

CHAPTER 9—REQUIREMENTS APPLICABLE TO SITE PLAN AND SUBDIVISION APPLICATIONS; GENERAL DEVELOPMENT PLANS

SECTION 9.1 – OVERVIEW

- A. The requirements of this Chapter are generally applicable to site plan and subdivision applications.

SECTION 9.2 – ENVIRONMENTAL IMPACT STATEMENT; WAIVERS

- A. Requirement. All applications for preliminary site plan approval requiring surface area land disturbance of more than 5,000 square feet, and all applications for major subdivision approval regardless of land disturbance area, must include a fully completed Checklist Schedule BB Environmental Impact Statement (EIS) unless waived as provided herein. The Planning Board may also require a new, updated, or supplemented environmental impact statement as part of any application for amendment or extension of a previously approved major subdivision or major site plan, regardless of whether or to what extent an environmental impact statement was required or waived as part of the original application.
- B. Purpose. The Planning Board may use and distribute the information contained in the environmental impact statement as necessary to ascertain the extent of any environmental issues that should be considered and addressed as part of the proposed development project, whether by the Planning Board or by other regulatory agencies having proper jurisdiction.
- C. General Waiver of EIS. The Planning Board may waive all environmental impact statement submission requirements if the Board determines, based on information or materials provided by the applicant: (1) that the lot at which the development is proposed (the “subject lot”), and all other land that is close enough to the subject lot to be affected by the proposed development, is already developed to an extent that would likely preclude the risk of any significant environmental impact resulting from the proposed development; (2) that, within three years prior to the date the application was filed, a fully completed environmental impact statement reflecting no significant environmental conditions was completed for the subject lot, or for other land that is close enough to the subject lot to accurately reflect the subject lot’s environmental conditions, and that there has been no readily observable change in the condition of the lot that was the subject of such earlier environmental impact statement; or (3) that the nature or extent of the proposed development, when regarded in the context of readily observable conditions at the subject lot, reasonably indicates that the possibility of significant environmental impacts is remote. If, during review of the application, the Planning Board concludes that an environmental impact statement should have been required, it may require one at that time, provided that the Board must grant sufficient time for the applicant to prepare it, and also provided that the applicant must waive or toll any applicable deadline for the Board’s decision on the application in the interim. General EIS waiver requests shall made by providing the other information and materials contemplated herein, and referencing such information and materials in a Checklist A, Item 9, list of submission waivers along with an explanation of why the general EIS waiver request should be granted. General EIS waiver requests will be considered as part of the completeness review for the application.
- D. Waiver of Specific EIS Submission Requirement (Specific EIS Waiver). The Planning Board may waive specifically noted environment impact statement submission requirements based on information or materials provided by the applicant which confirm that such noted requirements are inapplicable to the subject lot or the proposed development project, or if such noted requirements can

be waived individually when applying the analysis set forth in Section 9.2.C, above. If, during review of the application, the Planning Board concludes that environmental impact statement information that was specifically waived should have been required, it may require that it be submitted at that time, provided that the Board must grant sufficient time for the applicant to prepare it, and also provided that the applicant must waive or toll any applicable deadline for the Board's decision on the application in the interim. Specific EIS waiver requests shall be made by marking a "W" in the space in the left-hand column of Environmental Impact Statement Checklist Schedule BB which corresponds to the checklist item for which the waiver is being requested, providing information or materials as contemplated herein and referencing them in the Checklist A, Item 9, list of waiver requests with explanations as to why each specific EIS waiver request should be granted. Specific EIS waiver requests will be considered as part of the completeness review for the application.

SECTION 9.3 – PERFORMANCE AND MAINTENANCE GUARANTEES

Posting Requirements. Before recording of subdivision plats or deeds, as a condition of site plan approval, or as a condition to the issuance of a zoning permit, the Planning Board may require and shall accept performance guarantees and maintenance guarantees which must be posted with the Township in accordance with this Ordinance for the purpose of assuring the installation and maintenance of required improvements, as follows:

- A. A performance guarantee posted with the municipality in an amount not to exceed 120% of the cost of installation, which cost shall be determined by the municipal engineer according to the method of calculation set forth in *N.J.S.A. 40:55D-53.4*, for improvements which the Planning Board may deem necessary or appropriate including: streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyor's monuments, as shown on the final map and required by the map filing law (*N.J.S.A. 46:23-9.9, et seq.*), water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion control and sedimentation control devices, public improvements of open space and, in the case of site plans only, other on-site improvements and landscaping. The municipal engineer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the developer. At least ten (10%) percent of the performance guarantee amount must be posted in cash (although the developer may elect to post a larger percentage of the performance guarantee in cash), subject to the terms of a written cash bond as provided in Section 9.3.D, below. The forms of the performance guarantee and/or cash bond must be reviewed by, and meet the approval of the Township Solicitor before they are posted with the Township. The performance guarantee must contain deadlines for completion of improvements that has been established by resolution of the Planning Board.
- B. A maintenance guarantee posted with the municipality for a period not to exceed two years after final acceptance of the improvements, in an amount not to exceed 15% of the cost of the improvements, which cost shall be determined by the municipal engineer according to the method of calculation set forth in *N.J.S.A. 40:55D-53.4*. The developer may elect to post all or part of the maintenance guarantee in cash, subject to the terms of a written cash bond. The form of the maintenance guarantee and/or cash bond must be reviewed by, and meet the approval of the Township Solicitor before they are posted with the Township.
- C. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the municipality for such utilities or improvements

- D. The performance and maintenance guarantees must be reviewed by the Township Solicitor to confirm that they are issued satisfactory as to form, sufficiency and execution, and that they meet the following requirements:
1. Performance guarantees must include the deadline for completion of improvements, which deadline must be established by resolution of the Planning Board.
 2. Surety bonds (performance or maintenance) must be issued by surety companies that are listed as acceptable to provide payment or performance bonds as required by *N.J.S.A. 2A:44-143* and *-144*.
 3. Letters of credit (performance or maintenance) must meet the requirements of *N.J.S.A. 40:55D-53.5*.
 3. Cash (to guarantee performance or maintenance) may only be posted subject to the terms of a written cash bond, the form of which must meet the approval of the Township Solicitor.
- E. After review and approval by the Township Solicitor both the performance guarantee and the maintenance guarantee must be posted in original form with the Township Clerk prior to the Planning Board Chair's and Secretary's signature of any site plan, subdivision plat or minor subdivision deed, and prior to the issuance of any zoning, building, or other permit or certificate.
- F. Extensions of Time. The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the governing body by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation, which cost shall be determined by the municipal engineer according to the method of calculation set forth in *N.J.S.A. 40:55D-53.4* as of the time of the passage of the resolution.
- G. Default; Reductions and Release. If the required improvements are not completed or corrected in accordance with the performance guarantee, the developer and surety, if any, shall be liable thereon to the municipality for the reasonable cost of the improvements not completed or corrected and the municipality may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the Local Public Contracts Law (*N.J.S.A. 40A:11-1 et seq.*). Otherwise, the guarantees will be subject to reduction and release as provided in *N.J.S.A. 40:55D-53*.

SECTION 9.4 – Deadlines for Completion of Improvements

- A. The Board must establish a deadline by which the applicant must complete all guaranteed improvements in connection with a site plan or subdivision approval. The deadline should be a date certain that is memorialized by Planning Board resolution prior to the posting of performance guarantee. The completion deadline is an administrative deadline established for purposes of measuring default under the performance guarantee, and should be based on the applicant's and Planning Board Engineer's estimate of when the project will be complete to the extent that the site improvements are necessary for proper use of the site and protection of those who are or may be affected by it. The completion deadline is separate and distinct from the expiration date of final site plan or subdivision approval as provided in *N.J.S.A. 40:55D-52*. The completion deadline may be established and thereafter extended by majority vote of the Board without public hearing or notice at any time prior to the expiration of final approval, provided that such deadline must be established prior to the review and posting of the performance and maintenance

guarantees. After the guarantees have been posted the completion deadline may be extended by the Township pursuant to *N.J.S.A. 40:55D-53(b)*. Extension requests must be considered in light of the purposes expressed in this Section and will require a showing by the applicant that the site improvements are not or will not be needed within the originally estimated time.

SECTION 9.5 – PHASING REVIEW

- A. Phases or Sections. Any proposal to develop a major site plan or major subdivision project by phases or sections must be included in the initial application for preliminary approval (or a later amendment thereto) so that the Board can confirm, on the advice of its professionals, that any proposed phase or series of phases can stand alone in the event that the remainder of the project is not built. As part of such review, the Board may impose reasonable conditions as to the required phasing sequence, and as to the installation, maintenance and bonding of improvements that connect or serve multiple phases, or which straddle phase boundaries. Development by phases or sections will not be allowed if not approved in this manner.

SECTION 9.6 – PRE-DEVELOPMENT REQUIREMENTS; INSPECTIONS

- A. Prior to any land disturbance, clearing, grading or construction, the applicant must submit six (6) copies of final, approved, detailed construction plans to the Construction Code Office, and pay to the Township Treasurer, by cash or certified check, the inspection fee deposit fixed by the Township according to Subsection 9.6.E, below.
- B. All of the required improvements of a development shall be inspected during the time of their installation by the Township Engineer to insure satisfactory construction. The Township Engineer shall be notified at least seven (7) days prior to the start of construction and at least two (2) days before each stage of construction. No underground installation of any type shall be covered until inspected and approved by the Township Engineer. In no case shall any paving work be done without permission from the Township Engineer's office so that the Township Engineer or a qualified representative may be present at the time work is to be done. Additionally, the Township Engineer's office shall be notified after each phase of work has been completed (i.e. road sub grade, curb forms, curbing, etc.) so that the Township Engineer or a qualified representative may inspect the work.
- C. If work proceeds initially or in any stage, or if any stage is completed without the notices required above, or if any underground installation is covered without inspection, or if any paving is done without advance permission, or if the developer violates any other requirement of any applicable law, regulation, ordinance, rule, or condition of development approval, the Township Engineer, in addition to all other remedies available to the Township, may issue an order requiring immediate cessation of the affected work and prohibiting resumption thereof until further approval is obtained or noncompliance is corrected.
- D. Inspection by the Township of the installation of improvements shall not operate to subject the Township to liability, suits, or claims of any kind that may at any time arise because of defects or negligence during construction.
- E. Inspection Fees. The developer shall reimburse the municipality for all reasonable inspection fees paid to the municipal engineer for the foregoing inspection of improvements; provided that the municipality may require of the developer a deposit for the inspection fees in an amount not to exceed, except for extraordinary circumstances, the greater of \$500 or 5% of the cost of

improvements, which cost shall be determined pursuant to *N.J.S.A. 40:55D-53.4*. For those developments for which the inspection fees are less than \$10,000, fees may, at the option of the developer, be paid in two installments. The initial amount deposited by a developer shall be 50% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the municipal engineer for inspection, the developer shall deposit the remaining 50% of the inspection fees. For those developments for which the inspection fees are \$10,000 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited by a developer shall be 25% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the municipal engineer for inspection, the developer shall make additional deposits of 25% of the inspection fees. The municipal engineer shall not perform any inspection if sufficient funds to pay for those inspections are not on deposit.

SECTION 9.7 – OFF-TRACT IMPROVEMENTS

- A. Off-tract improvements required. As a condition of site plan or subdivision approval the Planning Board may, in accordance with the provisions of *N.J.S.A. 40:55D-42*, require an applicant to pay his or her pro rata share of the cost of providing reasonable and necessary street improvements and water, sewerage and drainage facilities, and easements therefor, located off-tract but necessitated or required by construction or improvements within such subdivision or development. The proportionate or pro-rata amount of the cost of such facilities that shall be borne by each developer or owner within a related or common area shall be based on the criteria established herein. For purposes of this Chapter, the term “reasonable and necessary street improvements and water, sewerage and drainage facilities, and easements therefore” shall include all manner of road widening, water, sewerage, drainage, sight triangle, emergency access, declaration of restricted access, or any other type of easement, declaration or restriction that the Board determines is necessitated by the proposed development or subdivision, even if such easement, declaration or restriction will involve installation of physical improvements by the developer.
- B. Construction of improvements at sole expense of developer. In cases where off-tract improvements are necessitated by an applicant’s development proposal, and where in such event it is determined that no other property owners receive a special benefit from such improvements, the applicant may be required as a condition of approval, and at the applicant’s sole expense, to provide for and construct such improvements as if they were on-tract improvements.
- C. Other improvements. In cases where the applicant’s development proposal creates the need for off-tract improvements which will also specially benefit properties outside of the development, the following criteria shall be utilized in determining the developer’s proportionate contribution to the Township’s cost of providing such improvements.
 - 1. Sanitary Sewers. All sanitary sewer proposals must be reviewed for approval by the Pennsville Township Sewerage Authority. The applicant’s proportionate share of distribution facilities, including the installation, relocation or replacement of collector, trunk and interceptor sewers, and appurtenances associated therewith, shall be computed as follows:
 - a. The capacity and design of the sanitary sewer system shall be based on the standards set forth in Chapter 8.

- b. The Township Sewerage Authority Engineer shall provide the applicant with the existing and reasonably anticipated peak hour flows as well as capacity limited of the affected sewer system.
 - c. If the existing system does not have adequate capacity to accommodate the additional flows from the applicant's development, the pro rata share shall be computed multiplying the total cost of the off-tract improvement by the percentage of additional flows generated by the applicant's proposed development. Thus, if a sewer improvement will cost \$100,000 and it is determined that the applicant's development proposal will generate 50% of the peak hour flows that will be accommodated by it, the developer's share is computed as follows: $\$100,000 \times .5 = \underline{\$50,000}$.
2. Water. The applicant's proportionate share of water distribution facilities, including the installation, relocation or replacement of water mains, hydrants, valves and appurtenances associated therewith, shall be computed as follows:
- a. The capacity and design of the water supply system shall be based on the standards set forth in Chapter 8.
 - b. The Township Engineer shall provide the applicant with the existing and reasonably anticipated capacity limits of the affected water supply system in terms of average demand, peak demand and fire demand.
 - c. If the existing system does not have adequate capacity as defined above to accommodate the applicant's needs, the pro rata share shall be computed multiplying the total cost of the off-tract improvement by the percentage of additional water supply need by the applicant's proposed development. Thus, if a water supply improvement will cost \$100,000 and it is determined that the applicant's development proposal will require 50% of the additional supply that will be accommodated by it, the developer's share is computed as follows: $\$100,000 \times .5 = \underline{\$50,000}$.
3. Roadways. The applicant's proportionate share of street improvements, widening, alignment, channelization of intersections, construction of barriers, new or improved traffic signalization, signs, curbs, sidewalks, trees, and utility improvements not covered elsewhere, the construction or reconstruction of new or existing streets and other associated street or traffic improvements, the applicant's proportionate cost shall be as follows:
- a. The applicant shall be required to determine the existing and anticipated future peak hour flows based on a traffic impact study prepared as part of the application.
 - b. The applicant shall furnish a plan for the proposed off-tract improvement which shall include the estimated peak-hour traffic generated by the proposed development. The ratio of the peak-hour traffic generated by the proposed development to the future additional peak-hour traffic anticipated to impact the proposed off-tract improvement shall form the basis of the basis of the developer's proportionate share of cost, which share shall be computed by multiplying the total cost of the off-tract improvement by the percentage future peak-hour traffic generated by the applicant's proposed development. Thus, if a roadway improvement will cost \$100,000 and it is determined that the applicant's development proposal will generate 50% of the peak hour drives who will benefit from the improvement, the developer's share is computed as follows: $\$100,000 \times .5 = \underline{\$50,000}$.

- c. Where the property which is the subject of a development application falls within a designated transportation improvement district as reflected in the Circulation Element of the Township Master Plan, the standards to be applied shall be in accordance with Section 9.7.E, below (Township engineer decides).
4. Drainage Improvements. The applicant's proportionate share of stormwater and drainage improvements including the installation, relocation or replacement of storm drains, culverts, catch basins, manholes, riprap or improved drainage ditches and appurtenances thereto and relocation or replacement of other storm drainage facilities or appurtenances associated therewith, shall be determined as follows:
- a. The capacity and design of the drainage system to accommodate stormwater runoff shall be based on the standards specified in Chapter 8.
 - b. The capacity of the enlarged, extended or improved system required for the development and areas outside of the developer's tributary to the drainage system shall be determined by the developer's engineer subject to approval of the Township Engineer. The plans for the improved system shall be prepared by the developer's engineer and the estimated cost of the enlarged system calculated by the Township Engineer. The developer's proportionate share of cost shall be equivalent to the percentage of stormwater runoff that will enter the improved off-tract drainage facilities from the developer's tributary. Thus, if the total cost of the improvements beyond the developer's tributary is \$100,000 and it is determined that 50% of the stormwater drainage flow into the said improvements comes from the developer's tributary, the developer's share is computed as follows: $\$100,000 \times .5 = \underline{\$50,000}$.
- D. Payment to Township. Any required contributions for off-tract improvements must be paid to the Township according to the terms of a written agreement prior to issuance of any zoning or construction permit for the proposed development.
- E. Computation by Township Engineer. In any case where an applicant does not provide the Planning Board with sufficient or satisfactory estimates or other sufficient or satisfactory information necessary to apportion costs as required herein, the Planning may rely on the estimates of the Township Engineer and its other professionals for all such purposes.

SECTION 9.8 – ACCEPTANCE OF STREETS AND IMPROVEMENTS

- A. All easements for roadways, road widening, utilities, sight triangles, drainage and emergency access, and all declarations of covenant or restriction pertaining to maintenance of facilities, landscaping or other improvements, or for road access restrictions or any other purpose required as conditions of any Planning Board approval must be established, prior to signature of any site plan or subdivision deed or plat, by approved deed or other document of record as well as being indicated on any approved site plan or subsequently filed plat.
- B. Prior to the Planning Board Chair's or Secretary's signature of any site plan, subdivision plat or minor subdivision deed, and prior to the issuance of any zoning permit, building permit, or other permit or certificate, the applicant must:
 - 1. Prepare and submit all required deeds and other instruments as set forth above, with all legal descriptions and other schedules attached or otherwise included, for review and approval by the Township Solicitor and Engineer or, as the case may be, the Planning Board Solicitor and

Engineer (depending on which of these officials are assigned responsibility for such review in the conditions of the Board's approval).

2. After the deeds and instruments have been reviewed and approved as aforesaid, the applicant must have them executed, recorded and returned to the reviewing solicitor along with such additional proof as may be necessary, in such solicitor's opinion, to confirm that all such deeds and instruments have been properly executed and recorded, and that they are not subject or subordinate to any other interest which could extinguish them or otherwise render them ineffective.
- C. As part of the inspections performed pursuant to *N.J.S.A. 40:55D-53* to determine whether guaranteed improvements are complete or satisfactory, the Township Engineer must send written notice to all property owners at the project or development, or within 200 feet of it, with a request for any information they may have as to whether the improvements are complete or satisfactory.

SECTION 9.9 – MAINTENANCE OF STREETS PRIOR TO ACCEPTANCE

- A. Until such time as the streets and other improvements are accepted by the Township, the developer shall be obligated to perform all maintenance, including but not limited to all snowplowing of such streets.
- B. In the event the developer fails to maintain the streets or other improvements and thereby creates a hazard, drainage failure, or other problem that could result in harm to persons or property, the Township may perform such maintenance as is necessary to eliminate the hazard or problem. The costs incurred by the Township in so doing shall be billed to and paid by the developer, and if not so paid within 30 days after billing, shall be reimbursed to the Township from the developer's inspection or review escrows. Maintenance work performed by the Township as a result of the developer's failure to properly maintain shall not constitute an acceptance of the streets, drainage or other improvements.

SECTION 9.10 – ASSIGNMENTS; DEVELOPMENT AGREEMENTS

- A. If the applicant intends to assign the approval and sell the subject property before the posting of performance and maintenance guarantees, the applicant must enter into a written agreement with the Planning Board and the purchaser/assignee which confirms whether and to what extent the purchaser/assignee will assume all rights and obligations pursuant to the approval, including the posting and/or release of performance and maintenance guarantees, and which resolves all issues as to the disposition of the applicant's remaining escrow account balances or replenishment obligations.
- B. If the applicant intends to assign the approval and sell the subject property after the posting of performance and maintenance guarantees, the applicant must enter into a written agreement with the Township and the purchaser/assignee which confirms whether and to what extent the purchaser/assignee will assume all rights and obligations pursuant to the approval including the posting and/or release of performance and maintenance guarantees, and which resolves all issues as to the disposition of the applicant's remaining escrow account balances or replenishment obligations and performance and maintenance guarantees.
- C. When reviewing and deciding site plan, subdivision, and other applications, the Board may, in its discretion, require that matters relating to the Township's procedural or administrative oversight and

control of a project, or matters whose resolutions are contingent upon future events but which do not substantively alter the approved plans or any substantive conditions of approval, be resolved by later written agreement between the developer and the Township, and that any such written agreement be a precondition to signature of any plan, plat or deed. Likewise, the Township may require such an agreement prior to signature of any plan, plat or deed whenever such matters have not been adequately addressed in resolutions of approval. The subject matter of the agreements contemplated in this paragraph must be procedural and administrative in nature, and cannot substantively alter the approved plans or any substantive conditions of approval without further approval of the Planning Board.

SECTION 9.11 – “FIELD CHANGES” AND “MINOR AMENDMENTS”

- A. “Field change” means a proposed deviation from a technical or design requirement or specification of an earlier granted, unexpired development approval (not including any requirement or specification regulated by the Residential Site Improvement Standards) that is confirmed by the Township Engineer to be so minor that it would not result in any difference in function or appearance at or near the project site, or any change in the estimate(s) by which performance and maintenance guarantees are calculated.
- B. “Minor amendment” means a proposed deviation from a technical requirement or design specification of an earlier granted, unexpired development approval (not including any requirement or specification regulated by the Residential Site Improvement Standards) that is confirmed by the Planning Board to be so minor that it would result in only a slight difference in function or appearance at or near the project site, and would probably not be an issue of any concern for any interested party, nearby property owner, or the general public.
- C. Field Change Request. An applicant or developer seeking a field change must submit a written request by correspondence to the Township Engineer describing the requirement or specification in question and the proposed change, and including proof satisfactory to the Township Engineer that the proposed change qualifies as a “field change” as defined above. No application fee is required, provided that the Township Engineer’s charges to the Township for reviewing field change requests shall be reimbursed to the Township from the applicant’s review or inspection escrows pursuant to *N.J.S.A. 40:55D-53, et seq.* If the Township Engineer agrees that the proposed change qualifies as a field change, the Township Engineer shall approve the request in writing and provide copies of the approval to the Construction Code Office, the Planning Board Secretary, and the Planning Board Engineer. Denial of a field change request shall not preclude the applicant or developer from seeking approval of the change as a minor amendment.
- D. Minor Amendment Request. An applicant or developer seeking a minor amendment must submit a written request by correspondence to the Planning Board Secretary, with copies to the Planning Board Chair, Planning Board Engineer, and Planning Board Solicitor, describing the requirement or specification in question and the proposed change, and stating why the applicant/developer believes that the proposed change qualifies as a “minor amendment” as defined above. No application fee is required, provided that the Planning Board Engineer’s and Planning Board Solicitor’s charges to the Township for reviewing minor amendment requests shall be reimbursed to the Township from the applicant’s review or inspection escrows pursuant to *N.J.S.A. 40:55D-53, et seq.* The Planning Board Chair may either convene an *ad hoc* committee including no more than three other Planning Board members to discuss the matter with the Planning Board Engineer and/or Planning Board Solicitor and then recommend Board action on the request based on the committee’s decision, or simply open the matter to the full Board as a new business item during a regular meeting for full Board consideration.

In either event, minor amendment requests must be decided by majority vote of a no less than a quorum of Board members. If the Board determines that the requested change does not qualify as a minor amendment, that insufficient information has been presented to confirm whether it so qualifies, that the change is minor in nature but inappropriate in the context of the approval, or that the change may only be granted pursuant to the requirements of the Residential Site Improvement Standards, the Board must deny the request. Any approval of a minor amendment after performance and/or maintenance guarantees have been approved and posted with the Township shall be subject to the requirement that the Township Engineer must confirm, prior to the applicant or developer's implementation of the change, that either the change does not alter the cost estimate by which the performance and maintenance guarantee amounts were calculated, or that the cost estimate and the performance and maintenance guarantees have been properly revised to reflect the change, approved by the Township Solicitor, and posted with the Township. Approval or denial of a minor amendment request must be memorialized by resolution pursuant to *N.J.S.A. 40:55D-10*. Denial of a minor amendment request shall not preclude the developer from seeking approval of the change as a formal amendment to the application, provided that any proposed change that does not qualify as a minor amendment, or for which a formal application for amendment is filed, will be deemed to be a proposal to change "a significant condition or conditions" for purposes of triggering the application notice requirements specified in *N.J.S.A. 40:55D-12* and in Section 4.4 of this Ordinance.

SECTION 9.12 – GENERAL DEVELOPMENT PLANS

- A. Classification. Applicants for subdivision or site plan approvals which meet the requirements for general development plans pursuant to *N.J.S.A. 40:55D-45, et seq.*, may also apply for general development plan approval.
- B. Application Requirements. Applications for general development 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 JJ (General Development Plan), and shall include applicable fees and escrow deposits.
- C. Review. After the application has been certified or deemed complete pursuant to Section 4.1.B, the Planning Board shall review the general development 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 of *N.J.S.A. 40:55D-45.1* and other requirements necessary for general development plan approval have been met. The Board may require that the general development plan application be supplemented to include any information specified in *N.J.S.A. 40:55D-45, et seq.*, including but not limited to plans, reports, schedules or agreements set forth in *N.J.S.A. 40:55D-45.2*. 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 general development plan application shall be submitted and proceeded upon, as in the case of the original application. Any grant of general development plan approval shall be subject to subdivision, site plan, variance, or such other approvals as may be required for the proposed development by this Ordinance or other applicable laws or regulations.
- D. Time for Decision. The planning board shall grant or deny general development plan 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 general development plan.

- E. Denial. In the event the Board denies the general development 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. Modification of Timing; Variation; Amendment. General development plan applicants may apply for modification of timing schedules, variations, or amendments of general development plan approval pursuant to *N.J.S.A.* 40:55D-45.4, -45.5, and/or -45.6 prior to expiration of the general development plan approval. Applications for such modification, variation or amendment must include the completed Application Cover Sheet, Checklist Schedule A (General Requirements), Checklist B (Approvals Requested), applicable Checklist Schedules KK (Modification of Timing), LL (Variation of Physical Features) and/or MM (Amendment or Revision), and all required materials, information and fees. All applications for such modification, variation or amendment must be heard on public notice pursuant to *N.J.S.A.* 40:55D-11 and -12. Any proposed general development plan modification, variation, or amendment must be consistent with all other Planning Board approvals and applicable municipal requirements.

- G. Expiration. General development plan approval shall expire five (5) years following the date the initial resolution of general development plan approval is adopted unless the applicant applies for preliminary subdivision or site plan approval for the planned development within that time. Otherwise, general development plan approval shall expire at the end of the term determined by the Planning Board, provided that the term of the effect of the general development plan approval cannot exceed twenty (20) years from the date the applicant receives final approval for the first section of the planned development. General development plan approval shall not alter the expiration periods or other deadlines that are applicable to any subdivision, site plan, variance or other approvals that are obtained in order to effectuate the general development plan.