

**AN ORDINANCE OF THE TOWNSHIP OF PLAINSBORO AMENDING AND
REVISING CHAPTER 85 ENTITLED "SUBDIVISION AND SITE PLAN
REVIEW"**

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Plainsboro, as follows:

Section 1. Section 85-4 entitled "Definitions," is hereby replaced in its entirety and replaced with the following new section:

§85-4 Definitions.

As used in this chapter, the term "shall" indicates a mandatory requirement, and the term "may" indicates a permissive action, and the following words and phrases shall have the meanings ascribed to them in this section unless the context otherwise requires:

ADMINISTRATIVE OFFICER

The Township Planner, or, in the absence of the Planner, the Township Planning Consultant's representative shall be the "Administrative Officer."

ADVERSE EFFECT

Conditions or situations creating, imposing, aggravating or leading to impractical, unsafe or unsatisfactory conditions on a subdivided property or adjacent property, such as improper circulation and drainage rights-of-way, inadequate drainage facilities, insufficient street widths, unsuitable street grades, unsuitable street locations to accommodate prospective traffic or coordinate and compose a convenient system, locating lots in a manner not adaptable for the intended purposes without danger to health or peril from flood, fire, erosion or other menace, providing for lots of insufficient size and neither providing nor making future allowance for access to the interior portion of the lot for other facilities required by this chapter.

AGRICULTURAL PURPOSES

The use of land solely for the growing and harvesting of crops and/or the raising and breeding of animals.

APPLICANT

A person submitting an application for development, to engage in soil removal, or to engage in soil disturbance.

APPLICATION FOR DEVELOPMENT

The application or appeal form and all accompanying documents required by this chapter for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or direction for the issuance of a special permit.

BOARD OF ADJUSTMENT

The Board of Adjustment established pursuant to Article II, Section 1, of the Land Use Procedures Ordinance of the Township of Plainsboro.

BUILDING

A combination of materials to form a construction adapted to permanent, temporary or continuous occupancy or use and having a roof.

CAPITAL IMPROVEMENT

A government acquisition of real property or a major construction project.

CARTWAY

The hard or paved surface portion of a street customarily used by vehicles in the regular course of travel. Where there are curbs, the "cartway" is that portion between the curbs. Where there are no curbs, the "cartway" is that portion between the edges of the paved or graded width.

CIRCULATION

Systems, structures and physical improvements for the movement of people, goods, water, air, sewage or power by such means as streets, highways, railways, waterways, towers, airways, pipes and conduits, and the handling of people and goods by such means as terminals, stations, warehouses and other storage buildings or transshipment points.

COMMON OPEN SPACE

An open space area within or related to a site designated as a development, and designed and intended for the use or enjoyment of residents and owners of the development and/or the general public. "Common open space" may contain such complementary structures and improvements as are necessary and appropriate for its use or enjoyment.

COMPLETE APPLICATION

An application form completed as specified by this chapter and the rules and regulations of Plainsboro Township and all accompanying documents required by this chapter for approval of the application for development, including, where applicable, but not limited to a site plan or subdivision plat, provided that the municipal agency may require such additional information not specified in this chapter or revisions to the accompanying documents as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met. The application shall not be deemed incomplete for lack of such additional information or any revisions to the accompanying documents so required by the municipal agency. An application shall be certified as complete immediately upon the meeting of all requirements specified in this chapter and in the rules and regulations of Plainsboro Township and shall be deemed complete as of the day it is so certified by the administrative officer for the purposes of the commencement of the time period for action by the municipal agency.

CONCEPTUAL APPROVAL

Approval of a general development plan pursuant to the provisions of the PCD Ordinance (former Section XIX of the Zoning Ordinance) that were in effect prior to the enactment of this chapter.

CONDITIONAL USE

A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in the Zoning Ordinance and upon the issuance of an authorization therefor by the Planning Board.

CONDITIONAL USE APPROVAL

The authorization to conduct a particular conditional use in a particular zone. It is issued by the Planning Board upon proof that all the criteria for the use have been met by the applicant. Any applications seeking exceptions to that criteria shall be considered as an application for a use variance and shall be made to the Zoning

Board of Adjustment, which shall have the authority to grant the approval under those circumstances.

CONVENTIONAL

Development other than planned development.

COUNTY PLANNING BOARD

Middlesex County Planning Board.

DAYS

Calendar days.

DEVELOPER

The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase or any other person having an enforceable proprietary interest in such land.

DEVELOPMENT

The division of a parcel of land into two or more parcels, or the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structures or of any mining, excavation or landfill, and any use or change in the use of any building or other structure or land or extension of use of land, for which permission may be required pursuant to this chapter.

DEVELOPMENT REVIEW COMMITTEE

An advisory committee established pursuant to Section 9.1 of the Land Use Procedures Ordinance of the Township of Plainsboro for the purpose of reviewing developmental applications pending before the Planning Board or, upon referral, applications pending before the Zoning Board which would require site plan or subdivision approval. Such review is undertaken prior to action by the particular Board to determine whether such application complies with all ordinance provisions. Other duties related to site plans and/or subdivisions may be conferred on this Committee by the Planning Board through a motion duly adopted or recorded.

DRAINAGE

The removal of surface water or groundwater from land by drains, grading or other means, and including control of runoff to minimize erosion and sedimentation during and after construction or development and means necessary for water supply preservation or prevention or alleviation of flooding.

DRAINAGE AND UTILITY RIGHT-OF-WAY

The lands required for the installation and maintenance of stormwater and sanitary sewers, water pipes or drainage ditches and other utilities, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

EASEMENT

A right granted to the Township or other governmental authority for the use of private land for certain public and quasi-public purposes.

EROSION

The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

EXCAVATION or CUT

Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated.

FINAL APPROVAL

The official action of the Planning Board taken on a preliminarily approved major subdivision or site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guaranties properly posted for their completion, or an approval conditioned upon the posting of such guaranties.

FLOOD HAZARD AREA

The relatively flat terrain adjoining a water channel which has been or may be hereafter covered by floodwater of the channel.

FLOOR AREA, GROSS

The total area of all the stories of all the structures on a lot, measured from the outside faces of the exterior walls or from the exterior roof edges where a structure has no walls, and including the following, although not by way of limitation: interior balconies and mezzanines, roofed areas such as porches and carports and basement space, but excluding rooftop, roofed or enclosed area that is used for parking space.

GENERAL DEVELOPMENT PLAN

A comprehensive plan for the development of a planned development, as provided in Section 85-70.4.

GOVERNING BODY

The Township Committee of the Township of Plainsboro.

HOME OCCUPATION

Any indoor activity carried out by a resident for gain in a dwelling unit or in an accessory building which is clearly incidental and secondary to the use of the dwelling unit for residential purposes for which conditional use approval is required.

LAND

Any ground, soil or earth, including marshes, swamps, drainageways and areas not permanently covered by water within the municipality, plus improvements and fixtures on, above or below the surface.

LOT

A designated parcel, tract or area of land, established by a plat or otherwise as permitted by law, to be used, developed or built upon as a unit.

MAINTENANCE GUARANTY

Any security, other than cash, that may be accepted by the municipality for the maintenance of any improvements required by this chapter.

MAP FILING LAW

Chapter 141 of the Laws of New Jersey 1960, as amended from time to time.

MASTER PLAN

A composite of the mapped and written proposals recommending the physical development of the municipality which shall have been duly adopted by the Planning Board pursuant to Article 3 of the Municipal Land Use Law.

MUNICIPAL AGENCY

The Planning Board, Board of Adjustment or Township Committee, or any agency created by or responsible to one or more municipalities, when acting pursuant to this chapter.

MUNICIPALITY

The Township of Plainsboro.

MUNICIPAL LAND USE LAW

Chapter 291 of the Laws of New Jersey 1975, as amended from time to time.

OFFICIAL MAP

A map adopted by the governing body pursuant to Article 5 of the Municipal Land Use Law.

OFF-SITE

Located outside the lot lines of the lot in question but within the property (of which the lot is a part) that is the subject of a development application or within a contiguous portion of a street or right-of-way.

OFF-TRACT

Located neither on the property that is the subject of a development application nor on a contiguous portion of a street or right-of-way.

ON-SITE

Located on the lot in question.

ON-TRACT

Located on the property that is the subject of a development application or on a contiguous portion of a street or right-of-way.

OPEN SPACE

Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

PCD PLANNED UNIT DEVELOPMENT

An area that is specified on the Zoning Map as having a district classification of PCD Planned Unit Development and which is to be developed as a single entity according to a plan, containing one or more residential developments or one or more public, quasi-public, business and commercial or office, research, industrial areas in the ranges of ratios of nonresidential uses to residential uses as are specified in Section XIX of the Zoning Ordinance.

PERFORMANCE GUARANTY

Any security that may be accepted by the municipality, including cash; provided that the municipality shall not require more than 10% of the total "performance guaranty" in cash.

PLANNED DEVELOPMENT

A PMUD Planned Unit Development or a PCD Planned Unit Development.

PLANNING BOARD

The Planning Board established pursuant to Article I, Section 1, of the Land Use Procedures Ordinance of the Township of Plainsboro.

PLAT

The map of a subdivision or site plan and is used interchangeably in this chapter with "Plan."

A. MINOR PLAT

The map of a subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification and meeting the requirements of this chapter.

B. PRELIMINARY PLAT

The preliminary map indicating the proposed layout of the subdivision or site plan which is submitted to the Planning Board for Planning Board consideration and preliminary approval and meeting the requirements of this chapter.

C. FINAL PLAT

The final map of all or a portion of the subdivision or site plan which is presented by the Planning Board for final approval in accordance with these regulations.

PMUD PLANNED UNIT DEVELOPMENT

An area that is specified on the Zoning Map as having a district classification of PMUD Planned Unit Development and which is to be developed as a single entity according to a plan, containing one or more residential developments or one or more public, quasi-public, business and commercial, office, research, industrial or educational research areas in the ranges of ratios of nonresidential uses to residential uses as are specified in Section XXI of the Zoning Ordinance.

PRELIMINARY APPROVAL

The conferral of certain rights as to site plans and major subdivisions pursuant to § 85-47 prior to final approval and after specific elements of a development plan have been agreed upon by the Planning Board and the applicant.

PRELIMINARY FLOOR PLANS AND ELEVATIONS

Architectural drawings prepared during early and introductory stages of the design of a project, illustrating in a schematic form its scope, scale and relationship to its site and immediate environs.

PUBLIC AREAS

Public parks, playgrounds, trails, paths and other recreational areas and public open spaces; special and historic sites; and sites for schools and other public buildings and structures.

PUBLIC DRAINAGEWAY

The land reserved or dedicated for the installation of stormwater sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water to safeguard the public against flood damage, sedimentation and erosion.

PUBLIC OPEN SPACE

An open space area conveyed or otherwise dedicated to the municipality, a municipal agency, the regional board of education, a state or county agency or any other public body for recreational or conservational uses.

RESUBDIVISION

The further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law. Not included are conveyances merely combining existing lots by deed or other instrument.

SEDIMENTATION

The deposit of soil that has been transported from its site of origin by water, ice, wind, gravity or other natural means as a product of erosion.

SIGHT TRIANGLE EASEMENT AT INTERSECTION

A triangular shaped area established in accordance with the requirements of this chapter in which no grading, planting or structure shall be erected or maintained, except for street signs, fire hydrants and lighting structures.

SITE

Any plot, zone lot of record or parcel of land.

SITE PLAN

A development plan of one or more lots on which is shown the existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, floodplains, marshes and waterways; the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs and lighting and screening devices; and any other information that may be reasonably required in order to make an informed determination concerning the adequacy of the plan in accordance with the requirements of this chapter.

A. MINOR SITE PLAN

Any development plan which is limited to the proposed construction of any permitted accessory use(s), such as a sign or off-street parking area, as such accessory uses specifically permitted in this chapter, provided that major site plan approval has previously been granted for the principal use(s). Applications for "minor site plan" approval shall be reviewed and acted upon by the same municipal agency which acted upon the previously approved major site plan.

B. MAJOR SITE PLAN

Any development plan not classified as a "minor site plan."

SOIL

Any unconsolidated mineral and organic material any origin.

STREET

Any street, avenue, boulevard, road, parkway, viaduct, drive or other way that is an existing state, county or municipal roadway, or that is shown upon a plat heretofore approved pursuant to law, or that is approved by official action as provided in this chapter, or that is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a Planning Board and the grant to such Board of the power to review plats, includes the land between the street lines, whether improved or unimproved, and whether or not comprising pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas.

STREET LINE

The edge of the existing right-of-way or future street right-of-way as shown on the Master Plan or Official Map, whichever would result in the widest right-of-way,

and which line forms the division between the street and lot, or if there shall be no Master Plan or Official Map, the dividing line between the lot and the street.

STRIPPING

Any activity which significantly disturbs vegetated or otherwise stabilized soil surface, including clearing and grubbing operation.

STRUCTURE

A combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land.

SUBDIVISION

The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale or development. The following shall not be considered "subdivisions" within the meaning of this chapter if no new streets are created: divisions of land found by the Planning Board or Subdivision Committee thereof appointed by the Chairman to be for agricultural purposes where all resulting parcels are five acres or larger in size; divisions of property by testamentary or intestate provisions; divisions of property upon court order, including but not limited to judgments of foreclosure; consolidation of existing lots by deed or other recorded instrument; and the conveyance of one or more adjoining lots, tracts or parcels of land owned by the same person or persons and all of which are found and certified by the administrative officer to conform to the requirements of the municipal development regulations and are shown and designated as separate lots, tracts or parcels on the Tax Map or Atlas of the municipality. The term "subdivision" shall also include the term "resubdivision."

A. MINOR SUBDIVISION

Any division of land containing an aggregate of not more than four lots (three new lots and the remaining parcel), including the number of lots, parcels and lands resulting from any prior subdivisions of the same land and any lands, lots or parcels from which the land sought to be subdivided arose prior to June 28, 1954, each fronting on an existing street or streets; not involving any new street or the installation of any street improvements or the extension of Township facilities; not involving any street(s) requiring additional right-of-way width as specified in the Master Plan or Official Map and the street requirements of this chapter, unless such additional right-of-way width, either along one or both sides of said street(s), as applicable, shall be deeded to the Township or to the appropriate governmental authority prior to classification as a "minor subdivision;" not adversely affecting the development of the remainder of the parcel or adjoining property; and not in conflict with any provision of the Master Plan, Official Map or this chapter.

B. MAJOR SUBDIVISION

Any division of land not classified as a "minor subdivision."

SUBDIVISION COMMITTEE

TENTATIVE APPROVAL

Approval of a tentative plan of development pursuant to the provisions of the PMUD Ordinance (former Section XXI of the Zoning Ordinance) which were in effect prior to the enactment of this chapter.

Section 2. Section 85-22 entitled "Sidewalks" is hereby replaced in its entirety and replaced with the following new section:

§85-22 Sidewalks, Walkways, and Multi-Use Pathways.

A. Generally.

1. Sidewalks are pedestrian walkways along public or private streets. Except as set forth in §85-22B below, pedestrian walkways shall be required on both sides of all streets serving a collector or primary local function as stipulated in the adopted Master Plan and/or Official Map of the Township and as further required by the Planning Board. Additionally, sidewalks shall be required for all local streets within residential developments, as well as in nonresidential developments at the Board's discretion, depending upon the probable volume of pedestrian traffic, the development's location in relation to other populated areas, and the general type of walkway improvement intended.
2. Where required, sidewalks shall be at least five feet wide and located as approved by the Board. Sidewalks shall be Class B concrete 4,500 pounds per square inch air-entrained, six inches thick at driveways with wire reinforcement in accordance with the Standard Construction Detail for Sidewalks on file in the office of the Director of Planning and Zoning.

B. Integrated mixed-use neighborhood development. In any integrated mixed-use neighborhood development in the PMUD Zone, sidewalks and/or other pedestrian walkways, as applicable, shall be provided subject to the following requirements:

1. Sidewalks or other pedestrian walkways shall be provided on both sides of all streets.
2. Sidewalks adjoining residential uses shall be at least five feet wide.
3. Sidewalks adjoining multifamily/apartment buildings or neighborhood parks shall be at least six feet wide.
4. Sidewalks adjoining non-residential or mixed use buildings shall have a minimum clear width (without obstructions) of eight feet.
5. Pedestrian walkways other than sidewalks described above, including nature trails, shall be at least six feet wide.
6. Multi-use pathways may be asphalt and shall be at least eight feet wide.
7. Pedestrian walkways other than sidewalks may be constructed of asphalt or other appropriate materials subject to the review and approval of the Planning Board.
8. Sidewalks and other concrete walkways, shall be constructed of Class B concrete 4,500 pounds per square inch air-entrained, six inches thick at driveways with wire reinforcement in accordance with the Standard Construction Detail for Sidewalks on file in the office of the Director of Planning and Zoning, except alongside non-residential or mixed-used buildings, where the sidewalk may be constructed of such other paving materials as shall be deemed appropriate by the Planning Board.

Section 3. Repealer. All ordinances or parts thereof inconsistent herewith are repealed as to such inconsistencies.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Effective date. This ordinance shall take effect upon its passage, publication, filing with the County of Middlesex, and entry of final judgement of compliance and repose.

Introduced at a Meeting of the Township Committee of the Township of Plainsboro on February 12, 2020 and published on February 18, 2020. Adopted at a Meeting held on March 11, 2020 and published on March 17, 2020.