

**TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY**

**ORDINANCE # 09-17-14**

**AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, IN MIDDLESEX COUNTY, NEW JERSEY, AMENDING THE PROVISIONS OF CRANBURY TOWNSHIP'S LAND DEVELOPMENT ORDINANCE REGARDING THE DEFINITION OF MINOR SITE PLAN, THE COMPOSITION AND RESPONSIBILITIES OF THE DEVELOPMENT REVIEW COMMITTEE, WHEN SITE PLAN APPROVAL IS REQUIRED, AND THE PROCESS FOR OBTAINING MINOR SITE PLAN AND MINOR SUBDIVISION APPROVAL, AND ESTABLISHING AN ADVISORY ZONING COMMITTEE**

**BE IT ORDAINED** by the Township Committee of the Township of Cranbury, Middlesex County, New Jersey, that Chapter 150 of the Code of the Township of Cranbury, entitled Land Development, is hereby amended as follows:

**Section 1. Definition of "Minor Site Plan" revised.** The definition of "minor site plan" set forth in section 150-7 of the Code of the Township of Cranbury ("Code") is hereby revised to read as follows (additions are underlined; deletions are in [brackets]):

§ 150-7. Definitions.

**MINOR SITE PLAN**

A development plan for less than 5,000 square feet of new or additional gross floor area or less than 20% increase in impervious surface coverage, provided the site plan: (1) conforms to [the] all applicable zoning, site plan and subdivision requirements; (2) involves neither a planned development, a new street, or the extension of any off-tract improvements [which is] that are to be prorated pursuant to N.J.S.A. 40:55D-52; and (3) contains the information reasonably required to make an informed decisions on the application.

**Section 2. Composition and powers of Development Review Committee amended.**

Section 150-76, Development Review Committee, is hereby amended to read as follows (additions are underlined; deletions are in [brackets]):

§ 150-76. Development Review Committee.

A Development Review Committee [shall be] is hereby established to review all applications for development or requests for review presented to the Planning Board and the Board of Adjustment.

A. The Development Review Committee (DRC) shall consist of five regular members and three ex officio members. The appointees shall be [two]three members from the Planning Board ([one of whom may be the Mayor] including one member who is either a Class I or Class III member) to be appointed by the Chairperson, [one] and two members from the Zoning Board of Adjustment to be appointed by the Chairperson of the Board of Adjustment[, ]. [the] In addition, one alternate member from the Planning Board and one alternate member from the Zoning Board shall be appointed by the respective chairs of each Board, who shall attend in the absence of that Board's regular DRC member. The [Township] ex officio members shall be the Planning Board Planner, [and] the [Township] Planning Board Engineer and one appointee from the Environmental Commission. One of the Planning Board members of the DRC, other than the Class I or Class III member, shall be appointed as chairperson of the DRC. The Zoning Officer and the [Building Inspector]Construction Official may provide advice to the Development Review Committee as required. The terms of all members shall be one year, computed from the first day of January of the year of appointment. Vacancies shall be filled in the same manner as the original appointment and those occurring other than by the expiration of a term shall be filled for the duration of the unexpired term. Members shall continue serving after the expiration of their terms until such time as their successors shall be appointed. The secretary to the Planning Board shall also serve as secretary to the DRC.

B. The Development Review Committee shall conduct informal meetings as required, in order to review development applications. Applicants may appear on their own behalf or may appear through an attorney, architect or engineer. Such meetings shall be open to the public.

C. The Development Review Committee shall have the authority to [conduct formal hearings, after notice, and approve] hear and decide applications for minor site plan[s] and minor subdivision approval in accordance with the requirements of Subsection E[,] below. [At least four] Five members of the Development Review Committee shall constitute a quorum for the purposes of conducting [the] a hearing on a minor site plan or minor subdivision application, and [the] any approval [decision to approve a minor site plan by the Development Review Committee] shall be by unanimous vote. A verbatim record shall be kept of the hearing proceedings.

D. The Development Review Committee shall have the following responsibilities:

[(1) Recommend to the applicable Board whether the application is a minor or major development application.]

[ (2) Determine compliance with the Township's zoning requirements, development regulations and design standards.]

[(3)](1) [Make recommendations]Review and comment on the design and technical elements of any subdivision or site plan application, including concept plan and sketch plats pursuant to § 150-83A *et seq.*, except that if such application requires a variance pursuant to NJSA 40:55D-70d, members of the DRC who are also members of Zoning Board of Adjustment shall recuse themselves. Any discussion of a site plan or subdivision application involving a "d" variance shall be limited to the technical aspects of the subdivision or site plan only.

[(4)](2) Upon request of the Planning and Zoning Board Secretary or by the Planning Board Engineer, [D]determine whether an application is complete[ and ready for a public hearing].

[(5)](3) Hear and decide[Conduct formal hearings on] minor site plan[s] and minor subdivision applications, [provided such applications are fully conforming and required no variances or design waivers] in accordance with subsection E below.

[E. The report of the Development Review Committee shall be distributed to the Secretary of the Board where the formal application is to be presented and to the applicant. The report shall not be binding upon the Planning Board, the Zoning Board or the applicant, nor shall the applicant be relieved of any requirements or regulations which have not been addressed in the report.]

[F]E. [Approval of a]Application for minor site plan or minor subdivision approval:

(1) The Development Review Committee shall have the authority to decide applications for minor site plan and minor subdivision approval as defined in this chapter[may conduct formal hearings and approve or deny a minor site plan]. In reviewing any such application, the Development Review Committee shall apply the standards set forth in Article V, Site Plan and Subdivision Standards.

(2) All applications for minor site plan or minor subdivision approval before the Development Review Committee shall require a formal public hearing. At least ten days prior to the date of the hearing, the applicant shall provide notice to the public of the date, time and location of the haring in the manner specified in N.J.S.A. 40:55D-12 and -12.1. The secretary to the Development Review Committee shall maintain a verbatim recording of the public hearing.

(3) The Development Review Committee shall render its decision within forty-five days of the date on which the application is deemed complete, or within such further time as may be consented to by the applicant.

[(2) The Planning Board may choose not to conduct formal hearings and instead, refer the minor site plan to the Development Review Committee for action.]

(4) The Development Review Committee may impose reasonable conditions [of approval] on any minor site plan or minor subdivision approval. [If the application disagrees with any condition of approval, the site plan shall be referred to the Planning Board for action.]

(5) If the Development Review Committee denies an application, or approves an application with a condition or conditions the applicant deems unreasonable, the applicant may re-file the application with the Planning Board, which shall consider it *de novo*. The application shall be treated, processed and decided as a new application, and principals of *res judicata* shall not apply.

[(3)](6) An applicant may, at any time, withdraw its application and refile it with the Planning Board, which shall consider it *de novo*. The application shall be treated, processed and decided as a new application, and principals of *res judicata* shall not apply. [choose to have the minor site plan application referred to the Planning Board for action. If a minor site plan is denied by the Development Review Committee, the matter shall be automatically referred to the Planning Board for action.]

[(5) Applicants seeking Development Review Committee approval of a minor site plan shall publish notice of the public hearing in the official newspaper of the Township at least 10 days prior to the date of the Development Review Committee hearing.]

[(6) In the event there is opposition to the minor site plan, as expressed by opponents appearing before the Development Review Committee, the minor site plan shall not be approved by the Development Review Committee and shall be forwarded to the Planning Board for action.]

[(7) In reviewing any minor site plan, the Development Review Committee shall use the standards set forth in Article V, Site Plan and Subdivision Standards.]

**Section 3. Zoning Committee established.** Section 150-78 of the Code, currently reserved, is hereby amended to establish a new advisory committee to be known as the Zoning Committee, and shall read as follows (additions are underlined; deletions are in [brackets]):

§ 150-78. [(Reserved)] Zoning Committee

A Zoning Committee is hereby established to advise the Township Committee on all proposed additions or amendments to the development regulations of the Township of Cranbury.

A. The Zoning Committee shall comprise four regular members, consisting of either the Class I or the Class III member of the Planning Board, one Class IV member of the Planning Board, one member of the Zoning Board of Adjustment, and one member of the Environmental Commission, plus the Planning Board Planner, Planning Board Engineer, and Planning Board Attorney. The Zoning Officer may provide advice to the Zoning Committee as required.

B. The terms of the regular members shall be one year, computed from the first day of January of the year of appointment. All the regular members shall be appointed by the Township Committee and vacancies shall be filled in the same manner as the original appointment and those occurring other than by the expiration of a term shall be filled for the duration of the expired term. Regular members shall continue serving after the expiration of their terms until such time as their successors shall be appointed. The Township Committee member shall serve as chairperson of the Zoning Committee. One of the other members of the Zoning Committee shall serve as secretary to the Zoning Committee.

C. The Zoning Committee shall meet at the request of the chairperson. All meetings of the Zoning Committee shall be informal and shall not require a quorum or notice. The advice, work product or decisions of the Zoning Committee shall not be binding and shall be provided to the Township Committee on a strictly advisory basis. No formal record or minutes of the Zoning Committee are required, but may be kept at the request of the chairperson.

D. The Zoning Committee shall have the following responsibilities:

(1) Recommend additions or amendments to the development regulations that are initiated by the Zoning Committee or that have been referred to the Zoning Committee by the Township Committee.

(2) Prepare drafts of additions or amendments to the development regulations of the Township of Cranbury and supporting materials, documents, maps or exhibits in connection with such revisions.

E. The Zoning Committee shall have the authority in its discretion to request information and from outside sources, including residents and members of the business community, provided that no cost shall inure to the Township as a result.

**Section 4. Section 150-80 deleted.** The provisions of section 150-80, Jurisdiction of responsibility during development application review, are hereby deleted and this section number reserved for future use, as follows (additions are underlined; deletions are in [brackets]):

§ 150-80. [Jurisdiction of responsibility during development application review.]  
(Reserved)

[The respective responsibilities of the Planning Board and Zoning Board of Adjustment are as follows:]

[A. The Planning Board shall have the power to grant subdivision or conditional use approval simultaneously with site plan approval.]

[B. The Planning Board shall have the power to act in lieu of the Zoning Board of Adjustment as set forth in Article VI of this chapter.]

[C. The Zoning Board of Adjustment shall have the power to act in lieu of the Planning Board as set forth in Article VI of this chapter.]

**Section 5. Provisions regarding concept plans and sketch plats amended.** Section

150-83, Concept plans and sketch plats, is hereby amended to read as follows (additions are underlined; deletions are in [brackets]):

§ 150-83. Concept plans and sketch plats.

A. Applicants for subdivision or site plan approval are encouraged to file concept plans and sketches prior to the submittal of a formal plan. [This] Applicants may request an informal review by the Development Review Committee as set forth in § 150-76D(1) or may request an informal review before the Planning Board will:]. The purpose of such review is as follows:

(1) Acquaint the applicant with the substantive and procedural requirements of the subdivision and site plan ordinance.

(2) Provide for an exchange of information regarding the proposed development plan and applicable elements of the Master Plan, zoning ordinance and other development requirements.

(3) Advise the applicant of any public sources of information that may aid the application.

(4) Identify policies and regulations that create opportunities or pose significant constraints for the proposed development.

(5) Consider opportunities to increase development benefits and mitigate undesirable project consequences.

(6) Permit input into the general design of the project.

B. Applicants seeking review of a concept plan or sketch plat by the Development Review Committee shall provide [seven] ~~ten~~ copies of the plan or plat and [six] ~~ten~~ copies of the completed application and the required review fees to the Board Secretary at least 10 days before a regularly scheduled meeting of the Development Review Committee. The Development Review Committee shall review the application pursuant to the requirements of § 150-76.

C. Applicants seeking review of a concept plan or sketch plat by the Planning Board shall provide [After the Development Review Committee has reviewed the plan,] 15 copies of the [revised] concept plan or sketch plat [shall be submitted to the Board for discussion purposes]and 15 copies of the completed application and the review fees to the Board Secretary at least 30 days prior to a regular scheduled meeting of the Planning Board. The Planning Board shall review the application pursuant to the appropriate section of the Land Development Ordinance for which approval is being sought, but only on an informal, non-binding basis.

D. Information required for concept plan or sketch plat review.

(1) The concept plan or sketch plat [is] to be reviewed by the Development Review Committee or the Planning Board may consist of a general plan that is neither fully engineered nor surveyed[. The], provided the plan or plat [should be] is sufficiently detailed to [allow] enable the Development Review Committee or the Planning Board to make suggestions on general site design and layout for circulation, stormwater management, location of open space and buffers, building arrangements and to determine how the proposal meets the Township's development goals and objectives.

(2) [Data furnished at this stage shall include those]For reviews that are being conducted by the Development Review Committee, plans or plats shall provide as much information as may be necessary for the Development Review Committee to provide guidance and input as set forth in §150-83 D(1) above. However, for concept plan or sketch plan review being conducted by the Planning Board, items in the submission checklist in § 150-89A shall be the minimum requirements for such review.

E. Effect of concept plan/informal review. Neither the applicant, the Development Review Committee nor the Planning Board or other entity of the Township of Cranbury that is authorized to make decisions relating to a development application [is] shall be bound by any concept plan or informal review. The suggestions made at the concept plan stage may change with new information discovered when a formal development application is prepared using current detailed site-specific data and on-site test findings. The applicant may request a review of an additional concept plan based upon new information prior to submission of a formal application for development, subject to the same fees and procedure as set forth herein.

**Section 6. Exceptions to site plan approval requirements amended.** Section 150-84,

General provisions, is hereby amended to read as follows (additions are underlined; deletions are in [brackets]):

§ 150-84. General provisions.

A. Submission procedures. All site plan and subdivision applications submitted under the provisions of this chapter shall comply with all the applicable requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*

B. Uses requiring site plan approval.

(1) All activities except the following shall require site plan approval:

(a) The construction, customary use and modification of detached single- or two-family dwellings, including any permitted accessory buildings and uses incidental to the principal use of the property.

(b) Any structure or use for which site plan approval was granted prior to the effective date of this chapter and that was developed in accordance with such approval.

(c) Buildings and customary accessory buildings, including agricultural stands associated with home agriculture and structures associated with farming. Commercial agricultural farm stands shall require site plan approval.

(d) Construction which is determined by the Construction Official to constitute ordinary repairs, as defined by the State of New Jersey Department of Community Affairs Uniform Construction Code.

(e) Soil disturbance of less than 300 cubic yards in total, no matter how long it takes, except that nothing shall be construed to prevent the otherwise lawful excavating or cutting, stripping or other change in the existing configuration of the land for the following purposes and no others:

[1] Gardening for noncommercial purposes.

[2] The construction or reconstruction of curbs, sidewalks, private residential driveways, drainage systems, sewage disposal systems and other utility service connections, provided that all other Township, County, State and district approvals have been received.



(2) A change in use or occupancy of a building or land requires site plan approval if one or more of the following criteria is met, as determined by the Zoning Officer when an applicant applies for a building permit:

- (a) The previous use never received site plan approval.
- (b) The proposed use requires more off-street parking than the previous use based upon the parking requirements of this chapter.
- (c) The proposed use has significantly different hours of operation than the previous use.
- (d) The proposed use has different loading requirements which have an effect on site circulation.
- (e) The proposed use involves the storage or handling of chemicals or hazardous substances.
- (f) The proposed use calls for a significant change in one or more of the following: exterior lighting, circulation and/or landscaping.
- (g) The proposed use will generate a significantly greater amount of solid waste requiring additional refuse receptacles than previously required.
- (h) The proposed use requires a change in drainage and stormwater management.

#### **Section 7. Provisions regarding minor site plan and minor subdivision approval**

**amended.** Section 150-85, Minor subdivision and minor site plan approval, is hereby amended to read as follows (additions are underlined; deletions are in [brackets]):

§ 150-85. Minor subdivision and minor site plan approval.

##### **A. Application.**

(1) Pursuant to Section 150-76D(5), an applicant for minor site plan or minor subdivision approval that requires no variances or exceptions may submit such application to the Development Review Committee (DRC) for approval. In such cases,[T]the applicant shall submit the required fee [and seven]with ten copies each of the application and ten copies of the minor subdivision plat or minor site plan to the Secretary of the Board for review by the Development Review Committee. The Board Secretary shall process the application and assign an application number. Once an application has been assigned a number, such number shall appear on all papers, maps, plats or plans and other documents submitted for processing in conjunction with the application.

(2) An applicant who wishes the Planning Board to review an application for minor site plan or minor subdivision approval shall submit the required fee and ten copies of the application as set forth in Section 150-85(1) above. The same procedures as set forth therein shall be followed for the processing of such application, except that where the Planning Board conducts such a review, notice and a hearing shall not be required as set forth in §150-72C(1)d. Upon determination that the application is complete, the applicant shall submit 20 copies of all plans and the Board Secretary will place the item on the agenda.

B. Submission requirements.

(1) Submission requirements for minor subdivision approval are provided in the Minor Subdivision Checklist in § 150-89B. Submission requirements for site plan approval are provided in the Minor Site Plan Checklist in § 150-89C.

(2) The Secretary of the Board shall forward copies of the minor subdivision plat or the minor site plan to the following for review and comment, where appropriate:

(a) Planning Board[] or Board of Adjustment, depending on which Board has jurisdiction.

(b) [Township] Planning Board Planner.

(c) [Township] Planning Board Engineer.

(d) Township Board of Health.

(e) Construction Official.

(f) Zoning Officer.

(g) Environmental Commission.

(h) Freehold Soil Conservation District.

(i) Township Historic Preservation Commission.

(3) The Board shall also have the authority to refer any minor subdivision plat or minor site plan to other agencies or individuals for comment or recommendations.

C. Review. The officials and agencies shall forward their comments and recommendations in writing to the Development Review Committee or to the Board within [30] thirty days from the receipt of minor subdivision plat or minor site plan application.

D. [Notice of p]Public hearing before the Development Review Committee. [At]In the case an application for minor subdivision or minor site plan approval before the Development Review Committee, at the time when the application is certified complete, the DRC [Board]shall set a date for the public hearing and notify the applicant of said date. After such notification, the applicant shall [follow the procedures established with respect to notice of hearing]provide notice to the public of the date, time and location of the hearing in the manner specified in NJSA 40:55 D-12 and 12.1.

E. Public hearing before the Planning Board. In the case of an application for minor subdivision or minor site plan before the Planning Board, at the time when the application is certified complete, the Planning Board shall set a date for the hearing and notify the applicant of said date. No public notice shall be required.

[E]F. Revisions. The Board or DRC may require the filing of an amended application, which shall proceed in the same manner as in the case of the original application. No additional application fee shall be required. The time within which the DRC or Board shall review the amended application and make its determination shall commence as of the date of the filing of the amended minor subdivision plat or amended minor site plan. If the applicant fails to submit an amended application within the original time for review authorized by this chapter, the DRC or the Board shall be obligated to act on the original application. If, at the discretion of the DRC or Board, the change or changes are considered minor in nature, the applicant may be given approval subject to the submission of an amended plan indicating the changes.

[F]G. Conditional approval. Whenever review or approval of the application by the County Planning Board is required by N.J.S.A. 40:27-6.3, the DRC or the Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board.

**Section 8. Referral to Planning Board.** The Township Clerk shall cause a copy of this ordinance to be referred to the Cranbury Township Planning Board for review pursuant to N.J.S.A. 40:55D-26a following its introduction and prior to adoption.

**Section 9. Severability.** If any section or subsection of this ordinance is adjudged invalid by a court of competent jurisdiction, such adjudication shall apply only to the specific section(s) or subsection(s) so adjudged and the remainder of the ordinance shall be deemed valid.

**Section 10. Repealer.** All ordinances or resolutions or parts thereof inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**Section 11. Effective date.** This ordinance shall take effect upon its passage and publication and upon the filing of a copy of said ordinance with the Middlesex County Planning Board, as required by law.

The above-referenced ordinance was originally introduced and passed upon first reading at a meeting of the Township Committee of the Township of Cranbury, in the County of Middlesex, State of New Jersey, held on September 25, 2017. The ordinance will be further considered for final passage, after public hearing thereon, at a meeting of the Township Committee to be held in the meeting room of Town Hall, 23A North Main Street, in the Township of Cranbury on October 9, 2017 at 7 p.m., and during the week prior and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office to the members of the general public who shall request the same.

SUMMARY OF THE PURPOSE OF THE ORDINANCE: The purpose of the ordinance is to amend various provisions of Cranbury Township's Land Development Ordinance (Chapter 150 of the Code of the Township of Cranbury). More specifically, the ordinance, among other things, amends the definition of "minor site plan"; amends the composition and responsibilities of the Development Review Committee ("DRC") and authorizes the DRC to hear and decide fully-conforming applications for minor site plan approval and minor subdivision approval; establishes an advisory committee to be known as the Zoning Committee; makes various adjustments to the procedures for concept plan review and the review of minor site plan and subdivision applications; and makes minor revisions to the types of development that are exempt from site plan approval.

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Kathleen R. Cunningham, RMC, Clerk