THE TOWNSHIP OF RIVERSIDE
LAND DEVELOPMENT ORDINANCE
CHAPTER 255
PART I: GENERAL PROVISIONS

ARTICLE I
Title and Purpose

§ 255-1. Title

This Chapter may be known as a comprehensive ordinance regulating and limiting the uses of land and locations of buildings and structures; regulating and restricting the height and bulk of buildings and structures and determining the area of yards and other open spaces; regulating and restricting the density of population; dividing the Township of Riverside into districts for such purposes; adopting a map of said Township showing the boundaries and the classification of such districts; establishing rules, regulations and standards governing the subdivision and development of land within the Township; establishing a Planning Board authorized to exercise all of the powers delegated to Planning Boards Zoning Boards of Adjustment; and prescribing penalties for the violation of its provisions".

§ 255-2. Short Title

The short form by which this Chapter may be known and may be cited shall be the "Land Development Ordinance of the Township of Riverside".

§ 255-3. Authority

This Land Development Ordinance is adopted pursuant to NJSA 40:55D-1 et. seq., commonly known as the Municipal Land Use Law, which confers the power to regulate the use of lands within its jurisdiction upon New Jersey municipalities. The ordinance is also based on the duly recognized police powers of a municipality and is an exercise of the same.

§ 255-4. Purpose

A. This Land Development Ordinance is adopted in order to promote and protect the public health, safety and general welfare and in furtherance of the following specific planning objectives;

B. Ensuring the coordinated development of the Township in accordance with its Master plan;

C. Lessening congestion on the streets and ensuring access to the circulation system;

D. Providing for adequate air and light;

E. Preventing the overcrowding of land and buildings;

F. Avoiding the undue concentration of population;

G. Ensuring the conservation and protection of open space and natural resources;

H. Conserving the value of property;

I. Conformity with Township Master Plan. This Land Development Ordinance is substantially consistent with the Land Use and Housing Elements of the Riverside Township Master Plan. The statement of objectives, principles, assumptions, policies and standards contained in the Township Master Plan is adopted by reference and shall be considered the basis of this chapter. All future amendments to this Chapter shall be made only after a review of the Land Use and Housing Elements of the Township Master Plan and in conformity with its statement of objectives, principles, assumptions, polices, and standards.

ARTICLE II
Word Usage and Definitions

§ 255-5. Word Usage

A. Words and phrases shall be presumed to have their ordinary meaning, unless specifically defined or interpreted differently within this chapter.

B. For the purpose of this chapter, certain grammatical forms and words shall assume a different interpretation than is assumed in common usage as follows:

1. All present and future tenses shall be interchangeable.

2. The word "building" includes "structure" and any part thereof.

3. The singular and plural shall be interchangeable.

4. The word "shall" is always mandatory, and the word "may" indicates a permissive action.

5. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" or "occupied for."

6. The word "person" includes an individual, corporation or partnership.

7. The word "includes" (or "including") shall not limit the term to the specified example but is intended to extend its meaning to all other instances of like kind and character.

§ 255-6. Definitions

For the purpose of this chapter, certain terms and word are hereby defined as follows:

ACCESSORY USE, BUILDING OR STRUCTURE - A use, building or structure subordinate to the principal use or building located on the same lot and serving a purpose customarily incidental to the principal use or building.

ADDITION - A combination of materials to form a building, structure or improvements to a site which changes the exterior appearance of the site.

ADDITIONS, STRUCTURAL - Any change in supporting members of a building or additions to a structure requiring walls, foundations, columns, beams, girders, posts or piers or the moving of a structure.

ADMINISTRATIVE OFFICER - For the purposes of the receipt of applications for the development and all other requests for action called for by the Planning Board, the Administrative Officer shall be the Planning Board Secretary; and in issues relating to completeness of applications under N.J.S.A. 40:55D-10.3, the Board Engineer shall make the determination of completeness.

AGE RESTRICTED DEVELOPMENT - Any development, which may be in any housing form, including detached and attached dwelling units, apartments, flats, and residences, offering private and semiprivate rooms, that restricts the minimum age of all residents to be sixty-two (62) years or fifty-five (55) years for one resident of each of eighty percent (80%) of the units, provided that significant facilities and services for the elderly are provided. Such age restricted development shall be deed restricted controlling for minimum age as stated previously.

AGRICULTURE - The growing and harvesting of crops or the raising and breeding of livestock with accessory buildings incidental to agricultural uses, but not processing operations.

ALTERATION - Any work done on a site which changes the appearance of the site including, but not limited to, the following:

A. All incidental changes or replacement in the non-structural parts of a building or other structure.

B. Minor changes or replacement in the structural parts of a building or other structure limited to the following examples and other of similar character or extent:

   1. Alteration of interior partitions to improve livability in nonconforming residential buildings, provided that no additional dwelling units are created thereby.

   2. Alteration of interior partitions in all other types of buildings or other structures.

   3. Making windows or doors in exterior walls.

C. Strengthening the load-bearing capacity in not more than ten percent (10%) of the total floor area to permit the accommodation of a specialized unit of machinery or equipment.

APARTMENT - A single room, suite or set of rooms occupied as a dwelling.

APPLICANT - A developer submitting an application for development.

APPLICATION FOR DEVELOPMENT - The application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, conditional use, zoning variance or direction of the issuance of a permit pursuant to N.J.S.A. 40:55D-32, 40-55D-34 and 40:55D-36.

APPROVING AUTHORITY - The Planning Board unless a different agency is designated by ordinance when acting pursuant to the authority of N.J.S.A. 40:55D-1 et seq.

ASSISTED LIVING - A coordinated array of supportive personal and health services, available twenty-four (24) hours per day, to residents who have been assessed to need these services, including

residents who require formal long-term care. Assisted living promotes resident self-direction and participation in decisions that emphasize independence, individuality, privacy, dignity, and homelike surroundings.

ASSISTED LIVING RESIDENCE - A facility which is licensed by the New Jersey State Department of Health and Senior Services, in accordance with N.J.A.C. 8:36, to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed, to four or more adult persons unrelated to the proprietor. Apartment units offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette, and a lockable door on the unit entrance. Assisted living residence shall also include "continuing care retirement community," "nursing facility," "residential health care facility," and "statewide restricted admissions facility" as described and regulated in N.J.A.C. 8:33H-1 et seq.

AUTOMOBILE SALES BUILDING - A building used for the sale of, hire or remuneration from automotive and other vehicles and equipment. This shall be interpreted to include automobile accessory salesrooms but not the sale of junked vehicles and equipment.

AUTOMOBILE SERVICE STATION - Land and building providing for the sale of fuel, lubricants and automobile accessories and/or for maintenance and minor repairs for motor vehicles, excluding body repairs and the storage of inoperable and wrecked vehicles.

AUTOMOBILE WASH - Any building or premises or portions thereof used for washing and cleaning automobiles or other motor vehicles.

AUTOMOBILE WRECKING YARD - An establishment that cuts up, compresses or otherwise disposes of motor vehicles, including the retrieval and refurbishment of motor vehicle parts from inoperable and wrecked vehicles.

AUTOMOTIVE AND/OR TRAILER SALES AREA - An open area, other than a public or private street or way, used for the display or sale of new and used vehicles, trailers, trucks or equipment and where no work is done except that which is minor and incidental, not including body and fender work.

AUTOMOTIVE REPAIR SERVICE AND GARAGE - Any premises or establishments used for the repair or servicing of vehicles, but not including body repairs and automotive wrecking.

AWNING - A roof-like cover that is temporary or portable in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements and is periodically retracted into or toward the face of the building.

BASEMENT - That portion of a building that is partly or completely below grade.

BUFFERS - The land area within a property or site, used to visibly separate one use from another or to shield or block noise, lights or other nuisances. Buffers shall be designed as provided for in this chapter.

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

A. BUILDING, ATTACHED - Two (2) or more buildings having a common unpenetrated wall or common stairwell.

B. BUILDING, DETACHED - A building surrounded by yards or open area on the same lot.

BUILDING AREA - The area of the largest horizontal section of a building measured to the outer edge of the walls.

BUILDING COVERAGE - The area occupied by all of the buildings on a lot measured on a horizontal plane around the periphery of the foundation and included in the area under the roof of any structure supported by columns but not having any walls, as measured around the outside of the outermost extremities of the roof above the columns.

BUILDING ENVELOPE - That portion of the lot area located inside the setback and offset lines, available to be used for placement of a building.

BUILDING HEIGHT - The vertical distance measured from the average elevation of the finished grade around the foundation of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the average distance between the eaves and the ridge level for gable, hip and gambrel roofs, provided that chimneys, spires, towers, mechanical penthouses, tanks and similar projections of the buildings not intended for human occupancy shall not be included in calculating the height. If there are two (2) or more separate roofs on a single, building, the height of such building shall be calculated from the highest roof.

CANOPY - A roof-like cover that is permanent in nature that projects from the wall of a building for the purpose of shielding a doorway or window from the elements, or a freestanding, roof-like cover that is permanent in nature that shields vehicles, patrons and employees from the elements.

CAPITAL IMPROVEMENT - A governmental acquisition of real property or major construction project.

CARTWAY - That area of a street within which vehicles are permitted, including travel lanes and parking areas, but not including shoulders, curbs, sidewalks or swales. Where there are no curbs, the "cartway" is that portion between the edges of the paved, or hard surface, width.

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 Part 2, Zoning, of this chapter and upon the issuance of an authorization therefore by the Planning Board.

CERTIFICATE OF OCCUPANCY - An official document signed by the Zoning Officer setting forth either that a building or structure does comply with this chapter or that a building, structure or parcel of land may lawfully be used for specified uses, or both.

COURT - An unoccupied open space, other than a yard, on the same lot with a building which is bounded on three (3) or more sides by the wall of such building.

DECK - A level wooden structure built on or above grade and is either attached to a principal building or adjacent to such building.

DEMOLITION - The razing of any structure or the obliteration of any natural feature. "Demolitions," as used in this chapter, shall be defined as demolition removal of an entire structure.

DENSITY - The permitted number of dwelling units per gross area of land to be developed.

DEVELOPMENT - The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure or of any mining or 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.

DISH ANTENNA, SATELLITE DISH, SATELLITE EARTH STATION OR HOME VIDEO EARTH STATION - A device function as an antenna for the reception of television programming exceeding two (2) feet in diameter if round or two (2) feet in its widest or longest dimension if otherwise shaped. In addition, all existing "antennas" which do not conform to this chapter shall at this time be grandfathered and shall be required to conform to all pertinent Uniform Construction Code requirements.

DRAINAGE - The removal of surface water or groundwater from land by drains, grading or other means and includes 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 RIGHT-OF-WAY - The lands required 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 therein to safeguard the public against flood damage in accordance with N.J.S.A. 58:16A-1 et seq.

DRYING YARD - An open space in the rear of apartment building shall be provided on ground level for hanging clothing and accessories out of doors. These areas shall be screened from view by closely planted evergreen shrubbery planted not less than six (6) feet apart and permitted to grow not more than eight (8) feet high.

DWELLING - Any building or portion thereof designed or used exclusively as the residence consisting of a dwelling unit.

A. SINGLE-FAMILY OR ONE-FAMILY DETACHED DWELLING - A dwelling designed for and occupied exclusively as a residence for only one (1) family and having no party wall in common with an adjacent building.

B. SINGLE-FAMILY OR ONE-FAMILY ATTACHED DWELLING - A dwelling designed for and occupied exclusively as a residence for one (1) family, being one (1) side of a building wherein are contained two (2) dwelling units under the same roof with a common party wall between, separate entrances for each dwelling unit, separate and distinct deeds and title and no interior connection between the two (2) dwelling units.

C. TWO-FAMILY DETACHED DWELLING - A building designed for and occupied exclusively as a residence for two (2) separate and distinct dwelling units contained within it, in which one (1) dwelling unit is wholly or partially over the other dwelling unit and there is not party wall in common with adjacent dwelling.

D. APARTMENT DWELLING - One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a residential building contained three (3) or more dwelling units or a building with a non-residential use on the

first floor and a residential use consisting of one (1) or more dwelling units on a floor over the first floor.

E. FLAT DWELLING - A dwelling unit designed and used in a manner similar to an apartment dwelling with the attribute of owner-occupancy distinguishing a flat dwelling from an apartment dwelling.

F. TOWNHOUSE DWELLING - A dwelling unit located in a building that has not less than three (3) or more than eight (8) one-family dwelling units attached in a row as a single building on a common lot or adjoining lots, each dwelling being separated from the adjoining unit by a common party wall, thus, creating distinct and non-communicating dwelling units with their own front and rear access to the outside and without no dwelling unit located over another dwelling unit. Such separate townhouse dwelling units are intended for separate ownership or rental.

G. MULTIFAMILY DWELLING - A building designed for three (3) or more dwellings, subject to further refinement of definition in this chapter.

DWELLING UNIT - One (1) or more rooms for living purposes, together with separate cooking and sanitary facilities, which rooms are accessible from the outdoors, either directly or through an entrance hall shared with other dwelling units, and are used or intended to be used by one (1) or more persons living together and maintaining a common household.

FAMILY - A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

FENCE - Any artificially constructed barrier of wood, plastic, metal or cement or any combination thereof or any other manufactured material or combination of materials, erected for the enclosure of land and/or dividing one piece of land from another. Fences shall meet the requirements as set forth in this chapter.

FINAL APPROVAL - The official action of the Planning Board taken on a preliminary approved plat, after all requirements, conditions, engineering plans, etc., have been completed and the required improvements have been installed or performance guaranties properly posted for their completion. A plat that receives such "final approval" must have been prepared by a licensed land surveyor in compliance with all provisions of Chapter 291 of the Laws of 1975 (N.J.S.A. 40:55D-1 et seq.) and is the map which must be filed with the County Clerk within 95 days after the signing of the plan in order to make the approval binding. For good cause, the Planning Board may extend the period for recording for an additional period not to exceed 190 days from the date of signing of the plat.

FLOOR AREA, GROSS - The sum of the gross horizontal areas of the several floors of a building or structure measured from the exterior face of exterior walls and from the centerline of a wall separating two (2) buildings, but excluding any space where the floor-to-ceiling height is less than six (6) feet.

FLOOR AREA, LIVABLE - The total of all floor areas of a building dedicated to the inhabitance of a resident and/or residents.

FLOOR AREA RATIO - The sum of the area of all floors of buildings or structures compared to the total area of the site.

GARAGE - A building, structure or any portion thereof used for parking and storing motor vehicles.

A. PRIVATE CUSTOMER AND EMPLOYEE GARAGE - A garage that is accessory to a non-retail commercial or manufacturing establishment, building, or use and is primarily for the parking and storage of vehicles operated by customers, visitors, and employees of such building and that is not available to the general public.

B. PRIVATE RESIDENTIAL GARAGE - A structure that is accessory to a residential building and that is used for the parking and storage of vehicles owned and operated by the residents thereof and that is not a separate commercial enterprise available to the general public.

C. PUBLIC GARAGE - A structure, or portion thereof, other than a private customer and employees garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.

HOME OCCUPATION - The occupation being conducted, in whole or in part, from a residence or a residential lot as an accessory use.

HOMEOWNERS' ASSOCIATION - An incorporated or unincorporated entity responsible for operating under a recorded land agreement through which:

A. Each lot or dwelling unit owner shall be a member.

B. The owner of each lot or dwelling unit is subject to a change for a proportionate share of the association's expenses for activities and maintenance, including maintenance costs levied against the association by Riverside Township.

C. Each owner and tenant has certain rights to use the common property.

HOSPITAL - An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or metal conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

IMPERVIOUS SURFACE - Any material that prevents absorption of stormwater into the ground.

JUNKYARD - Any area, lot, land parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of any scrap, waste, reclaimable material, or debris.

LOADING SPACE - An off-street space or berth used for the loading or unloading of cargo, products, or materials from vehicles.

LOT - A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

LOT AREA - The area contained within the lot lines but not including any portion of a street rights-of-way.

LOT, CORNER - A lot at the junction of two (2) or more intersecting streets where the interior angle of intersection does not exceed one hundred thirty-five degrees (135°).

LOT COVERAGE - The area of a lot covered by buildings, structures and other impervious surfaces.

LOT DEPTH - The average distance measured from the front lot line to the rear lot line.

LOT FRONTAGE - The distance between the side lot lines measured along the street line. The minimum lot frontage shall be the same as the lot width except that on curved streets with an outside radius of less than five hundred (500) feet, the lot frontage may be reduced to not less than fifty percent (50%) of the required minimum lot width. On corner lots, the lot frontage requirements shall be met for each street frontage and the measurement shall be made from side lot line to front lot line or from front lot line to front lot line, as the case may be.

LOT LINE - Any line, including the street right-of-way line, forming a portion of the boundary of a lot.

A. LOT LINE, FRONT - The lot line separating a lot from a street right-of-way.

B. LOT LINE, REAR - The lot line opposite and most distant from the front lot line.

C. LOT LINE, SIDE - Any lot line other than a front or rear lot line.

LOT WIDTH - The distance between side lot lines measured parallel to the street line at the minimum required building setback from the street right-of-way.

LOT, THROUGH - A lot whose side lot lines do not abut a street, has frontage on two (2) streets or one (1) street and an alley.

MAINTENANCE GUARANTY - Any security, other than cash, which may be accepted by a municipality for the maintenance of any improvements required by this chapter.

MASTER PLAN - A composite of the mapped and written proposals recommending the physical development of the municipality which has been duly adopted by the Planning Board as set forth in N.J.S.A. 40:55D-28.

MAJOR SITE PLAN - A site plan that does not meet the definition of a minor site plan.

MAJOR SUBDIVISION - Any subdivision not classified as a "minor subdivision."

MARQUEE - A roof-like structure that is permanent that projects from a wall of a building for the purpose of shielding a doorway or entrance from the elements.

MINOR SITE PLAN means a development plan of one or more lots, not exempted from site plan review elsewhere in this Chapter, that involves:

A. The construction of any permitted accessory use(s); or,

B. The expansion of, or addition to, an existing structure or use that does not account for more than 5% additional building coverage, does not exceed more than 1,500 square feet of enclosed and roofed area, and does not involve any grading, clearing or disturbance of an area of more than 5,000 square feet, provided that such development plan does not involve planned development, the installation of any road improvements, or the extension of any off-tract improvement.

MINOR SUBDIVISION means a subdivision of land for the creation of not more than three lots (two new lots and the remaining parcel) that does not involve:

A. Planned development;

B. The installation of any road improvements or the extension of any township facilities;

C. The extension of any off-tract improvement;

D. The further division of an original tract of land for which previous minor subdivision(s) have been approved by the township during the current calendar year and the preceding four calendar years and where the combination of the proposed and previously approved minor subdivision(s) would result in the creation of more than three lots (two new lots and the remaining parcel); and which

E. Does not adversely affect the future development of the remainder of the parcel or adjoining property;

MIXED OCCUPANCY - Occupancy of a building or land for more than one (1) use.

MOTION PICTURE - Film or films, continuous slides or pictures of any nature. In the case of adult entertainment, motion pictures show, depict or reveal any person in any act of sexual conduct or sadomasochistic abuse.

NIGHTCLUB - An establishment dispensing liquor and meals in which music, dancing, or entertainment is conducted.

NONCONFORMING LOT - A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this chapter but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this chapter.

NONCONFORMING BUILDING OR STRUCTURE - A building or structure, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to this chapter but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this chapter.

NONCONFORMING SIGN - Any sign lawfully existing on the effective date of this chapter, or amendment thereto that renders such sign nonconforming because it does not conform to all the standards and regulations of this chapter.

NONCONFORMING USE - A use or activity that was lawful prior to the adoption, revision, or amendment of this chapter but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this chapter.

OFF-SITE IMPROVEMENTS - Improvements made outside the lot line of the lot in question, but within the property (of which the lot is a part) which is the subject of a development application or contiguous portion of a street or right-of-way.

OFF-TRACT - Located off the property which is the subject of the development application or off a contiguous portion of a street or right-of-way.

OPEN SPACE - Any parcel of area of land 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 those buildings, structures, streets and off-site parking and other improvements that are designed to be incidental to the natural openness of the land.

PARKING SPACE - An area either within a structure or in the open for the parking of motor vehicles. The area of a "parking space" is intended to be of sufficient area to accommodate the exterior extremities of the vehicle, whether, in addition thereto, wheel blocks are installed within this area to prevent the bumper from overhanging one end of the parking space. The width and length of each space shall be measured perpendicular to each other and shall be as required by the provisions of this chapter, regardless of the angle of the "parking space" to the access aisle or driveway.

PATIO - An area that is level and surfaced with pavement including, but not limited to, stone, gravel, bricks, concrete, bituminous concrete, pavers, etc., and is directly adjacent to a principal building. Patios may be constructed at grade or above grade in a terraced fashion with or without walls.

PERFORMANCE GUARANTY - A performance bond, letter of credit, acceptable escrow agreement or other similar guaranty or surety agreement approved in substance and in form by the Township Solicitor and the governing body, including cash in an amount not to exceed 10% of the total performance guaranty. The amount of the performance guaranty shall not exceed 120% of the cost of installation of improvements deemed necessary or appropriate for the development, including any required off-site and off-tract improvements.

PERMITTED USE - Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district as set forth in this chapter.

PLACE OF WORSHIP - A church, synagogue, temple, mosque, or other facility that is used for prayer and worship by persons of similar beliefs.

PLAT - A map or maps of a subdivision or site plan.

PORCH - A roofed open structure projecting from the front, side or rear wall of a building and having no enclosed features or glass, wood or other material more than thirty (30) inches above the floor thereof, except the necessary columns to support the roof.

PRINCIPAL BUILDING OR STRUCTURE - A building or structure in which the principal use of the lot on which it is located.

PRINCIPAL USE - The primary or predominant use of any lot or parcel.

PROFESSIONAL OFFICE - The office of a physician, dentist, psychologist, lawyer, engineer, accountant, architect, land surveyor or persons providing similar professional services.

PROHIBITED USE - A use that is not permitted in a zoning district.

PRELIMINARY APPROVAL - The official action taken on a preliminary plat, which determines whether or not the map submitted is in proper form and meets the established standards adopted for design layout and development of the subdivision or site plans.

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 waters 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, Board of Education, state or county agency or other public body for recreational or conservation purposes.

PUBLIC UTILITIES MAP - A map designed to show all utility easements, sanitary sewers, storm drains, open drainage channels, water and gas mains, telephone and electric service trunk lines and railroads and which conforms to the specifications as outlined in this chapter.

QUASI-PUBLIC USE - A use owned or operated by a nonprofit, religious, or charitable institution and providing educational, cultural, recreational, religious, or similar types of programs.

QUORUM - A majority of the full-authorized membership of a municipal agency.

RECREATION AREAS AND FACILITIES - Public-owned lands used for leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields, or leisure-time activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, and table games.

RECREATIONAL VEHICLES - Boats, campers, trailers and related vehicles.

REPAIR - Any work done which is not an alteration, addition or the construction of a new building or structure.

RESTAURANT - An establishment where food and drink are prepared, served, and consumed within the principal building. An outdoor eating area supplemental and ancillary to the indoor eating and cooking facility may permitted, provided the outdoor eating area receives site plan approval. Cafes, coffeehouses and "cyber" cafes, which provide internet access, are restaurants. "Sexually oriented businesses" in which food and drink are prepared, served, and consumed within the principal building are not restaurants.

RIGHT-OF-WAY - The total width and length of the course of a street, alley, watercourse, utility alignment, railroad or other way and within, under or over which all improvements and rights of access are confined.

SERVICE STATION - The lands and buildings where motor fuel, lubricants and miscellaneous accessories for motor vehicles are sold and dispensed and where services are rendered for engine and

mechanical repairs, but where no vehicular painting and/or body work is done and where no junked or unregistered motor vehicles are so kept or stored.

SETBACK LINE - The line that is the required minimum distance from any lot line and that establishes the area within which the principal and accessory structures must be erected or placed.

SEXUAL CONDUCT - Human masturbation, sexual intercourse or any touching of the genitals, public areas or buttocks of the human male or female or the breasts of the female, whether along or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

SEXUALLY ORIENTED BUSINESSES - A commercial establishment, as described in the provisions of N.J.S.A. 2C:33-12.2 and 34-6, which:

A. As one of its principal business purposes offers for sale, rental, or display any of the following: books, magazines, periodicals or other printed material, or photographs, films, motion pictures, video cassettes, slides or other visual representations which depict or describe a "specified sexual activity" or "specified anatomical area;" or still or motion picture machines, projectors or other image-producing devices which show images to one person per machine at any one time, and whether the images so displayed are characterized by the depiction of a "specified sexual activity" or "specified anatomical area;" or instruments, devices, or paraphernalia which are designed for use in connection with a "specified sexual activity;" or

B. Regularly features live performances characterized by the exposure of a "specified anatomical area" or by a "specified sexual activity," or which regularly shows films, motion pictures, video cassettes, slides, or other photographic representations which depict or describe a "specified sexual activity" or "specified anatomical area."

SIGHT TRIANGLE EASEMENT - A triangular shaped portion of land established at street intersections and driveway intersection in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

SETBACK - The distance between the building or structure and any lot line.

SIGN - Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by an means, including words, letters, figures, design symbols, fixtures, colors, illumination, or projected images. Excluded from the definition of signs are national or state flags, window displays, graffiti, banners, athletic scoreboards, or the official announcements or signs of government.

A. SIGN, ANIMATED OR MOVING - Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.

B. SIGN, ATTACHED - A sign that is wholly or partly dependent upon a building for support.

1. Parallel signs attached to a wall project up to fifteen (15) inches from the surface of the wall.

2. Perpendicularly attached signs project up to five (5) feet from the surface of the wall.

C. SIGN, AWNING, CANOPY OR MARQUEE - A sign is mounted, painted, or attached to an awning, canopy, or marquee that is otherwise permitted by this chapter.

D. SIGN, BILLBOARD - A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

E. SIGN, BUSINESS - A sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered, or manufactured, or to an entertainment offered on the premises where the sign is located.

F. SIGN, DIRECTIONAL - A sign limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance," and "exit."

G. SIGN, DIRECTORY - A sign listing the tenants or occupants of a building or group of buildings and that may indicate their respective professions or business activities.

H. SIGN, WALL - A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than six (6) inches from such building or structure.

I. SIGN, FACE - The area or display surface used for the message.

J. SIGN, FREESTANDING - Any non-moveable sign not affixed to a building.

K. SIGN, GROUND - Any sign, other than a pole sign, in which the entire bottom is in contact with the ground and is independent of any other structure.

L. SIGN, HOLIDAY DECORATION - Temporary signs, in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local, or religious holiday.

M. SIGN, HOME OCCUPATION - A sign containing only the name and occupation of a permitted home occupation.

N. SIGN, ILLUMINATED - A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

O. SIGN, REAL ESTATE - A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

P. SIGN, TEMPORARY - A sign or advertising display constructed of cloth, canvas, fabric, plywood, other light material and designed or intended to be displayed for a short period of time.

SIGN AREA - The entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure.

SITE PLAN REVIEW - The examination of specific development plans for a lot. Whenever the term "site plan approval" is used in this chapter, it shall be understood to mean review and approval by the Planning Board.

SPECIFIED ANOTOMICAL AREAS - As described in the provisions of N.J.S.A. 2C: 33-12.2 and 34-6: Less than completely and opaquely covered human genitals, pubic region, buttock or female breasts below a point immediately above the top of the areola; or Human male genitals in a discernible turgid state, even if covered.

SPECIFIED SEXUAL ACTIVITY - As described in the provisions of N.J.S.A. 2C: 33-12.2 and 34-6: The fondling or other erotic touching of covered or uncovered human genitals, pubic region, buttock or female breast; or Any actual or simulated act of human masturbation, sexual intercourse or deviate sexual intercourse.

STANDARDS OF PERFORMANCE - Standards adopted by ordinance regulating noise level, glare, earthborne or sonic vibrations, heat, electronic or atomic radiation, noxious odors, toxic materials, explosive and flammable matters, smoke and airborne particles, waste discharge, screening of unsightly objects or conditions and such other similar matters as may be reasonably required by the municipality or required by applicable federal or state laws or municipal ordinances.

STORY - That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use.

STORY, HALF - A story under a gabled, hipped or gambrel roof, the wall plates of which on at least two (2) opposite walls are not more than two (2) feet or less than one (1) foot above the finished floor of such story.

STREET - Any vehicular way that is an existing state, county, or municipal roadway; is shown upon a plat approved pursuant to law; is approved by other official action; or 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.

STREET LINE - The edge of the existing or future street right-of-way, whichever would result in the widest right-of-way, as shown on the adopted township master plan or Official Map or as required by this chapter, forming the dividing line between the street and property line.

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, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development, except that the following divisions shall not be considered "subdivisions"; provided, however, that no new streets or roads are involved: 1) Division 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; 2) Division of property by testamentary or intestate provisions; (3) Division of property upon court order, including but not limited to judgments of foreclosure; (4) Consolidation of

existing lots by deed or other recorded instrument; (5) 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, tract or parcels on the Tax Map or atlas of the municipality. Subdivision includes "resubdivision."

SWIMMING POOL - A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18) inches below the level of the surrounding land, or an above-ground surface pool, having a depth of more than thirty (30) inches, designed, used and maintained for swimming and bathing.

THEATER - A building or part of a building devoted to the showing of motion pictures or for dramatic, dance, musical, or other live performances, excluding "sexually oriented businesses."

TOPOGRAPHIC MAP - A map that shows contours, existing buildings and other structures, watercourses, wooded areas and locations of test pits or borings and conforms to the specifications as outlined in this chapter.

TOWNHOUSE - One dwelling unit in a line of three or more attached dwelling units, with each dwelling unit from ground to roof and having individual outside access.

UTILITY - The services provided to a use, including but not limited to sewage collection, water supply, gas, electric and telephone.

VARIANCE - Permission to depart from the literal requirements of Part 3, Zoning, pursuant to N.J.S.A. 40:55D-40b, 40:55D-70c and 40:55D-70d.

WAIVERS - Permission to depart from the literal requirements of the site plan and subdivision standards of this chapter.

WALL - Any artificially constructed barrier of stone, masonry, brick or cement or combination thereof or any other manufactured material or combination of materials, not meeting the description of a fence, erected for the enclosure of land and/or dividing one piece of land from another, or used to retain an area of land, usually on a grade which is prone to erosion or slide. A "wall" shall meet the requirements set forth in this chapter.

YARD - An open unoccupied space, except as permitted and defined otherwise in this chapter, extending between any building and lot line or street line. All "yard" dimensions shall be measured parallel to the horizon and at right angles to either a straight street line, lot line or building façade or perpendicular to the point of tangency of curved lines and facades.

A. YARD, FRONT - The area extending across the full width of a lot between the street line and the nearest point of the building to the street line, extending to the side lot lines from such point in lines parallel or concentric to the street line. On lots with multiple lot frontages, such as corner lots, the "front yard" standards shall apply to all lot frontages.

B. YARD, REAR - The area extending across the full width of a lot between the rear lot line and nearest point of the building to the rear lot line, extending to the side lot lines from such point in lines parallel or concentric to the street line. In the case of a corner lot, the rear yard shall be parallel to the narrower of two street frontages. In the case of a corner

lot with equidistant street frontages, the rear yard shall be parallel to main entrance facing the street.

C. YARD, SIDE - The area extending from the front yard to the rear yard and lying between each side lot line and the nearest point of the building to a side lot line. In the case of a corner lot, all yards not meeting front and rear yards shall be "side yards," and the "side yard" shall be measured from each side lot line to the nearest point of the building to a side lot line.

ZONING PERMIT - A document signed by the administrative officer, which is required by ordinance as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building and which acknowledges that such use, structure or building complies with Part 2, Zoning, or a variance therefrom duly authorized by a municipal agency pursuant to this chapter.

ZONING OFFICER - The officer designated by the Township of Riverside Council to administer the zoning ordinance and issue zoning permits.

ARTICLE III
Planning Board

§ 255-7. Establishment

A. The Riverside Township Planning Board (the "Board") is hereby established pursuant to the provision of NJSA 40:55D-23.

B. The Riverside Township Planning Board shall exercise all of the powers of a Planning Board set forth in the provisions of N.J.S.A. 40:55D-25.

C. Pursuant to the provisions of N.J.S.A. 40:55D-25c, the Riverside Township Planning Board shall exercise all the powers of a Zoning Board of Adjustment set forth in the provisions of N.J.S.A. 55D-34 and 70.

§ 255-8. Composition

A. Membership.

1. Regular Membership. The Planning Board shall consist of nine (9) members divided into the following classes:

a. Class I: the Mayor of the Township;

b. Class II: one of the officials of the Township other than a member of the governing body, to be appointed by the Mayor, in accordance with NJSA 40:55D-23;

c. Class III: a member of the Township Committee to be appointed by it;

d. Class IV: Other citizens of the Township to be appointed by the Mayor; The Class IV board members shall hold no other municipal office except as provided in NJSA 40:55D-23.

2. Zoning Board Members. The Class I and Class III members shall not participate in the consideration of applications for development which involve relief pursuant to subsection d. of the N.J.S.A. 40:55D-70.

3. Terms of Office. The term of the member composing Class I shall correspond to his official tenure. The terms of the members composing Classes II and III shall be for one year or terminate at the completion of their respective terms of office, whichever occurs first. The terms of all Class IV members first appointed under this chapter shall be so determined that, to the greatest practicable extent, the expiration of such terms shall be distributed evenly over the first four years after their appointment, provided that the initial Class IV term of no member shall exceed four years. Thereafter, the Class IV term of each such member shall be four years. If a vacancy in any class shall occur otherwise than by expiration of the Planning Board term, it shall be filled by appointment, as above provided, for the unexpired term.

4. Voting Eligibility. When any hearing before a Planning Board shall carry over two or more meetings, a member of the Board who was absent for one or more meetings shall be eligible to vote on the matter upon which the hearing was conducted, notwithstanding his absence from one or more of the meetings; provided, however, that such Board member has available to him a transcript or recording of the meeting from which he was absent and certifies, in writing, to the Board that he has read such transcript or listened to such recording.

B. Alternate Members.

1. Designation. The Township Committee shall appoint not more than two alternate members to the Planning Board. The two alternate members of the Planning Board shall be designated as "Alternate Number 1" and "Alternate Number 2", respectively, and each alternate shall retain said designation during the term for which they are appointed.

2. Appointment of Alternate to Serve on Case. During the absence or disqualification of any regular member, the Chairperson shall appoint an alternate member to serve in the place of said regular member; provided, however, that where the alternate member is designated to serve in place of the regular member who is disqualified from participating in the hearing of a particular case, the alternate member shall be designated to serve only with respect to such case. An alternate member who has been designated to sit in place of a regular member and who has participated in any hearing or matter coming before the board shall continue to act in the place of such regular member until the final disposition of said matter by the Planning Board. The Chairperson shall appoint alternate members in the order of their designation.

3. Alternate Not to Serve at Adjourned or Continued Hearing Unless Present at Prior Hearings. When a regular member has been present and has participated in the first hearing on any matter, no alternate member shall be designated to serve during the absence of such regular member during any adjourned or continued hearing or hearing on the same matter unless said alternate member was present at such first hearing or any prior adjourned or continued hearing on such matter.

4. Rights and Privileges. An alternate member who has been designated to serve in the place of an absent or disqualified regular member shall, during the period of his service, enjoy all the rights and privileges and shall be subject to all of the duties and disabilities pertaining to regular members, if, but only if, the alternate certifies that they have read a transcript or listened to a recording of prior meetings; provided however, that no alternate member shall be eligible to serve as Chairperson or Vice-Chairperson of the Board.

5. Participation in Discussions: Voting. Alternate members may participate in discussions of the proceedings, but may not vote except in the absence or disqualification of a regular member, nor shall any vote be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate Number 1 shall vote.

6. Terms of Alternate Members. The terms of the alternate members shall be for two (2) years, except that the terms of the alternate members shall be such that the term of not more than one (1) alternate shall expire in any one (1) year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two (2) years. A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority.

C. Removal of Member.

1. Board Recommendation. Whenever a member of the Planning Board shall absent themselves from meetings of the Board, without just cause, for a period deemed detrimental to the conduct of Board business, the Board may recommend to the Township Committee, in writing, that such member be removed in accordance with the provisions of N.J.S.A. 40:55D-69.

2. Automatic Vacancy. In accordance with the provisions of N.J.S.A. 40A: 9-12.1(g) any Board member who, without being excused by a majority of the authorized members of the Board, fails to attend and participate at meetings of the Board for a period of four consecutive regular meetings shall be considered to be no longer a member of the Board and a vacancy on the Board shall be deemed to exist, provided that the Board shall notify the governing body in writing of such determination and further provided that the Board may refuse to excuse only with respect to those failures to attend and participate which are not due to legitimate illness or other valid reasons.

3. Conflict of Interest. No regular or alternate member of the Planning Board shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest. Any member, other than a Class I member, after a public hearing if he requests it, may be removed by the Township Committee for cause.

§ 255-9. Powers and Duties Generally

A. The Planning Board shall have the following power and duties:

1. Prepare, adopt, maintain, and amend the Township Master Plan pursuant to 40:55D-28.

2. Administer the land subdivision, site plan, and zoning provisions of this Land Development Ordinance and hear and decide applications made pursuant thereto.

3. Prepare, maintain, and administer the official map of adopted by the Township Committee pursuant to 40:55D-32.

4. Prepare a capital improvement program, if authorized by the Township Committee, pursuant to N.J.S.A. 40:55 D-29.

5. Direct issuance of building permits for a structure in the bed of a mapped street, public drainageway, flood control basin or public area pursuant to NJSA 40:55D-34 or for a structure not related to a street pursuant to NJSA 40:55D-36.

6. Participate in the preparation and review of programs or plans required by State or Federal law or regulation.

7. Assemble data on a continuing basis as part of a continuous planning process.

8. Perform such advisory duties as are assigned to it by ordinance or resolution of the Township Committee for the aid and assistance of the Township Committee or other agencies or officers.

§ 255-10 Zoning Board of Adjustment Powers Exercised by Planning Board

A. The Planning Board shall exercise the following powers when acting as the Zoning Board of Adjustment.

1. Hear and decide appeals pursuant to 40:55D-72 where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative officer based on, or made in, the enforcement of the zoning provisions of this Chapter.

2. Hear and decide requests for interpretation of the zoning map, zoning provisions of this chapter, official map, or for decisions upon other special questions upon which the Board is authorized to pass under this Land Development Ordinance.

3. Hear and decide requests for variances from lot area, lot dimensional, setback, and yard requirements, pursuant to N.J.S.A. 40:55D-70c.

   a. Hardship. Grant a variance from the strict application of any regulation of the zoning provisions of this chapter that would result in peculiar and exceptional practical difficulties, or exceptional and undue hardship upon the developer of a specific piece of property for the following reasons:

(1) exceptional narrowness, shallowness or shape of the property;

(2) exceptional topographic conditions or physical features uniquely affecting the property, or

(3) an extraordinary and exceptional situation uniquely affecting the property or structures lawfully existing thereon.

b. Other Bulk Variance. Grant a variance to allow departure from the zoning provisions of this chapter for a specific piece of property, excluding the variance from those departures enumerated in subsection 4 of this section, when the purposes of the Municipal Land Use Law would be advanced by a deviation from the specified zoning provisions of this chapter and when the benefits of the deviation would substantially outweigh any detriment.

4. Hear and decide requests to grant a variance to allow departure from the zoning provisions of this Chapter in particular cases and for special reasons pursuant to N.J.S.A. 40:55D-70d. Variances granted under this subsection shall be granted only by affirmative vote of at least five (5) members. No variance or other relief may be granted under the terms of this section unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning provisions of this chapter. The variances that may be granted under this subsection include the following:

a. A use or principal structure in a district restricted against such use or principal structure.

b. An expansion of a non-conforming use.

c. Deviation from a specification or standard pertaining solely to a conditional use including deviations from the standards or specifications of the Township Redevelopment Plan.

d. An increase in the permitted floor area ratio.

e. An increase in the permitted density, except as applied to the required lot area for a lot or lots for detached one or two dwelling unit buildings which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision.

f. A height of a principal structure which exceeds by ten (10) feet or ten percent (10%) the maximum height permitted in the district for a principal structure.

B. Annual Report. The Planning Board, acting as the Zoning Board of Adjustment, shall at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report of its findings on the zoning provisions of this Chapter which were the subject of variance requests. The report shall contain recommendations of the Planning Board relative to amendments or revisions to the

zoning provisions of this Chapter, if any. The report shall be sent to ~~both~~ the Township Committee for its consideration.

§ 255-11 Organization

A. Chairperson. The Chairperson shall decide all points of order and matters of procedure governing the meeting unless otherwise directed by a majority of the Board in session at the time. The Chairperson shall have all the powers and perform all the duties normally appertaining to his office. The Chairperson or his designee shall swear all witnesses giving testimony before the Board.

B. Vice-Chairperson. The Vice-Chairperson shall preside at all Planning Board meetings and hearings in the absence of the Chairperson.

C. Secretary.

1. The Secretary shall conduct all official correspondence, compile the required records, maintain and keep in order the necessary files and indices, and generally perform the secretarial work of the Board.

2. The Secretary shall attend all meetings of the Board, and shall have the care and custody of all records, documents, maps, plans and papers of the Board. When the votes are taken, the Secretary shall take roll in alphabetical order by last name, except that the Chairperson shall be called last.

3. The Secretary shall make a record of, and keep on file, the minutes of the proceedings at each meeting or hearing held by the Board and shall enter therein with the other proceedings, such resolutions and orders as are adopted and a copy of the minutes of that meeting. The Secretary shall issue notices of meeting and shall perform such other duties as usually appertain to the office.

4. The Secretary shall file a brief notice of the Board's decision on each development application pursuant to N.J.S.A. 40:55D-10i and provide a full copy of the notice and the adopted resolution to the applicant.

D. Personnel, Experts and Staff. The Planning Board may also employ, or contract for, and fix the compensation of such experts and other staff and services as may be necessary to carry out its powers and duties and to conduct professional reviews of land development applications.-The Board shall not authorize expenditures which exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use. The fees and charges of all professional services related to a land development application shall be paid by the applicant's escrow account. The Board shall specifically have the power to appoint the following positions:

1. Board Attorney. In accordance with the requirements of law, the Planning Board shall have the power, right and responsibility to employ an attorney to advise the Board as to its legal rights. The Board Attorney shall be answerable and responsible to the Planning Board and shall take action independent of any action taken by the Township Solicitor in accordance with the principles of law. The Board Attorney shall be appointed for a term of one (1) year, commencing on

January 1 of the year of appointment and terminating on December 31 of the year of appointment.

a. Qualifications. The person appointed Board Attorney shall be an attorney licensed to practice law in the State of New Jersey and possess other qualification, ability and experience which the Board shall deem necessary to perform the duties of his office.

b. Compensation. The Board Attorney shall receive reasonable fees and charges for legal services.

c. Duties. The Board Attorney shall be the advisor on legal matters to the Planning Board. In this connection, the Board Attorney shall be present during public hearings on land development applications, advise the Board on legal and procedural matters, and prepare the resolutions memorializing the actions of the Board.

2. Board Engineer.

a. Qualifications. The person appointed Board Engineer shall be a licensed professional engineer within the State of New Jersey and possess other qualification, ability and experience which the Board shall deem necessary to perform the duties of his office.

b. Compensation. The Board Engineer shall receive reasonable fees and charges for engineering services.

c. Duties. The Board Engineer shall be the advisor on engineering matters to the Planning Board. In this connection, the Board Engineer shall review all plans and documents received by the Planning Board for its action and make specific recommendations concerning said matters.

3. Board Planner

a. Qualifications. The person appointed Board Planner shall be a licensed professional planner within the State of New Jersey and possess other qualification, ability and experience which the Board shall deem necessary to perform the duties of his office.

b. Compensation. The Board Planner shall receive reasonable fees and charges for planning services.

c. Duties. The Board Planner shall be the advisor on planning matters to the Planning Board. In this connection, the Board Planner shall review all plans and documents received by the Planning Board for its action and make specific recommendations concerning said matters.

4. Other professionals. The Board shall obtain the services of other recognized experts as is necessary to review particular elements of land development applications. The cost of these specialized professional services shall also be

borne by the applicant and charged to the relevant escrow account for the land development application.

E. Establishment. The Development Review Committee (the 'DRC') of the Riverside Township Planning Board is hereby established. The DRC shall consist of three (3) regular members of the Planning Board and the professionals employed by the Planning Board to review the development application.

F. Promulgation of Rules and Regulations. The Planning Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this chapter. In the issuance of subpoenas, administration of oaths, and the taking of testimony, the provisions of the County and Municipal Investigations Law of 1953 (N.J.S.A. 2A: 67A-1 et seq.) shall apply.

§ 255-12 Meetings

A. Annual Reorganization Meeting. The annual reorganization meeting of the Board shall be held at a designated time in January of each year, at which time the Board shall elect from among its members, a Chairperson and a Vice-Chairperson. The Board shall also appoint a Secretary and a Board Attorney, all of who shall serve for a one-year term until they are re-appointed or their successors are appointed at the next annual reorganization meeting The Secretary may or may not be a member of the Planning Board.

B. Regular Meeting Dates. The regular meetings of the Board shall be held at the Municipal building of the Township of Riverside, New Jersey at a time and day designated by the Board at the annual reorganization meeting. The Planning Board shall be scheduled to meet at least once each month. The Secretary shall annually furnish a copy of the regular meeting dates for the year to the news media designated by the Township Committee in accordance with the Open Public Meetings Act N.J.S.A.10: 4-6 et. seq. If it becomes necessary to change the date of a regularly scheduled meeting, the Planning Board shall by resolution provide for an alternate date, causing proper notice to be published in a newspaper of general circulation within the Township.

C. Special Meetings. Meetings may be called by the Chairperson or in his absence by the Vice-Chairperson, at any time or upon the written request of two members, provided notice thereof is mailed or given to each member of the Board at least two days prior thereto, and to the public as required by the Open Public Meetings Law, N.J.S.A. 10:4-6 et. seq.

D. Meetings Open to Public. All meetings shall be open to the public except such executive sessions as authorized by N.J.S.A. 40:55D-9b and N.J.S.A. 10:4-6 et. seq.

E. Record of Proceedings. The Board shall provide for the verbatim recording of the proceedings by either stenographer, mechanical or electronic means, or both. The Board shall furnish a transcript, or duplicate recording in lieu thereof, on request of any interested party at such party's expense. Payment shall be made in advance of the preparation of the transcript or duplicate recording. All stenographers' notes, electronic recordings or other verbatim records of meeting shall be retained by the Board for at least five years from the date of the hearing, or until the termination of any proceedings relating to such matter in the Superior Court of the Supreme Court of the State of New Jersey, whichever is longer.

F. Conduct of Meeting. The Chairperson or, in his/her absence, the Vice Chairperson, or in his/her absence, a member of the Planning Board selected at the meeting to be the Acting Chairperson, shall act as the Board's presiding officer at all meetings In this connection, the Chairperson may administer oaths and compel the attendance of witnesses or authorize the Board Attorney to perform these responsibilities. The Chairperson shall ensure that the minutes of the meeting show the vote of each member on all action items or show that the member is absent or fails to vote on that action item. The Board shall keep records of its examinations and other official action, all of which shall be immediately filed in the office of the Planning Board and constitute a public record. Specifically, action by the Board in the conduct of its meetings and the holdings of hearings shall conform with the procedural requirements of N.J.S.A. 40:55D-1 et seq.

§ 255-13. Notice of Public Hearing on Development Applications

A. Notice Required. The Planning Board shall not conduct a public hearing or consider a land development application for which notice is required until it is demonstrated that the notice requirements have been fulfilled. The following development applications require notice to be provided of a public hearing:

1. Any request for a variance.

2. Any request for conditional use approval;

3. Any request for issuance of a permit to build within the bed of a mapped street or public drainageway or a lot not abutting a street;

4. Any request for minor subdivision approval involving one or more of the aforesaid items;

5. Any request for minor site plan approval;

6. Any request for preliminary approval of a major subdivision or site plan;

7. Any request for an expansion and/or change to a non-conforming use or structure;

8. An appeal to the Planning Board under § 255-15 from the decision of the zoning officer or administrative officer.

B. Contents. The notice of public hearings on land development applications shall state the date, time and place of the hearing, the nature of the matters to be considered, an identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the township Tax Assessor's office and the location and times at which any maps and documents for which approval is sought are available for public inspection.

C. Persons Served. Notice of hearing shall be given to all persons and officials entitled thereto by the requirements of N.J.S.A. 40:55D-12.

D. List of Owners Supplied by Clerk. Where the Clerk of the municipality (or other authorized official) has furnished the applicant with a certified list of the property owners

entitled to notice pursuant to the provisions of N.J.S.A. 40:55D-12(c), a copy of the official certification and list shall be annexed to applicant's proof of service.

E. Proof of Service. The service and publication of notices as hereinabove provided is a jurisdictional requirement, and proof of the service and publication of all required notices in accordance with these rules shall be made by affidavit of the person or persons who actually served or mailed said notices as required by law, and by the authorized official of the newspaper which published same.

§ 255-14. Hearings

A. The Planning Board shall hold a public hearing on each application for development for which notice is required by § 255-13 or adoption, revision or amendment of the Master Plan.

B. The Planning Board shall make the rules governing such hearings. Any maps and documents for which approval is sought at a hearing shall be on file and available for public inspection at least 14 days before the date of the hearing during normal business hours in the office of the administrative officer. The applicant may produce other documents, records or testimony at the hearing to substantiate or clarify or supplement the previously filed maps and documents.

C. The Chairperson presiding at the hearing or such person as designated shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the County and Municipal Investigations Law, P.L. 1953, c. 38 (N.J.S.A. 2A: 67A-1 et seq.), shall apply.

D. The testimony of all witnesses relating to the application for development shall be taken under oath or affirmation by the presiding officer, and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.

E. Technical rules of evidence shall not be applicable to the hearing, but the Chairman of the agency may exclude irrelevant, immaterial or unduly repetitious evidence.

F. The Planning Board shall provide for the verbatim recording of the proceedings by either stenographic, mechanical or electronic means. The municipal agency shall furnish a transcript, or duplicate recording in lieu thereof, on request to any interested party at his expense pursuant to §255-12E of this Chapter.

§ 255-15. Appeals to the Planning Board

A. Appeals to the Planning Board, which require the Board to invoke its powers as a Zoning Board of Adjustment, may be taken by any interested party affected by any decision of an administrative officer of the Township based on or made in the enforcement of this chapter. Such appeal shall be taken within twenty (20) days by filing a notice of appeal with the officer from whom the appeal is taken specifying the grounds of such appeal. The officer from whom the appeal is taken shall immediately transmit to the Planning Board all the papers constituting the record upon which the action appealed was taken.

B. Modification on Appeal. In exercising its powers as a Zoning Board of Adjustment, the Planning Board may reverse or affirm, wholly or in part, or may modify the action, order, requirement, decision, interpretation or determination appealed from and to that end have all the powers of the administrative officer from whom the appeal is taken.

C. Stay of Proceedings. An appeal to the Planning Board, which requires the Board to invoke its powers as a zoning board of adjustment, shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made unless the officer from whose action the appeal is taken certifies to the Planning Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Superior Court upon notice to the officer from whom the appeal is taken and on due cause shown.

D. Time for Decision. The Planning Board acting in the capacity as a zoning board of adjustment shall render its decision not later than one hundred twenty (120) days after the date an appeal is taken from the decision of an administrative offer or after the submission of a complete application for development to the Board pursuant to the provisions of N.J.S.A. 40:55D-72.b, or within such further time as may be consented to by the applicant. Failure of the Board to render a decision within such period shall constitute a decision favorable to the applicant. In the event the developer submits separate consecutive applications, pursuant to this chapter, the aforesaid time period shall apply to the application for approval of the variance. The period for granting or denying any subsequent approval shall be as otherwise provided in this chapter. Failure of the Board to render a decision within the prescribed period constitute a decision favorable to the applicant.

E. Except as otherwise provided by the general ordinances of the Township of Riverside, each application made for a variance or appeal shall be accompanied by the fee specified in §255-112 payable to the Secretary of the Planning Board.

F. Expiration of Variance. Any variance from the terms of this chapter hereafter granted by the Planning Board, functioning in the capacity as a zoning board of adjustment, permitting the erection or alteration of any structure or structures or permitting a specified use of any premises shall expire by the limitation within one (1) year from the date of entry of the judgment or determination of the Planning Board, or in the case where a variance was granted in conjunction with the approval of a development application for a minor subdivision or site plan, preliminary major subdivision or site plan or a final subdivision or site plan, the expiration period for the variance shall run concurrently with the expiration period for the respective development application, unless the applicable construction permits have been obtained or the permitted uses has actually been commenced by that date; except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Planning Board to a court of competent jurisdiction until the termination in any manner of such appeal or proceeding.

§ 255-16. Decisions

A. The Planning Board shall include findings of fact and conclusions based thereon in each decision on any application for development and shall reduce the decision to writing. The municipal agency shall provide the findings and conclusions through:

1. A resolution adopted at a meeting held within the time period provided in the Municipal Land Use Law for action by the Planning Board on the application for development; or

2. A memorializing resolution adopted at a meeting held not later than 45 days after the date of the meeting at which the Planning Board voted to grant or deny approval. Only the members of the Planning Board who voted for the action taken may vote on the memorializing resolution, and the vote of a majority of such members present at the meeting at which the resolution is presented for adoption shall be sufficient to adopt the resolution. An action pursuant to Section 5 of the Municipal Land Use Law (N.J.S.A. 40:55D-9), resulting from the failure of a motion to approve an application, shall be memorialized by resolution as provided above, with those members voting against the motion for approval being the members eligible to vote on the memorializing resolution. The vote on any such resolution shall be deemed to be a memorialization of the action of the Planning Board and not to be an action of the Planning Board; however, the date of the adoption of the resolution shall constitute the date of the decision for purposes of the mailing, filings and publications required by Subsection B and C of this section. If the municipal agency fails to adopt a resolution or memorializing resolution as hereinabove specified, any interested party may apply to the Superior Court in a summary manner for an order compelling the municipal agency to reduce its findings and conclusions to writing within a stated time, and the cost of the application, including attorney's fees, shall be assessed against the municipality.

B. A copy of the decision shall be mailed by the Secretary of the agency within ten (10) days of the date of decision to the applicant or, if represented, then to his attorney, without separate charge, and to all who request a copy of the decision for a fee as specified in §255-112 of this Chapter. A copy of the decision shall also be filed by the agency in the office of the administrative officer. The administrative officer shall make a copy of such filed decision available to any interested party for a fee as specified in § 255-112 of this Chapter and available for public inspection at his or her office during township business hours.

C. A brief notice of the decision shall be published in the official newspaper of the township. The Planning Board Secretary or the applicant shall arrange for the publication of the decision. The period of time in which an appeal of the decision may be made shall run from the first publication of the decision, whether arranged by the Township or by the applicant.

§ 255-17 Appeal of Planning Board Decision

All appeals of decisions made by the Planning Board shall be taken directly to the Superior Court of New Jersey and not to the Riverside Township Committee.

ARTICLE IV
MASTER PLAN

§ 255-18 Master Plan Preparation and Contents

A. The Planning Board shall prepare and, after public hearing, adopt or amend a Master Plan or component parts thereof to guide the use of lands within the township in a manner which protects public health and safety and promotes the general welfare.

B. The Master Plan shall generally comprise a report or statement and land use and development proposals, with maps, diagrams and text, presenting, where appropriate, the following elements.

1. A statement of objectives, principles, assumptions, policies and standards upon which the constituent proposals for the physical, economic and social development of the township are based.

2. A land use plan element taking into account the other Master Plan elements and natural conditions, including but not necessarily limited to topography, soil conditions, water supply, drainage, floodplain areas, marshes and woodlands; showing the existing and proposed location, extent and intensity of development or land to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, educational and other public and private purposes or a combination of purposes; and including a statement of the standards of population density and development intensity recommended for the township.

3. A housing plan element pursuant to Section 10 of P.L. 1985, c. 222 (N.J.S.A. 52:27D-310), including but not limited to, residential standards and proposals for the construction and improvement of housing.

4. A circulation plan element showing the location and types of facilities for all modes of transportation required for the efficient movement of people and goods into, about and through the township.

5. A utility service plan element analyzing the need for and showing the future general location of water supply and distribution facilities, drainage and flood control facilities, sewerage and waste treatment, solid waste disposal and provision for other related utilities.

6. A community facilities plan element showing the location and type of educational or cultural facilities, historic sites, libraries, hospitals, firehouses, police stations and other related facilities, including their relation to the surrounding areas.

7. A recreation plan element showing a comprehensive system of areas and public sites for recreation.

8. A conservation plan element providing for the preservation, conservation and utilization of natural resources, including, to the extent appropriate, open space,

water, forests, soil marshes, wetlands, harbors, rivers and other waters, fisheries, wildlife and other natural resources.

9. An economic plan element considering all aspects of economic development and sustained economic vitality, including:

   a. A comparison of the types of employment expected to be provided by the economic development to be promoted with the characteristics of the labor pool resident in the municipality and nearby areas.

   b. An analysis of the stability and diversity of the economic development to be promoted.

10. A historic preservation plan element:

   a. Indicating the location, significance, proposed utilization and means for preservation of historic sites and historic districts.

   b. Identifying the standards used to assess worthiness for historic site or district designation.

   c. Analyzing the impact of each component and element of the Master Plan on the preservation of historic sites and districts.

11. Appendices or separate reports containing the technical foundation for the Master Plan and its constituent elements.

12. A recycling plan element which incorporates the state recycling plan goals, including provisions for the collection, disposition and recycling of recyclable material within any development proposal for the construction of fifty (50) or more units of single-family residential housing or twenty-five (25) or more units of multifamily residential housing and any commercial or industrial development proposal for the utilization of one thousand (1,000) square feet or more of land.

C. The Master Plan and its plan elements may be divided into subplans and subplan elements projected according to periods of time or staging sequences.

D. The Master Plan shall include a specific policy statement indicating the relationship of the proposed development of the township as developed in the Master Plan to the Master Plans of contiguous municipalities, the Master Plan of Burlington County and the State Development and Redevelopment Plan adopted pursuant to the State Planning Act, P.L. 1985, c. 398 (N.J.S.A. 52:18A-196 et seq.), and the district solid waste management plan of Burlington County required pursuant to the provisions of the Solid Waste Management Act, P.L. 1970, c. 39 (N.J.S.A. 13:1E-1 et seq.).

§ 255-19 Periodic Master Plan Reexamination and Report

A. The governing body shall, at least every six years, provide for a general reexamination of the Master Plan and this chapter by the Planning Board, which shall prepare a report on the findings of such reexamination, a copy of which shall be sent to the County Planning Board and the Municipal Clerks of each adjoining municipality. The six-year period shall commence with the adoption or termination of the last reexamination of such plan and regulations.

B. The reexamination report shall state the following:

1. The major problems and objectives relating to land development in the Township at the time of such adoption, last revision or reexamination, if any.

2. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.

3. The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for such plan or regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources and change in state, county and Township policies and objectives.

4. The specific changes recommended for such plan or regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.

§ 255-20. Notice of Hearing on Adoption, Revision, or Amendment of Master Plan

A. The Planning Board shall give public notice of a hearing on adoption, revision or amendment of the Master Plan at least ten (10) days prior to the meeting in the following manner:

1. Publication of such notice in the official newspaper of the Township.

2. Notice by personal service or certified mail to the Clerk of an adjoining municipality of all hearings on adoption, revision or amendment of a Master plan involving property situated within 200 feet of such adjoining municipality;

3. Notice by personal service or certified mail to the County Planning Board that shall include the proposed Master Plan or any revision or amendment thereto;

B. The Planning Board shall give notice by personal service or certified mail to the County Planning Board of the adoption, revision or amendment of the Master Plan not more than thirty (30) days after the date of such adoption, revision or amendment that shall include a copy of the adopted Master Plan element or revision or amendment thereto.

C. Content. The notice of public hearings on adoption, revision or amendment of the Master Plan shall state the date, time and place of the hearing, the nature of the matters to be considered and the location and times at which any maps and documents for which approval is sought are available for public inspection

ARTICLE V
Capital Improvements Program

§ 255-21. Capital Improvements Program Authorization.

A. The Township Committee may authorize the Planning Board from time to time to prepare a program of municipal capital improvement projects projected over a term of at least six years and amendments thereto. Such program may encompass major projects being currently undertaken or future projects to be undertaken with federal, state, county and other public funds or under federal, state or county supervision. The first year of such program shall, upon adoption by the governing body, constitute the capital budge of the Township as required by N.J.S.A. 40A: 4-43 et. seq. The program shall classify projects with regard to the urgency and need for realization and shall recommend a time sequence for their implementation. The program may also contain the estimated cost of each project and indicate probably operating and maintenance costs and probable revenues, if any, as well as existing sources of funds or the need for additional sources of funds for the implementation and operation of each project. The program shall, as far as possible, be based on existing information in the possession of the departments and agencies of the Township and shall take into account public facility needs indicated by the prospective development shown in the Master Plan of the Township or as permitted by other municipal land use controls. In preparing the program, the Planning Board shall confer, in a manner deemed appropriate by the Board, with the Mayor, the Chief Financial Officer, other municipal officials and agencies, and the School Board. Any such program shall include an estimate of the displacement of persons and establishments caused by each recommended project.

B. In addition to any of the requirements in Subsection A of this section, whenever the Planning Board is authorized and directed to prepare a capital improvements program, every department, authority or agency shall, upon inquiries to the Planning Board, transmit to said Board a statement of all capital projects proposed to be undertaken by such municipal department, authority or agency during the term of the program for study, advice and recommendation by the Planning Board.

C. Adoption of Capital Improvement Program. Whenever the Planning Board has prepared a capital improvement program pursuant to §255-21 of this Chapter, it shall recommend such program to the Township Committee, which may adopt such program with any modification approved by affirmative vote of a majority of the full-authorized membership of the governing body and with the reasons for said modification recorded in the minutes.

D. Review of Projects by Planning Board. Whenever the Planning Board shall have adopted any portion of the Master Plan, the governing body or other public agency having jurisdiction over the subject matter, before taking action necessitating the expenditure of any public funds incidental to the location, character or extent of such project, shall refer the action involving such specific project to the Planning Board for review and recommendation in conjunction with such Master Plan and shall not act thereon without such recommendation or until 45 days have elapsed after such reference without receiving such recommendation. This requirement shall apply to action by a housing, parking, highway, special district or other authority, redevelopment agency, school board or other similar public agency, state, county or municipal.

§ 255-22. Notice of Hearing on Adoption, Revision, or Amendment of Development Regulations;

A. The Township Committee shall give public notice of a hearing on adoption, revision or amendment of a development regulation, official map or capital improvement program at least ten (10) days prior to the meeting in the following manner:

1. Publication of such notice in the official newspaper of the Township.

2. Notice by personal service or certified mail to the Clerk of an adjoining municipality of all hearings on adoption, revision or amendment of a Master plan involving property situated within 200 feet of such adjoining municipality;

3. Notice by personal service or certified mail to the County Planning Board that shall include a copy of the proposed development regulation, the township official map, the township capital improvement program of any proposed revision or amendment thereto as the case may be.

B. The Township Committee shall give notice by personal service or certified mail to the County Planning Board of the adoption, revision or amendment of the Township Capital Improvement Program, Township Official Map not more than thirty (30) days after the date of such adoption, revision or amendment with a copy of the development regulation, official map or capital improvement program attached.

ARTICLE VI
Official Map

§ 255-23. Map Adopted; Statutory Authority.

A. The Township Committee may adopt, pursuant to the provisions of Section 23 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-32), a document known as the "Official Map of the Township of Riverside."

B. The Official Map shall be deemed conclusive with respect to the location and width of streets and public drainageways and the location and extent of flood control basins and public areas, whether or not such streets, ways, basins or areas are improved or unimproved or are in actual physical existence. Upon receiving an application for development, the Township may reserve for future use the aforesaid streets, ways, basins and areas in the manner provided by applicable laws of the State of New Jersey and the Code of the Township of Riverside.

C. Issuance of Permits for Buildings or Structures. For purposes of preserving the integrity of the Official Map, no permit shall be issued for any building or structure in the bed of any street or public drainageway, flood control basin or public area as shown on the Official Map or shown on a plat filed pursuant to this chapter before adoption of the Official Map, except as provided herein. Whenever one (1) or more parcels of land, upon which is located the bed of such mapped street or public drainageway, flood control basin or public area reserved pursuant to this Section, cannot yield a reasonable return to the owner unless a building permit is granted, the Planning Board, acting as the Board of Adjustment may, in a specific case, by an affirmative vote of a majority of the full authorized membership of the Board, direct the issuance of a permit for a building or structure in the bed of such mapped street, public drainageway, flood control basin or

public area reserved pursuant to this Section, which will, as little as practicable, increase the cost of opening such street or tend to cause a minimum change to the Official Map, and the Board shall impose reasonable requirements as a condition of granting the permit so as to promote the health, morals, safety and general welfare of the public.

D. Building Lot to Abut Street. No lot shall be created by approval of a subdivision application and no permit for the erection of a building or structure shall be issued unless the lot abuts a street giving access to such proposed building or structure. Such street shall have been duly placed on the Official Map or shall be an existing state, county or municipal street or highway or a street shown upon a plat approved by the Planning Board or a street on a plat duly filed in the office of the County clerk of Burlington County prior to the passage of this chapter or its predecessor or any prior law which required prior approval of plats by the governing body or other authorized body. Before any such permit shall be issued, such street shall have been certified to be suitably improved to the satisfaction of the governing body, or such suitable improvement shall have been assured by means of a performance guaranty in accordance with standards and specifications for road improvements approved by the governing body as adequate with respect to the public health, safety and general welfare of the special circumstances of the particular street.

E. Variances. Where the enforcement of Subsection D hereof would entail practical difficulty or unnecessary hardship or where the circumstances of the case do not require the building or structure to be related to a street, the Board of Adjustment may, upon application or appeal, vary the application of Subsection D hereof and direct the issuance of a permit, subject to conditions that will provide adequate access for fire-fighting, ambulance and other emergency vehicles necessary for the protection of health and safety and that will protect any future street layout shown on the Official Map or a general circulation plan element of the Municipal Master Plan. The Zoning Board of Adjustment may not grant relief from street improvement requirements for lots yet to be created as a result of subdivision approval.