



*Home
Occupation
Permit*

Block	
Lot(s)	

**TOWNSHIP OF ROBBINSVILLE
GENERAL LAND USE APPLICATION**

1. Name of Applicant	
Address	
Telephone	
Email	

I have reviewed this application and accompanying documentation and consent to filing of the same with the Township of Robbinsville Planning Board/Zoning Board.

Applicant's Signature

Date

2. Name of Attorney	
Address	
Telephone	
Email	

3. Name of Architect	
Address	
Telephone	
Email	

4. Name of Engineer	
Address	
Telephone	
Email	

5. Application Type	Application Fee	Escrow Fee
<input type="checkbox"/> Electronic version of all submissions.		
<input type="checkbox"/> Appeal		
<input type="checkbox"/> Request for Zoning Interpretation		
<input type="checkbox"/> Hardship/Bulk Zoning Variances**		
<input type="checkbox"/> Use Variances**		
<input type="checkbox"/> Conditional Use Permit		
<input type="checkbox"/> Conceptual Review		
<input type="checkbox"/> Minor Subdivision (Total No. of Lots _____)		
<input type="checkbox"/> Preliminary Site Plan (_____ S.F. Improvements)		

<input type="checkbox"/>	Preliminary Major Subdivision (Total No. of Lots _____)			
<input type="checkbox"/>	Final Site Plan (_____ S.F. Improvements)			
<input type="checkbox"/>	Home Occupation Permit			
<input type="checkbox"/>	Final Major Subdivision (Total No. of Lots _____)			
<input type="checkbox"/>	Waiver of Site Plan Review			
<input type="checkbox"/>	Design Waiver**			
<input type="checkbox"/>	Resubmittal			
<input type="checkbox"/>	Total Amount Paid			

* Check all items applicable and submit appropriate forms for each application type.

** Provide detailed explanation of need for deficiency on waiver/variance request form.

4. Is the property served by public sewer system?	
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5. Is the property served by public water system?	
---	--

6. Present use of property	

7. Provide a brief description of the proposed project or development	

8. Name of Development	
Address of Property	
Tax Map	Page _____ Block _____ Lot(s) _____

9. Zoning District	
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10. Name of Property Owner	
Address	
Telephone	

I have reviewed the general instructions to applicants, the application and accompanying documentation and consent to filing of the same with the Township of Robbinsville Planning Board/Zoning Board.

Owner's Signature

Date

I do hereby accept the responsibilities as agent for this application.

Agent's Signature

Date

TOWNSHIP USE ONLY BELOW THIS LINE

Application No.: _____

Fees Paid.: _____

Date Received.: _____

Receipt No.: _____

Time Received.: _____

Referred To: _____
Planning Board/Zoning Board

Application No.	
Date/Time Submitted	
Received By	

TOWNSHIP OF ROBBINSVILLE
HOME OCCUPATION PERMIT CHECKLIST

Applicant's Name			
Interest in the Application			
Applicant's Address			
Telephone Number		Email	

Property Owner's Name			
Address			
Telephone Number		Email	

Applicant's Attorney			
Address			
Telephone Number		Email	
Block		Lot(s)	
Block		Lot(s)	
Street Address of Property			
Zone District			

Description of the Property			
Description of the Proposal			
Specific Relief Requested			
Person Preparing Checklist			
Signature			
Email		Date	

INSTRUCTIONS:

1. This checklist shall be completed by the applicant or its authorized representative and submitted with the application. This checklist shall be used in determining completeness or incompleteness of the application pursuant to Robbinsville Township's Land Use and Development Ordinance. The applicant is advised that failure to provide all data required on this checklist or failure to apply for the appropriated waivers will render the application incomplete.
2. Applicant to complete checklist column with an "X" in the appropriate column. Any waivers requested should be explained in detail on the Design Waiver/Variance Request Form.

3. The Technical Review Committee or the Administrative Officer will determine if any item designated as not applicable or where a waiver is requested shall be required to be provided and the application shall be considered incomplete if not provided.

I.	Administrative	N/A	Waiver	Submitted
1.	Completed Application Forms, signed (3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	Payment of Required Fees	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	Completed Home Occupation Permit Checklist (3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.	Consent to Entry (3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.	Corporate Disclosure (3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.	Receipt of taxes paid for current tax quarter (3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.	Affidavit of Ownership, signed and notarized (3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.	Survey of property, signed and sealed by a licensed surveyor, prepared within five years of the date of application. (If any external improvements have been made to the property since the last survey performed by a licensed surveyor, the applicant shall be required to provide an updated survey prepared by a licensed surveyor.) (3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.	Sketch of the floor plan of the house for each floor of the house shall be provided and drawn to scale. The plans shall label the use and size of each room throughout the house. The area to be dedicated to the home-based business shall be clearly marked on the plans.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10.	A narrative description of the business use to be conducted on the property attesting to the applicant's ability to the conditions as set forth in Township Land Use Ordinance §142-62.B. shall be provided and property notarized. The description shall also indicated the applicant's permission to permit inspection by the appropriate Township officials at the time of application and shall also include a right-of-entry to permit future inspections as may be required from time-to-time as a result of complaints or information submitted to Township officials indicating a deviation from the description provided pursuant hereto or from the provisions of §142-62.B	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11.	Electronic version of all submissions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Application reviewed by: _____ Date: _____

Recommendation: _____

Items not provided: _____

PLANNING/ZONING BOARDS

Affidavit of Ownership

STATE OF NEW JERSEY, COUNTY OF MERCER, SS.:

_____ of full age, being duly sworn according to law on oath
deposes and says that the deponent resides at _____ in
the Township of _____ in the County of _____ and State
of _____ that _____ is the owner in fee of all
that certain lot, piece or parcel of land situated, lying and being in the Township of Washington, New Jersey,
and known and designated as Block _____, Lot _____.

Sworn and subscribed before me this _____ day of _____ 20____.

(Notary)

(Owner to sign here)

AUTHORIZATION

(If anyone other than above owner is making this application, the following authorization must be executed.)

To the Planning/Zoning Board:

_____ is hereby authorized to make this application.

Date _____, 20____.

(Owner to sign here)

*Township of Robbinsville, NJ
Tuesday, February 26, 2019*

Chapter 142. Land Use

Article V. General Provisions and Design Standards

§ 142-33.1. Specific accessory structures and/or uses.

The accessory uses and structures specifically mentioned below are subject to the following additional requirements:

- A. Attached decks and terraces must meet the required yard setbacks for principal buildings. Attached patios may encroach into the required yard by no more than 10 feet.
- B. Commercial vehicles, tractors and mechanized equipment. Commercial vehicles, tractors, trailers, mechanized equipment and similar vehicles and equipment shall not be parked or stored in any zone, except as follows:
 - (1) One such commercial vehicle and associated equipment may be stored in an enclosed garage provided that such vehicle, machinery, trailer or equipment is directly related to the business or is used by the resident of the property.
 - (2) One commercial vehicle, tractor, piece of construction machinery or equipment less than 26 feet in length may be kept on site, provided that such vehicle, machinery, trailer or equipment is directly related to the business or use of the property.
 - (3) Equipment and machinery used in connection with the construction, alteration, removal or demolition of any buildings or structure or the excavation of any land shall be permitted to stand upon the premises where such work is being undertaken and while the same is continuing and ongoing.
- C. Home occupation.
 - (1) Accessory use regulations; home-based businesses. It is the intent of this subsection to regulate the operation of home-based businesses so that a neighbor, under normal circumstances, will be largely unaware of the adjacent home-based business, and that the same shall operate without interference with neighboring residential uses other than the presence of a permitted sign.
 - (a) As used in this Subsection C, the following term shall have the meaning indicated:

HOME-BASED BUSINESS

Any business which is customarily, in whole or in part, conducted within a residence, or an aspect of a business located at another site, which is consistent with the activities of a business which could otherwise be customarily conducted within or attendant to a residence and which

receives its mail at the residential address. It shall not include, however, the operation of a law, medical, chiropractic, or accounting office; or any business which would involve customers or clients coming to the home.

(b) Criteria for home-based businesses applicable to all zone districts.

- [1] The aggregate area devoted to a home-based business shall not exceed 10% of the gross floor area of the home, excluding the garage. Where required, a home-based business shall comply with all provisions of the Americans with Disabilities Act.
- [2] No more than one business may be conducted in any residence or on any residential property.
- [3] A maximum of one person other than related members of the immediate family occupying the residence shall be employed within the residence or on the property. For those home-based businesses where the individuals are not employed within the residence, but who perform employment-related activities which are based out of the residence, there shall be a maximum of one employee for every acre of property with a maximum of five employees on properties over five acres. There shall be sufficient off-street parking, as determined by the Technical Review Committee, available to accommodate the vehicles of all employees. However, at no time should the amount of off-street parking required alter the residential character of the neighborhood.
- [4] No newspaper, periodical, or telephone directory advertising or identifying the location of the business shall be permitted.
- [5] No noise shall be generated from the home-based business which might interfere with the quiet enjoyment of neighboring residential property owners. No noise exceeding the standards of the ordinances of the Township, specifically § 142-43F, shall be permitted.
- [6] No use shall involve construction features or the use of electrical or mechanical equipment that would change the fire rating of any structure on the property.
- [7] No firearms may be used in conjunction with any home-based business, nor shall any home-based business be permitted which involves the repair or reconditioning of firearms.
- [8] Any increase in vehicular traffic or on-street parking caused by a home-based business, which in the opinion of the Zoning Officer of the Township is inconsistent with the information supplied to the Township regarding the intended conduct of the business and/or creates a nuisance to the neighborhood in which the business is located, may be grounds for the revocation of the home-based-business permit and cause application to the Zoning Board of Adjustment for the continued operation of the same.
- [9] A business use which is not otherwise permitted as a principal use in any zone districts of the Township shall not be permitted as a home-based business.

- (c) Criteria for home-based businesses applicable to properties located in the RR Zone District.
- [1] Any uses which are agricultural or agriculturally related and are proposed for property which has been qualified for farmland exemption and otherwise meet the criteria established in Subsection **C(1)(c)[2]** hereof are permitted.
 - [2] Any uses which are not specifically prohibited as set forth in Subsections **C(1)(c)[4]** and **C(1)(b)[9]** hereof and which otherwise meet the criteria established in Subsection **C(1)(b)** hereof are permitted, provided any nonresidential use of the property is conducted in an area buffered by 100 feet from all property lines and within an area which does not exceed 30,000 contiguous square feet of building, outdoor storage and/or impervious or stone paving area improvements, which area is defined by a fence or other enclosures including an appropriate landscape screen.
 - [3] No advertising of the business may occur on the property other than the installation of an identification sign, not to exceed 144 square inches, which may be freestanding but set back out of any rights-of-way or sight triangles.
 - [4] Home-based business uses prohibited in the RR Zone District:
 - [a] No retail use except for the sale of agricultural products, at least 50% of which are grown on the subject property or lands actively farmed or cultivated by the operator of the home-based business; or for the sale of goods or items made on the property or offered for sale in conjunction with goods or items made on the property by the operator of the home-based business.
 - [b] No automotive or equipment sale, storage or salvage.
 - [c] No truck or trailer forwarding or storage.
 - [d] No business principally involving the reconstruction, manufacture, storage or assembly of equipment or parts conducted outdoors.
 - [e] No business involving the storage of pesticides, herbicides or chemicals for retail sale or use in relation to a business engaged in providing application of such material.
 - [f] No business involving any storage of toxic or hazardous materials except when same are stored in conjunction with any agricultural business either conducted on the property or by a resident of the property who operates an agricultural business on the property or elsewhere in the Township.
- (d) Criteria for home-based businesses applicable to all residential districts other than the RR Zone District.
- [1] Businesses which are prohibited from operating as a home-based business pursuant to Subsection **C(1)(b)[9]** or **C(1)(c)[4]** hereof or for which customers or clients are required to come to the residence to

conduct business are prohibited unless such home-based business receives approval from the Zoning Board of Adjustment.

- [2] There shall be sufficient off-street parking to accommodate the vehicles of all employees. The Zoning Officer or appropriate land use board shall determine whether the parking area should be made of stone or paved material depending on the particular circumstances of the business and location of the property.
- [3] No external display or storage of goods, material, or equipment or the conduct of any outdoor activity may be conducted on the premises. No advertising of the business shall be permitted on the property other than the installation of a nonilluminated identification sign, which shall not exceed 144 square inches, and which may be affixed to the house. No external illumination focused on such sign shall be permitted.
- [4] The home-based business shall generate no air pollution, including noxious odors, or water pollution, electrical, or communications interference. No equipment shall be used in the home-based business which creates noise, vibration, glare, fumes, odors or electrical or communications interference to or with neighboring properties.
- [5] No use shall require external alterations to the dwelling unit or the site upon which it is located other than for the provision of adequate parking.
- [6] Vehicles.
 - [a] No vehicles other than automobiles or other customary family use vehicles or those vehicles which are classified as Class C vehicles as established by FHWA (Section 383-91) shall be permitted to be parked on the property if the same is less than two acres in total area. Class C trucks, including but not limited to limousines and buses, as described in the "Commercial Drivers Manual," are prohibited. No home-based business vehicle or trailer may be used for permanent or temporary storage of any type. Only one home-based business vehicle as permitted herein may be parked at the subject property for every acre of land.
 - [b] Delivery trucks shall be limited to U.S. Postal Service, United Parcel Service, Federal Express, or other similar delivery services providing regular service to residential uses in the zone district.
- [7] Two-story buildings may be utilized in conjunction with an approved home-based-business use, provided they meet the general requirements of the zone district as to size and location restrictions, or have been the subject of variance approval from the appropriate land use board. Should the owner-operator of a home-based business seek permission to construct an accessory building on its property for use in connection with said business, the use shall be disclosed to the Zoning Officer, and where appropriate to the designated land use board, which shall be authorized to impose appropriate restrictions on the use or impact of said building on the neighboring properties.

[8]

Accessory buildings may be utilized in conjunction with an approved home-based-business use, provided they meet the general requirements of the zone district as to size and location restrictions, or have been the subject of variance approval from the appropriate land use board. Should the owner-operator of a home-based business seek permission to construct an accessory building on its property for use in connection with said business, the use shall be disclosed to the Zoning Officer and where appropriate to the designated land use board, which shall be authorized to impose appropriate restrictions on the use or impact of said building on the neighboring properties.

- [9] Any increase in vehicular traffic or on-street parking caused by a home-based business, which in the opinion of the Zoning Officer of the Township is inconsistent with the information supplied to the Township regarding the intended conduct of the business and/or creates a nuisance to the neighborhood in which the business is located, may be grounds for the revocation of the home-based-business permit and cause application to the Zoning Board of Adjustment for the continued operation of the same.
- [10] The business must be serviceable by residential garbage collection.
- (e) Prior to conducting a home-based business, a property owner shall apply for and receive a zoning permit from the Robbinsville Township Zoning Officer. As part of the application, the applicant shall submit the following information and material:
- [1] A copy of a survey of the property prepared within five years of the date of application which accurately depicts the location of the principal structure, accessory structures and off-street parking areas as they existed at that time. At the time of application, an affidavit certifying that the survey is accurate at the time of filing the application will be provided by the Township and signed by the applicant. If any external improvements have been made to the property since the last survey performed by a licensed surveyor, the applicant shall be required to provide an updated survey prepared by a licensed surveyor.
- [2] A sketch of the floor plan of the house for each floor of the house shall be provided and drawn to scale. The plans shall label the use and size of each room throughout the house. The area to be dedicated to the home-based business shall be clearly marked on the plans.
- [3] A narrative description of the business use to be conducted on the property attesting to the applicant's ability to adhere to the conditions as set forth below shall be provided and properly notarized. The description shall also indicate the applicant's permission to permit inspection by the appropriate Township officials at the time of application and shall also include a right of entry to permit future inspections as may be required from time to time as a result of complaints or information submitted to Township officials indicating a deviation from the description provided pursuant hereto or from the provisions of this subsection.
- [4] If the home-based business is operated by a residential tenant of the property, the property owner of record shall consent in writing to the application.

- (f) Certain home-based businesses in existence at the time of adoption of this subsection may be deemed a lawfully created home-based business and entitled to protection as such if they meet the following criteria:
- [1] The business has existed in its present location for a continuous period of at least two years dating back to January 1, 2000.
 - [2] The owner-operator has filed a completed application and a survey of the property prepared within five years of the date of the application which accurately indicates the location of the principal structure, accessory structures and off-street parking areas as they existed at that time and paid a fee of \$50 on or before December 31, 2002.
 - [3] If the property is located in the RR Zone District, it complies with the requirements of Subsection **C(1)(c)** hereof.
 - [4] If the property is located within any residential district other than the RR Zone District, the application is reviewed by the Township Technical Review Committee as established by § **142-76**, which determines that the continued operation of the business does not create any negative impact on the surrounding neighborhood inclusive of noise impacts. The Technical Review Committee shall conduct an administrative review of the application, at which time it may require testimony in support of the application or any additional documentary evidence, including production of affidavits of the owner/occupant, which it deems relevant to its review of the application. Should the Technical Review Committee deem the continued use of the property as a home-based business reasonable, it may impose conditions on the continued use which will be deemed binding on the owner/occupant.
- (g) Any owner/occupant of a property on which a home-based business is operated who is denied a permit to continue operation pursuant to Subsection **C(1)(f)** hereof, or is not approved subject to condition(s) imposed by the Technical Review Committee pursuant to Subsection **C(1)(f)[4]** hereof, shall be required to obtain approval from the Zoning Board of Adjustment of the Township to continue its operation.
- (h) Any property owner or tenant seeking to operate a home-based business on any property located in the Township who has not filed a completed application on or before December 31, 2002, shall apply for and receive an approval prior to the commencement of operation of the business by submitting a completed application and payment of a fee of \$50 to the Zoning Officer of the Township.
- (i) Upon the sale or conveyance of any property upon which a home-based business is conducted or the sale or transfer of ownership of any business which has been established as a home-based business, the new property or business owner shall be responsible for receiving approval for the continued use of the property and/or business as a home-based business.
- (j) Any property owner who fails to abide by the provisions of this subsection shall be subject to fines and penalties as established in § **142-94**.

D. Detailed accessory use regulations; private stables.

- (1) The minimum lot area shall be 200,000 square feet for two or more horses (includes horses, ponies, mules, donkeys, and other animals used for riding). The minimum lot area shall be 100,000 square feet when only one horse is kept.
 - (a) When horses are fed by grazing on pasture (at least one season of the year), there shall be 100,000 square feet of pasture per horse if a single pasture is provided or 80,000 square feet of pasture per horse if two pasture areas are rotated.
 - (b) When horses are not pastured but are fed indoors or in a dry lot, no minimum pasture area per horse shall be required.
 - (c) If horses are kept inside a building, one stall shall be provided for each horse, a tie down stall shall be a minimum of 10 feet by 10 feet.
- (2) The following minimum setbacks shall be provided:
 - (a) Stables, corrals, and piles of manure, feed, and bedding shall be located 75 feet from any street or nonresidential lot line and 100 feet from any residential lot line, in order to minimize odor and nuisance problems. Pasture may extend to the lot line; however, when all of the runoff from a corral or exercise area is controlled and directed over a two-hundred-foot-long grass swale before reaching the property line, the corral or unvegetated exercise area may be located a minimum of 40 feet from any street or lot line. Nothing in this subsection shall exempt a use from compliance with this chapter.
 - (b) Manure piles shall be stored, removed, or applied in accordance with Robbinsville's Health Department regulations; however, manure shall not be applied on land that is closer than 100 feet to a residential lot line.
- (3) A one-hundred-foot-wide area of vegetation cover, exclusive of pasture area, shall be maintained between any corral, unvegetated exercise area, manure pile, or application area and any surface water or well, in order to minimize runoff, prevent erosion and promote quick nitrogen absorption. Nothing in this subsection shall exempt a use from compliance with this chapter.
- (4) In areas with a slope of 5% or less, corrals, unvegetated exercise areas, and manure piles shall be 150 feet from any surface water, unless the water is upgraded or there is adequate diking to comply with the Township of Robbinsville's Health Department standards.
- (5) Corrals, unvegetated exercise areas, manure piles, and manure application are prohibited in areas with slopes greater than 5%, in ten-year floodplains, in waterways, and on soils classified as very poorly drained by the Soil Conservation Service Soil Survey for Mercer County, New Jersey, January 1972. These soils include Othello, Plummer, Alluvial, Bowmansville and Plummer.
- (6) Manure shall not be allowed closer than 75 feet to a well or to any surface water, unless the water is upgraded or there is adequate diking to comply with Robbinsville's Health Department standards.
- (7) Special events, such as shows, exhibitions, and contests, shall only be permitted when a zoning permit has been granted.

- E. Detailed accessory use regulations; private swimming pools and tennis courts.
- (1) Pools and courts, including but not limited to aprons, walls, and equipment rooms, shall not protrude into any required yard.
 - (2) They shall be fenced or otherwise protected against intrusion.
 - (3) They shall not be operated as a business or a private club.
- F. Mobile dwelling, trailer and recreational equipment.
- (1) Mobile dwelling, trailer and recreational vehicles (excepting conventional passenger automobiles) whether self-propelled, towed, truck-mounted or licensed as a passenger vehicle, which include but are not limited to all sizes and descriptions of trailers, campers, boats, and buses, shall not be parked outdoors in any zone except that a resident may park such vehicle on said resident's driveway for a period not to exceed 24 hours for the purpose of loading or unloading such vehicle. Upon registration with the Police Department, permission for temporary parking of the above vehicles may be granted for a period not to exceed seven days to non-Township residents, provided such vehicles are not occupied while parked on the subject premises.
 - (2) The approving authority may, upon application by the owner and notice to all property owners within 200 feet, waive the prohibition set forth in the preceding paragraph and allow parking of said vehicles in the side yard, rear yard or buildable area provided said vehicle is effectively screened from view of adjoining properties and public right-of-way by a privacy-type fence and/or evergreen shrubbery planted on five-foot centers having a minimum height of four feet or 2/3 the height of said vehicle, whichever is greater, or equivalent screening approved by the approving authority provided said vehicles are not occupied while parked on the subject premises.
- G. Swimming pools: see § 142-51.
- H. Satellite dish antennas as defined in § 142-7 shall be a permitted accessory use when located in the rear yard, side yard or on the roof of a principal building.
- (1) General requirements. Satellite dish antennas proposed to be constructed and operated within Robbinsville Township shall comply with all the following general requirements:
[Amended 2-23-2012 by Ord. No. 2012-1]
 - (a) There shall be no limitation on the number of satellite dishes per principal structure for satellite dishes measuring one meter or less, and each satellite dish, regardless of size, shall be used solely for the use of such structure. No satellite dish shall be placed on a lot without a principal structure.
 - (b) There shall be a maximum of one satellite dish per principal structure for any satellite dish that exceeds one meter in size, and each satellite dish, regardless of size, shall be solely for the use of such structure. No satellite dish shall be placed on a lot without a principal structure.
 - (c) Ground-mounted satellite dish antennas shall be not more than 12 feet in diameter and no higher than 13 feet from the base, including the stand, to the highest point of its outer circumference, with any extensions.

- (d) Roof-mounted satellite dish antennas shall not exceed 12 feet in diameter.
 - (e) The satellite dish shall contain no lettering, advertising or identification markings, other than name of manufacturer or vendor responsible for its installation.
 - (f) No satellite dish antenna shall be constructed or installed without a construction permit.
 - (g) Satellite dish antennas shall not be permitted within front yards.
- (2) Design and location. Minimum standards for the design and location of the satellite dish shall be as follows:
- (a) Rear yard.
 - [1] Satellite dishes located in the rear yard shall observe the minimum setbacks required for accessory structures within the zone district. The setback shall be measured to the closest point of the satellite dish structure.
 - [2] All wiring to and from the dish shall be placed underground.
[Amended 2-23-2012 by Ord. No. 2012-1]
 - (b) Side yard.
 - [1] The satellite dish must be at least five feet away from the principal structure, 10 feet away from any side property line and 50 feet from the front street line. The setback shall be measured to the closest point of the satellite dish structure.
 - [2] All wiring to and from the dish shall be placed underground:
[Amended 2-23-2012 by Ord. No. 2012-1]
 - (c) Rooftop.
 - [1] Where practical, the satellite dish shall be placed on the rear portion of the roof.
 - [2] The maximum height of the satellite dish antenna shall not extend higher than the highest point of the roof to which it is attached on structures, except where roofs are flat. The administrative officer shall review applications for flat-roof installations to ensure that the location of the satellite dish is such that visibility from residential properties is minimized.
 - (d) Pole-mounted satellite dish antennas.
 - [1] Pole-mounted dish antennas are permitted to be higher than 13 feet when attached to the rear facade of the principal structure.
 - [2] The maximum height of the satellite dish antenna shall not extend higher than the highest point of the roof of the principal structure, except where roofs are flat. The administrative officer shall review applications for flat-roof installations to ensure that the location of the satellite dish is such that visibility from residential properties is minimized.

- (3) Waivers. Where satellite dish antenna installation in conformance with the terms of this section precludes reception of signals from the servicing satellite, the administrative officer shall grant a waiver of the requirements of this section which shall be no more than necessary to enable reception of signals from the servicing satellite.
- (a) Application for waiver shall be by written request to the administrative officer, specifying the location on the premises in question where the applicant will install the satellite dish antenna.
 - (b) The waiver application shall include a certification by an authorized installer containing the statement that the requirements of this section have been analyzed, and that the satellite dish antenna cannot receive signals from the servicing satellite if installed in conformance with this section.
 - (c) The administrative officer may undertake the appropriate investigation in connection with any waiver application.

Township of Robbinsville, NJ
Monday, February 25, 2019

Chapter 142. Land Use

Article IX. Fees, Guarantees, Inspections and Off-Tract Improvements

§ 142-84. Fees.

- A. Every application for development shall be accompanied by a check payable to the Township of Robbinsville in accordance with the following schedule:
[Amended 12-5-2018 by Ord. No. 2018-36]

Type	Application Charge	Escrow Plus Account
Subdivisions		
Minor	\$500 plus \$75 per lot	\$575 per lot
Preliminary plat	\$500 plus \$100 per lot	\$200 per lot (minimum \$1,500)
Final plat	\$500 plus \$100 per lot	\$100 per lot (minimum \$900)
Cluster review	\$300 plus preliminary subdivision fee	\$30 per lot (minimum \$1,000)
Resubmittal of preliminary or final subdivision plat	\$400	\$60 per lot (minimum \$1,000)
Amendment to preliminary or final subdivision plat	\$400	\$60 per lot (minimum \$1,000)
Informal concept (with professional review)	\$500	\$1,000
Site Plans		
Administrative site plan review	\$250	\$750
Informal concept (with professional review)	\$500	\$1,000
Preliminary plan	\$300 per acre or \$20 per each 1,000 square feet of gross floor area proposed, whichever is greater (minimum \$800)	\$200 per acre or \$200 per each 1,000 square feet of gross floor area proposed, whichever is greater (minimum \$2,500)
Final plan	\$150 per acre or \$20 per each 1,000 square feet of gross floor area proposed,	\$100 per acre or \$100 per each 1,000 square feet of gross floor area proposed,

Type	Application Charge	Escrow Plus Account
	whichever is greater (minimum \$800)	whichever is greater (minimum \$1,500)
Resubmittal of preliminary or final plat	\$400 per acre or \$20 per each 1,000 square feet of gross floor area proposed, whichever is greater (minimum \$800)	\$100 per acre or \$100 per each 1,000 square feet of gross floor area proposed, whichever is greater (minimum \$1,500)
Amendment of preliminary or final site plan	\$60 per acre or \$10 per each 1,000 square feet of gross floor area proposed, whichever is greater (minimum \$700)	\$90 per acre or \$90 per each 1,000 square feet of gross floor area proposed, whichever is greater (minimum \$1,500)
Signage	\$50	\$200
Home occupation	\$50	
Design waiver	\$200	\$500
Waiver of site plan review	\$400	\$750
Minor site plan review	\$500	\$1,000
Subdivision or site plan extension	Same as original fee paid	\$2,500

**Planned Development or GDP
(Planned Village and Planned Commercial Developments)**

Informal concept plan (with professional review)	\$500	\$1,000
Preliminary plat/plan residential	\$250 for first 10 units and \$12.50 per unit for each unit thereafter, up to 100 units, and \$5 per each unit thereafter (minimum \$800)	\$250 for first 10 units and \$35 per unit for each unit thereafter, up to 100 units, and \$20 per unit for each unit thereafter (minimum \$6,000)
Nonresidential	\$150 per acre for lots to be occupied by a building or \$25 per 1,000 square feet of gross floor area of all proposed buildings, whichever is greater, plus \$5 per acre of common property, land to be offered to the Township, flood hazard areas or open spaces (minimum \$1,000)	\$150 per acre for lots to be occupied by a building or \$50 per 1,000 square feet of gross floor area of all proposed buildings, whichever is greater, plus \$5 per acre of common property, lands to be offered to the Township, flood hazard areas or open spaces (minimum \$6,000)
Final plat/plan	1/2 preliminary plat/plan fee	1/2 escrow for preliminary plat/plan
Amended	\$500	\$1,000
Variances		
Appeals	\$200	\$1,500
Interpretation	\$200	\$1,500
Bulk/hardship commercial	\$400	\$600

Type	Application Charge	Escrow Plus Account
Bulk/hardship residential	\$50	\$1,500
Use	\$600	\$2,000
Conditional use permit	\$300	\$600
Other		
Publication fee	\$25	

B. The application charge is a flat fee to cover direct administrative expenses and is nonrefundable.

(1) The escrow account is established to cover the costs of professional services, including engineering, legal, planning, professional personnel on salary and consultants retained to evaluate material submitted with the application, and other expenses connected with the review of the submitted materials. Sums not utilized in the review process shall be returned to the applicant. If additional sums are deemed necessary, the applicant shall be notified of the required additional amount and shall add such sum to the escrow.

(2) The Township Treasurer shall monthly advise the Planning/Zoning Secretary of the balance of all escrow accounts and whether additional funds are required. In the event additional funds are required, it shall be the obligation of the Planning/Zoning Secretary to notify the applicant of the additional escrow amount required, and in the event there is a refusal or failure to make the payments required, the Planning/Zoning Secretary shall notify the approving Board and the Township Construction Office.

[Amended 10-17-2017 by Ord. No. 2017-27]

(3) The escrow associated with each application shall be replenished whenever the original escrow is reduced by charges against the account to 50% or less of the original amount. The Planning/Zoning Secretary shall notify the applicant of the requirement to replenish the escrow, and the applicant shall be requested to deposit an amount to bring the balance up to 100% of the original escrow amount. No building permits or certificates of occupancy shall be issued until the additional escrow has been paid. Any fees paid for informal concept without professional review shall be a credit toward fees for a subsequent application for development by the same applicant and for the same development.

[Amended 10-17-2017 by Ord. No. 2017-27; 12-5-2018 by Ord. No. 2018-36]

(4) The amount of additional escrow monies shall be determined by the Technical Review Committee.

C. Where one application for development includes several approval requests, the sum of the individual required fees shall be paid. The applicant shall provide a detailed breakdown of each calculation used in determining the fee pursuant to a form prescribed by the Planning/Zoning Secretary.

[Amended 10-17-2017 by Ord. No. 2017-27]

D. Each applicant for subdivision or site plan approval shall agree, in writing, to pay all reasonable costs for professional review of the application, including costs incurred with any informal review of a concept plan which may have preceded the submission of a preliminary application. Additionally, each applicant shall agree, in writing, to pay all reasonable costs for the municipal inspection of the constructed improvements. All such

costs for review and inspection must be paid before any construction permit is issued, and all remaining costs must be paid in full before any occupancy of the premises is permitted or certificate of occupancy is issued.

- E. If an applicant desires a court reporter, the cost of taking testimony and transcribing it and providing a copy of the transcript to the Township shall be at the expense of the applicant, who shall arrange for the reporter's attendance. This shall be mandatory for all use variance applications pursuant to § **142-70C(2)**.
- F. Notwithstanding the schedule of fees and charges contained in this section, any person (s) proposing any development within the Township of Robbinsville may request that the Planning Board provide it with an express informal concept review without the necessity for prior review by the Township's professionals. This review is optional and the developer may choose an informal concept review with such professional review or without such review. Any developer requesting an express informal concept review pursuant to this subsection shall comply with the following:
- (1) The submission of a fee of \$500 which shall be deemed to be a credit toward fees for review of any application subsequently filed by the applicant for development which is essentially the same to that which was the subject of the express informal concept review in accordance with N.J.S.A. 40:55D-10.1.
 - (2) The maximum time to be allotted for an express review shall not exceed 20 minutes and shall be scheduled at the discretion of the Technical Review Committee, unless the time is extended by the Board pursuant to good cause shown.
 - (3) If an additional appearance(s) is required, an additional charge of \$500 for each appearance shall be paid by the developer prior to each appearance. Said fees shall be deemed to be a credit toward fees for review of any application subsequently filed by the applicant for development which is essentially the same to that which was the subject of the express informal concept review in accordance with N.J.S.A. 40:55D-10.1. Thereafter, the Board may establish a time frame within which the applicant shall file a formal development application(s) pursuant to applicable Township ordinances.
- G. In the event that an applicant requests informal concept review and 1) a revised Master Plan has been adopted but no implementing Zoning Ordinance has been adopted; or 2) the applicant proposes development which is consistent with the Master Plan but does not comport with the Zoning Ordinance in use, floor area ratio or density or the applicant submits for review a draft of a proposed ordinance or of amendments to the Zoning Ordinance, the applicant shall deposit the sum of \$2,500 in escrow at the time of request for informal concept review, as funds to cover the costs of professional services, including engineering, legal and planning review. In the event said escrow is depleted in the course of the review, the applicant shall immediately deposit additional funds in the escrow account, in an amount specified by the Planning/Zoning Secretary, to cover any deficiency in said amount and to cover any additional anticipated costs of professional services, including engineering, legal and planning review.
[Amended 10-17-2017 by Ord. No. 2017-27]
- H. In the event a property owner or other interested party requests review of any ordinance or the Master Plan of the Township as it relates to a particular property, the property owner or other interested party shall deposit the sum of \$1,000 in escrow at the time the request for ordinance or Master Plan review is made, to cover the costs of professional services, including engineering, legal and planning review prior to the matter being

referred to the appropriate professional(s) for review. In the event said escrow is depleted in the course of the review, the applicant shall immediately deposit additional funds in the escrow account, in an amount specified by the Planning/Zoning Secretary, to cover any deficiency in said amount and to cover any additional anticipated costs of professional services, including engineering, legal and planning review.
[Amended 10-17-2017 by Ord. No. 2017-27]

I. Tax Map/GIS database update fee.

(1) Purpose.

- (a) It is the purpose of this subsection to impose upon developers/applicants the costs incurred by Robbinsville Township in updating its municipal Tax Map/GIS database as a result of the approval of various subdivisions or the creation of any new lots within Robbinsville Township. Said costs are directly related to the development process, and therefore Robbinsville Township hereby determines that they should be borne by the developer/applicant.
- (b) Tax Map/GIS database update fees: each applicant and/or developer, for any approval that results in the creation of any new lot(s), revision of any existing lot(s) and/or other alterations to the Tax Map/GIS database, shall be responsible for paying all reasonable charges incurred by Robbinsville Township in updating said Tax Map/GIS database. These costs shall include, but not be limited to, update to the GIS database, revisions to existing Tax Map plates, creation/addition of new tax map plates, appropriate revisions to the Key Map(s), reprographic services for applicable Township, county and state submission copies, as well as any reasonable shipping and handling fees involved.

(2) Costs.

- (a) Once final subdivision and/or new lot approval has been received, an escrow account shall be established by the applicant and maintained by Robbinsville Township for the express purpose of maintaining the Tax Map/GIS database. No construction permit shall be issued until said escrows as outlined below are posted with the Township:

[1] Minor subdivisions: \$75 per lot.

[2] Major subdivisions are further broken down as follows:

[a] One to 25 lots: \$55 per lot.

[b] Twenty-six to 75 lots: \$50 per lot.

[c] Seventy-six to 125 lots: \$45 per lot.

[d] One hundred twenty-six to 175 lots: \$40 per lot.

[e] One hundred seventy-six or more lots: \$35 per lot.

[f] Commercial site plan: \$800.

[g] Condominium site plan: \$1,000 plus \$20 per unit for residential condominium projects.

[h] Each lot/Tax Map revision due to deed discrepancies, lot line adjustments, easement detailing, ownership labeling, acreage calculation and labeling, street name changes and other minor revisions: \$55 per lot or per change.

[3] If the initial escrow account is insufficient to cover the cost for revisions to the Tax Map/GIS database, then the developer/applicant shall be required to replenish the escrow account in such amounts as are required to satisfy the total cost of the revisions. In the event that the developer/applicant fails to do so, the Township shall have the option of revoking the construction permit and/or failing to issue a final certificate of occupancy or approval until such time as the applicant complies. If any portion of the escrow account remains unused following the appropriate revisions to the Tax Map/GIS database, it shall be refunded to the developer/applicant.

(b) In the event that any application for development is denied and the application is no longer pending before the respective Township board, then any portion of the aforementioned fee which has not been expended by the engineer responsible for maintaining the Tax Map/GIS database shall be refunded to the applicant.

(c) In addition to the maintenance fees noted, each approved applicant must supply a map of the new subdivision or new lot in a scale suitable for inclusion on the Robbinsville Township Tax Map/GIS database. Said map must be submitted in both electronic and hard copy formats and must be compliant with current New Jersey Map Filing Law guidelines (N.J.S.A. 46-23.1).^[1]

[1] *Editor's Note: See N.J.S.A. 46:23-9.9 et seq.*

*Township of Robbinsville, NJ
Tuesday, February 26, 2019*

Chapter 142. Land Use

Article IX. Fees, Guarantees, Inspections and Off-Tract Improvements

§ 142-85. Guarantees and inspections.

A. Performance guaranty estimate.

- (1) No final application for development shall be approved by the Board until the satisfactory completion and performance of all such required improvements have been certified to the Board by the Township Engineer, unless the owner shall have:
 - (a) Satisfactorily completed all required utility installations and their appurtenances, including water mains, culverts, storm sewers, sanitary sewers or dry sewers and drainage facilities;
 - (b) Satisfactorily completed all required grading and the construction of the base course surfacing of all streets;
 - (c) Satisfactorily completed the construction of all required curbs; or
 - (d) Filed with the municipality a performance guaranty sufficient in amount to cover the cost of all remaining specified improvements, as estimated by the Township Engineer, and assuring the installation of said improvements on or before an agreed date and as hereinafter provided.
- (2) In any case, the remaining specified improvements shall be at least 50% completed within one year from the date of final approval, at least 75% completed within 18 months from the date of final approval and entirely completed and accepted by the Township within two years from the date of final approval.
- (3) A performance guaranty estimate shall be prepared by the Township Engineer setting forth all requirements for improvements as fixed by the Board and their estimated cost. The governing body shall pass a resolution either approving or adjusting this performance guaranty.
- (4) In the case of planned village development in which the development is to be completed in sections, no building permits may be issued for the construction of units in any section subsequent to the first until the construction authorized in the previous section has been substantially completed. "Substantially completed" shall mean that, as a minimum, all exterior finish, paving, fine grading, seeding and landscaping shall have been completed.

B. Approval by Board Attorney.

- (1) The subdivider shall present two copies of the performance guaranty in an amount equal to 120% of the approved performance guaranty estimate for approval as to form and execution by the Attorney for the Board.
- (2) The Attorney for the Board shall notify the Secretary of the Board prior to the meeting that the performance guaranty is properly executed and can be added to the agenda.

C. Bonding and cash requirements.

- (1) The performance guarantee shall be made payable and deposited to Robbinsville Township and shall be in the form of cash or a certified check, irrevocable standby letter of credit, or a performance bond in which the owner shall be principal, the bond to be provided by any acceptable surety company licensed to do business in the State of New Jersey. The Township shall issue its receipt for such deposits and shall cause the same to be deposited in a bank named by the Township in the name of the Township to be retained as security for completion of all requirements and to be returned to the owner on completion of all required work, or, in the event of default on the part of the owner, to be used by the Township to pay the cost and expense of obtaining completion of all requirements. Every bond, whether cash or surety, shall contain a clause to the effect that a determination by the Township Engineer that the principal has defaulted in the performance of his obligation shall be binding and conclusive upon the surety and the principal. If the applicant elects to post an irrevocable letter of credit, the same must be submitted to the Township Attorney for approval prior to acceptance by the governing body. Same must be in a form same or similar to that set forth herein.
- (2) Ten percent of the amount of the approved performance guaranty estimated shall be deposited by the owner in cash with the Township. The remaining 90% may be in cash, surety bonds, certified check or irrevocable standby letter of credit in the favor of the Township. In the event of default, the 10% fund herein mentioned shall be first applied to the completion of the requirements, and the cash, surety bond, certified check or irrevocable standby letter of credit shall thereafter be resorted to, if necessary, for the completion of the requirements. The cash or surety bond may recite the foregoing provisions.

IRREVOCABLE STANDBY LETTER OF CREDIT

LETTER OF CREDIT NUMBER:

DATE:

BENEFICIARY: Township of Robbinsville, Mercer County, N.J. (from now on referred to as Township)

AMOUNT: \$

INITIAL EXPIRATION DATE:

DEVELOPER:

(from now on referred as "Developer")

ISSUING FINANCIAL INSTITUTION AND ADDRESS:

(from now on referred as "Bank")

The Bank submits to the Township this Irrevocable Standby Letter of Credit (from now on referred to as "Letter of Credit") in the amount of \$, representing the cash performance guaranty required under the provisions of the Land Use Ordinances of the Township of Robbinsville, to guarantee installation and completion of the improvements required by the Township Planning Board of Zoning Board of Adjustment (from now on referred to in either case as the "Board") in connection with the following development:

The improvements required to be completed are set forth in the Township Engineer's estimates dated, attached to this Letter of Credit and incorporated herein.

The Bank hereby agrees with respect to this Letter of Credit as follows:

1. If:
 - a) The improvements required by the Board have not been installed in accordance with the development approval and the attached Engineer's estimates, and
 - b) The improvements have not been accepted by the Township by a duly adopted Resolution releasing this Letter of Credit, or
 - c) The Developer has failed to perform as required by the Developer's Agreement entered into between the developer and the Township which Agreement shall be deemed incorporated herein and a part of this Letter of Credit:

Then, the Bank shall release funds under this Letter of Credit to the Township, pursuant to Paragraph 3 hereafter, for:

- a) All costs of having the improvements installed, and upon receipt of the proceeds under this Letter of Credit, the Township shall install or have such improvements installed as may be required, and/or
- b) All costs and/or damages resulting from the Developer not having complied with the Developer's Agreement, and/or
- c) All Township costs, (including reasonable attorney's fees and expert witness' fees) of any litigation brought as a result of the Developer's failure to have the improvements installed and approved as a result of Developer having failed to perform pursuant to the Developer's Agreement.

It is expressly understood that the liability of the Bank is limited to the draw requirements as explained in the Letter of Credit hereafter.

2. This Letter of Credit shall be valid for a period of length of time commencing on the date set forth above, and expiring on the initial expiration date set forth above, except as that initial expiration date may be extended as explained hereafter. If the required improvements have not been completed, approved and accepted at least 60 days before the initial expiration date set forth above, then the Township shall have the right to draw any amount which is then due up to the full amount of this Letter of Credit. This Letter of Credit shall be automatically extended, without amendment, for periods of 1 year each from the initial, of any future expiration date, unless 60 days prior to the expiration date, the Bank notifies the Municipal Clerk and the Township Attorney by certified mail, return receipt requested, that the Bank elects not to extend. Upon receipt of such notice, the Township may draw under this Letter of Credit by stating in writing that the Letter has not been renewed or extended and by the Township complying with the provisions of Paragraph 3 hereafter. The Developer, until a replacement Irrevocable Standby Letter of Credit in this form has been deposited with the Township, will cease and desist any and all work

on the development, unless the required improvements under the approval, this Letter of Credit and the Developer's Agreement have been completed and approved by the Township Engineer and governing body. In the event any occupancy is taking place in any improvements in the development, such occupancy shall then be deemed illegal, shall cease and desist. The provisions of this paragraph apply only to the Developer.

3. In all circumstances, the release of money to the Township under this Letter of Credit (sometimes referred to as a "draw" or "draw down") shall be accomplished by a written demand setting forth the Developer's failure to perform and signed by 1 of the following:
 - a) Municipal Clerk
 - b) Mayor
 - c) Official authorized by written Resolution, duly adopted by the governing body, to act in the place of the Municipal Clerk or Mayor.

In addition to the written demand, the Township shall present:

- a) This original Letter of Credit if demand is made for the full amount, or a copy of this Letter of Credit if the demand is for less than the full amount, and
- b) A certified true copy of the appointing Resolution if the demand is executed by a Township official other than the Municipal Clerk or Mayor.

The written demand and any required accompanying documents shall be served on the Bank by either of the following 2 methods:

- a) Certified Mail, Return Receipt Requested, to the Bank at the address indicated on this Letter of Credit by depositing the documents in the United States mail, postage prepaid, no later than 3 days before the expiration date, either initial or as extended, of this Letter of Credit; or
- b) Personal presentation of the documents by any Township representative at the Bank at the address indicated on this Letter of Credit on or before the expiration date, either initial or as extended.

4. The Bank and Developer hereby irrevocably bind themselves, their heirs, successors, assigns and representatives to the full and faithful performance of the obligations contained in this Letter of Credit until all conditions for release as provided in this Letter of Credit are complied with. It is expressly understood that the obligation of the Bank shall terminate upon full release of this Letter of Credit by the Township.

5. The use, i.e., draw down, of all or part of this Letter of Credit shall in no way be deemed to constitute a waiver of any other right the Township may have under law or other documents delivered to the Township by the undersigned Developer. It is expressly understood that the provisions of this paragraph shall not apply to the Bank.

ATTEST: (Affix Seal)
 TYPE OR PRINT SECRETARY
 SIGNATURE SECRETARY
 DATED:
 ATTEST: (Affix Seal)
 TYPE OR PRINT SECRETARY
 SIGNATURE SECRETARY

DEVELOPER:
 TYPE OR PRINT PRESIDENT NAME
 SIGNATURE PRESIDENT
 DATED:
 FINANCIAL INSTITUTION:
 TYPE OF PRINT PRESIDENT NAME
 SIGNATURE PRESIDENT

DATED: DATED:

STATE OF NEW JERSEY:

COUNTY OF: SS

I certify that on this day of , , personally came before me and this person acknowledged under oath, to my satisfaction, that:

- (a) This person is the secretary of the financial institution in the attached documents;
- (b) This person is the attesting witness to the signing of this document by the proper corporate officer who is the President of the financial institution;
- (c) This document was signed and delivered by the corporation as its voluntary act duly authorized by a proper Resolution of its Board of Directors;
- (d) This person knows the proper seal of the corporation which was affixed to the document; and
- (e) This person signed this proof to attest to the truth of these facts.

Secretary

Sworn and Subscribed to before me this day of ,

NOTARY PUBLIC OF NEW JERSEY

My Commission Expires on

(Impress Seal)

IF CORPORATE DEVELOPER

STATE OF NEW JERSEY, COUNTY OF: SS

I certify that on , , personally came before me and this person acknowledged under oath, to my satisfaction, that:

- (a) This person is the secretary of the Developer named in the attached document;
- (b) This person is the attesting witness to the signing of this document by the proper corporate officer who is the President of the Developer;
- (c) This document was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of Directors;
- (d) This person knows the proper seal of the corporation which was affixed to this document; and
- (e) This person signed this proof to attest to the truth of these facts.

, Secretary

Sworn and Subscribed to before me this day of ; .

NOTARY PUBLIC OF NEW JERSEY

My Commission Expires on

(Impress Seal)

IF INDIVIDUAL DEVELOPER

STATE OF NEW JERSEY: SS

COUNTY OF:

I certify that on the day of , , personally came before me and this person acknowledged under oath, to my satisfaction, that:

- (a) This person is named in and personally signed this document; and
- (b) This person signed, sealed and delivered this document as his act and deed.

Sworn and Subscribed to before me this day of , .

NOTARY PUBLIC OF NEW JERSEY

My Commission Expires on

(Impress Seal)

D. Inspections and tests.

- (1) All improvements and utility installations shall be inspected during the time of their installations under the supervision of the Township Engineer to ensure satisfactory completion. The cost of the inspection shall be the responsibility of the owner, who, prior to the installation of any improvements or the issuance of a building permit, whichever is first, shall deposit with the Township Treasurer, for placement in a special trust fund account, a sum equal to 5% of the amount of the performance guaranty estimate of the cost of public improvements to be applied to payment of inspection costs. If inspection costs exceed such fund, the owner shall deposit with the Township Treasurer additional sums upon notice from the Township Engineer. The inspection fee shall in no case be less than \$100. The Township Treasurer shall return any balance of the inspection deposit to the owner upon expiration of the maintenance bond, together with the paid invoices for all expenses charged.
- (2) In no case shall any improvements be installed without permission from the Township Engineer's office. At least two days' notice shall be given to the Township Engineer's office prior to any such construction so that he or a qualified representative may be present at the time the work is to be done.
- (3) The Township Engineer's office shall be notified after each of the following phases of the work has been completed so that he or a qualified representative may inspect the work:
 - (a) Road subgrade.
 - (b) Curb and gutter forms.
 - (c) Curbs and gutters.
 - (d) Road paving.
 - (e) Sidewalk forms.
 - (f) Sidewalks.
 - (g) Drainage pipes and other drainage structures before backfilling.
 - (h) Street name signs.
 - (i) Sanitary sewers and/or septic tanks.

- (j) Monuments.
 - (4) A final inspection of all improvements and utilities will be started within 10 days' notification by the subdivider to determine whether the work is satisfactory and in agreement with the approved final drawings and the Township specifications. The general condition of the site shall also be considered. Upon a satisfactory final inspection report, action will be taken to release or declare in default the performance guaranty covering such improvements and utilities.
 - (5) Inspection by the Township of the installation of improvements and utilities shall not operate to subject the Township to liability for claims, suits or liability of any kind that may at any time arise because of defects or negligence during construction or at any time thereafter, it being recognized that the responsibility to maintain safe conditions at all times during construction and to provide proper utilities and improvements is upon the owner and his contractors, if any.
 - (6) Upon the completion or substantial completion of all required appurtenant utility improvements and the connection of same to the public system, the obligor may notify the governing body, in writing, by certified mail addressed in care of the Municipal Clerk, of the completion or substantial completion of the improvements and shall send a copy thereof to the Municipal Engineer and where applicable to the homeowners' association and each member of its Board of Directors, or in the case of the residential development without a homeowners' association, to each property owner within the development, by certified mail. The Municipal Clerk shall, upon receipt of a developer's request, notify the following that a request for reduction/release has been received: governing body members, Township Administrator, Construction Code Official, Township Planner, and Board of Health. Anyone having information as to why the governing body should not comply with the developer's request must submit a written report to the governing body, in care of the Municipal Clerk, within 30 days.
- E. Release. The governing body shall approve, partially approve or reject the improvements on the basis of the report from the Municipal Engineer and shall notify the obligor, in writing, by certified mail, of the contents of the Engineer's report and the action of the governing body not later than 65 days after the receipt of the notice of the obligor of the completion or substantial completion of the improvements. Failure of the governing body to send or provide such notification to the obligor within the 65 days shall be deemed to constitute approval of the improvements and the obligor and surety, if any, shall be released from all liability pursuant to the performance guaranty for such improvements.
- F. Conditions for acceptance of improvements. The approval of any application for development by the Township shall in no way be construed as acceptance of any street or drainage system or any other improvement, nor shall such approval obligate the Township in any way to maintain or exercise jurisdiction over such street or drainage system or other improvement. No improvement shall be accepted by the governing body unless and until all of the following conditions have been met:
- (1) The Township Engineer shall have certified in writing that the improvements are complete and that they comply with the requirements of this chapter.
 - (2) The final application for development shall have been approved by the Planning Board.

- (3) The owner shall have filed with the governing body a maintenance guaranty in an amount equal to not more than 15% of the original estimate of the cost of installing the improvements. The maintenance guaranty shall run for a period of two years. The procedures and requirements governing such maintenance guaranty shall be identical with the procedures and requirements for a performance guaranty set forth in this chapter. The requirements for a maintenance guaranty may be waived by the governing body only if the Township Engineer has certified that the improvements have been in continuous use for not less than two years from the date the Township Engineer certified completion of such improvements and that during this period the owner has maintained the improvements in a satisfactory manner.
- G. All inspections of sanitary sewer installations to be connected with or become a part of the Township of Robbinsville Utilities Department system must be inspected and approved, in writing, by the engineer for said Utilities Department before the Township Engineer may certify that improvements are complete. All notices given to the Township Engineer's office relating to the inspection of sanitary sewers as defined above shall be transmitted to the Utilities Department's engineer by the Township Engineer, and the Utilities Department's engineer shall be paid for his inspection work from any funds posted by any developer for his work in inspecting and approving sanitary sewer installations as defined herein.
- H. Notwithstanding any provisions set forth above concerning the responsibilities of the Township Engineer with respect to installation of, location of and inspection of sanitary sewer lines, the procedures set forth below shall apply as follows:
- (1) All estimates for the cost of construction of sanitary sewer lines, if the same are part of the public improvements referred to in this § **142-85**, shall be made by the engineer for the Township of Robbinsville Utilities Department and filed with the Township and the Township Engineer, which sums shall be included with and added to the Township Engineer's estimate for the cost of all other public improvements to be used in determining the amount of the performance guaranty to be posted, the cash deposit for inspections and tests and the maintenance bond made in favor of the Township of Robbinsville and the Township of Robbinsville Utilities Department where sewers are involved.
 - (2) The Township of Robbinsville Utilities Department's engineer shall inspect the installation of all sewer lines within a development or Township right-of-way and the roadway backfill material up to two feet above the pipe. The Township's Engineer will inspect the remainder of the backfill in the public right-of-way.
 - (3) The Township of Robbinsville Utilities Department's engineer will certify to the Township of Robbinsville Utilities Department, the Township and the Township's Engineer that the sanitary sewer line was constructed in accordance with the Township of Robbinsville Utilities Department's rules and regulations, including backfilling up to two feet above the pipe and that the sanitary sewer main has been tested and approved. The Township's Engineer will certify all other public improvements to the Township and as to the sanitary sewer lines will certify the proper location of the line and in any areas in public rights-of-way which are to be paved, will certify that all backfilling from two feet above the pipe to the surface was properly done.
 - (4) Both the Township of Robbinsville Utilities Department's engineer and the Township's Engineer will be paid from the same fund for inspection fees held by the Township. The Township's Engineer will bill the Township directly; the Utilities

Department's engineer will bill the Utilities Department, which will then bill the Township for reimbursement from the fund held by the Township.

- I. The Robbinsville Township Planning Board shall accept as final, subject to the approval of the Township's Engineer, the Township of Robbinsville Utilities Department's decision as to the location and specifications with respect to any sewer lines in a proposed development.
- J. In the event that other public improvements or other utility lines are constructed such that they encroach into the sanitary sewer trench, the Township's Engineer shall certify that the area of encroachment was backfilled properly and that the pipe was supported properly in accordance with the Township of Robbinsville Utilities Department's rules and regulations and any other law applicable.
- K. The general areas of the Township where sewer service will be provided shall be established by joint agreement between the Township of Robbinsville Utilities Department and the Township of Robbinsville, subject to the rules and regulations of the County of Mercer, if any.
- L. Notwithstanding anything hereinbefore or hereafter stated in Subsections H, I, J, K and L, in all situations where sanitary sewer construction is included in a developer's plans, all bonds will name the Township of Robbinsville, a municipal corporation and the Township of Robbinsville Utilities Department jointly as obligees.
- M. Developer's agreement.
 - (1) Prior to the signing and recording of final major subdivision plats and as a condition of final site plan approval in the case of a site plan, the developer shall enter into an agreement with the governing body. This agreement shall be in a form that is acceptable to the Township Attorney and one in which the developer agrees to abide by the terms and conditions of the Board approval, construct the required improvements in accordance with the approved plans, agree to maintain the constructed improvements, including but not limited to streets and roads, payment of streetlighting charges, snow removal, maintenance of storm drainage, sewer and water facilities. The developer also shall agree that, in the event the improvements are not maintained, the Township can utilize the cash portions of the performance guarantees to immediately attend to items presenting a safety hazard.