dwelling units or less, the planning board shall grant or deny preliminary approval within 45 days following the date the application is certified or deemed complete pursuant to Section 4.1.B, or within such further time as may be consented to by the developer. For a site plan which involves more than 10 acres, or more than 10 dwelling units, the planning board shall grant or deny preliminary approval within 95 days following the date the application is certified or deemed complete pursuant to

Section 4.1.B, or within such further time as may be consented to by the developer. Otherwise, the planning board shall be deemed to have granted preliminary approval of the site plan.

- E. Denial. In the event the Board denies the preliminary site plan application, such denial must be memorialized in a written resolution containing a statement of reasons for the denial, a copy of which shall be given to the applicant.
- F. Other agency approvals. Review or approval by the Planning Board does not preclude the necessity for submission, review and approval by other reviewing authorities. These authorities may include but are not be limited to the New Jersey Department of Environmental Protection and the Salem County Planning Board.
- G. Amendment (Preliminary Approval). Applicants may amend a preliminary major sites plan approval prior to expiration of the approval or the grant of final major site plan approval. Applications for amendment must include the completed Application Cover Sheet, Checklist Schedule A (General Requirements), Checklist B (Approvals Requested), Checklist Schedule S (Amendment of Preliminary Major Site Plan), and all required materials, information and fees. All applications for amended preliminary major site plan approval must be heard on public notice pursuant to *N.J.S.A. 40:55D-11* and *-12*. When approving an amendment to a previous approval in which variances or major subdivision approval were granted, the Planning Board may modify the nature and extent, and any terms or conditions of such variances or subdivision approval. The engineer's estimate on which any posted performance or maintenance guarantees have been calculated, and the guarantees themselves, as well as any easements or restrictions that were required as part of the earlier approval, should be reviewed to determine whether any changes are necessary.
- H. Expiration (Preliminary Approval). Preliminary site plan approval shall expire three (3) years following the date the initial resolution of preliminary site plan approval is adopted. Except as provided in *N.J.S.A. 40:55D-49(d)*, preliminary site plan approval confers upon the applicant the following rights during the aforesaid three (3) year period:
  - 1. The general terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to use requirements; layout and design standards for streets, curbs and sidewalks; lot size; yard dimensions and off-tract improvements; and any requirements peculiar to site plan approval pursuant to *N.J.S.A. 40:55D-41*; except that nothing herein shall be construed to prevent the Township from modifying by ordinance such general terms and conditions of preliminary approval as relate to public health and safety;
  - 2. The applicant may submit for final approval on or before, but not after the expiration date of preliminary approval, the whole or a section or sections of the preliminary site plan, as the case may be; and
  - 3. The applicant may apply for extension(s) of preliminary site plan approval as provided in *N.J.S.A. 40:55D-49*. All extension requests must be heard on public notice pursuant to *N.J.S.A. 40:55D-11* and *-12*. Applications to extend or reaffirm a preliminary major site plan approval must include the completed Application Cover Sheet, Checklist Schedule A (General Requirements), Checklist Schedule B (Approvals Requested), Checklist Schedule T (Extension of Preliminary Major Site Plan Approval), and all required materials, information and fees. The engineer's estimate on which any posted performance or maintenance guarantees have been calculated, and the guarantees themselves, as well as any easements or restrictions that were required as part of the earlier approval, should be reviewed to determine whether any changes are necessary.

- H. **Final Major Site Plan Application.** Applications for final major site plan approval must be filed prior to the expiration of preliminary approval (that is, within three (3) years, plus any extensions, following the date the initial resolution of preliminary major site plan approval is adopted). Applications for final major site plan approval filed after the expiration of preliminary approval will not be accepted or reviewed. Applications for final major site plan approval must include a completed Application Cover Sheet, and all information required in Checklist Schedule A (General Requirements), Checklist Schedule B (Approvals Requested), and Checklist Schedule U (Final Major Site Plan).
- I. **Review (Final Application).** After the application has been certified or deemed complete pursuant to Section 4.1.B, the Planning Board shall review the final major site plan application at a public hearing on public notice pursuant to *N.J.S.A. 40:55D-11* through -12.2, and shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by this ordinance and the conditions of preliminary site plan approval. The following matters should be addressed as part of any grant of final major site plan approval:
1. Whether road, sight triangle, drainage or other easements or restrictions must be granted or imposed on behalf of the Township or any other person or entity.
  2. Whether the installation and maintenance of any proposed improvements should be secured by performance and maintenance guarantees pursuant to *N.J.S.A. 40:55D-53*, and approval of the engineer's cost estimate.
  3. The amount and terms of payment for off-tract improvements pursuant to *N.J.S.A. 40:55D-42*.
  4. What completion deadline or schedule of deadlines should be imposed for installation of improvements that are to be secured by performance and maintenance guarantees.
- J. **Time for Decision (Final Application).** Final approval shall be granted or denied within 45 days after the date completeness is certified or deemed pursuant to Section 4.1.B, or within such further time as may be consented to by the applicant.
- K. **Denial.** In the event the Board denies the final major site plan application, such denial will be memorialized in a written resolution containing a statement of reasons for the denial, a copy of which shall be given to the applicant.
- L. **Other Agency Approvals.** Whenever review or approval of the application by the Salem County Planning Board is required by *N.J.S.A. 40:27-6.6*, the 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 by its failure to report thereon within the required time period. Review or approval by the Planning Board does not preclude the necessity for submission, review and approval by other reviewing authorities, including but not limited to the New Jersey Department of Environmental Protection.
- M. **Amendment (Final Approval).** Applicants may amend a final major site plan approval prior to expiration of the approval. Applications for amendment must include the completed Application Cover Sheet, Checklist Schedule A (General Requirements), Checklist Schedule B (Approvals Requested), Checklist Schedule V (Amendment of Final Major Site Plan Approval), and all required materials, information and fees. All applications for amended final major site plan approval must be heard on public notice pursuant to *N.J.S.A. 40:55D-11* and -12. When approving an amendment to a previous approval in which variances or major subdivision approval were granted, the Planning Board

may modify the nature and extent, and any terms or conditions of such variances or subdivision approval. The engineer's estimate on which any posted performance or maintenance guarantees have been calculated, and the guarantees themselves, as well as any easements or restrictions that were required as part of the earlier approval, should be reviewed to determine whether any changes are necessary.

N. Expiration (Final Approval). Final major site plan approval shall expire two (2) years following the date the initial resolution of final site plan approval is adopted, or upon such other deadline as may be imposed by the Board pursuant to *N.J.S.A. 40:55D-52(b)*. Additionally, the zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer pursuant to *N.J.S.A. 40:55D-49*, whether conditionally or otherwise, shall not be changed during the aforesaid period. If the developer has followed the standards prescribed for final approval, the planning board may extend the approval period for extensions of one year but not to exceed three extensions, or as may otherwise be provided in *N.J.S.A. 40:55D-52*. All extension requests must be heard on public notice pursuant to *N.J.S.A. 40:55D-11* and *-12*. Applications to extend a final major site plan approval must include the completed Application Cover Sheet, Checklist Schedule A (General Requirements), Checklist Schedule B (Approvals Requested), Checklist Schedule W (Extension of Final Major Site Plan Approval), and all required materials, information and fees. The engineer's estimate on which any posted performance or maintenance guarantees have been calculated, and the guarantees themselves, as well as any easements or restrictions that were required as part of the earlier approval, should be reviewed to determine whether any changes are necessary. Notwithstanding any other provisions of the Municipal Land Use Law or this ordinance, the granting of final approval terminates the time period of preliminary approval pursuant to *N.J.S.A. 40:55D-49* for the section granted final approval. No zoning permit or building permit will be issued for any site plan project after the final approval has expired.

O. Post-Approval Requirements.

1. The final site plan shall not be signed by the Planning Board engineer, Chair or Secretary until all conditions of approval are satisfied, including posting of approved performance guarantees, maintenance guarantees, and inspection escrows, with proof satisfactory having been provided to the Township Solicitor of the Township's right to go upon the property to exercise the Township's rights under the guarantees. The applicant must provide eight (8) paper copies of the approved plan to the Planning Board Engineer for signature before presenting them to the Planning Board Secretary for signature by the Secretary and Chair.
2. No zoning or building permit can be issued until the final plat is signed.
3. No clearing, land disturbance, or installation of site improvements can commence without a zoning permit.
4. No construction of buildings can commence without a building permit.
5. Applicants may apply for field changes or minor amendments to final site plan approval pursuant to Section 9.11. Applicants may also make application for amended preliminary and final site plan approval, subject to the public notice requirements of *N.J.S.A. 40:55D-11* and *-12*.

## **SECTION 6.7 – WAIVER OF GUARANTEE REQUIREMENTS**

- A. Waiver. All or part of the performance guarantee requirements set forth above may be waived upon the condition that no construction permit shall be issued for any building at the project until such non-secured improvements have been completed and approved. Such a waiver may only be granted in instances where the Planning Board determines that public good will not be impaired by a developer's possible failure to complete the required improvements or, in such event, by the municipality's inability to bring about completion using guaranteed funds as contemplated in Section 9.3, above. Similarly, all or part of the maintenance guarantee requirements may be waived if the Planning Board determines that public good will not be substantially impaired by a developer's possible failure to maintain the required improvements for up to two years following their completion or, in such event, by the municipality's inability to repair or correct any maintenance problems using guaranteed funds as contemplated in Section 9.3, above. The grant of any such waiver and the reasons therefore must be included in the Planning Board's approving resolution. In the event waivers are granted pursuant to this Section, the performance guarantee, if any, shall contain a list of the improvements waived from the performance guarantee requirements to ensure that same continue to be indicated as required improvements which the developer must complete.