

# Ordinance 2010-12

BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY

## AMENDING SECTION 26-9 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN REGARDING SUBDIVISION, SITE PLAN, VARIANCE CHECKLISTS FOR DEVELOPMENT APPLICATIONS FILED PURSUANT TO HIGHTSTOWN DEVELOPMENT REGULATIONS

WHEREAS, the Planning Board has found it necessary to update the checklist requirements for development applications filed pursuant to Hightstown Development Regulations; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Hightstown as follows:

Section 1. Section 26-9 of the Revised General Ordinances of the Borough of Hightstown is hereby amended as follows (Cross-outs are deletions and underlines are additions):

### Section 26-9

#### SUBDIVISION AND SITE PLAN CHECKLISTS

##### Subsections:

- ~~26-9-00~~ Filing.
- ~~26-9-1~~ Checklist for Subdivision Plans.
- ~~26-9-2~~ Checklist for Site Plan Approval.
- ~~26-9-3~~ Checklist for Variance Application.
- ~~26-9-4~~ Checklist for Sign Variance Application

##### Subsection 26-9-00 — Filing.

~~Applicants seeking subdivision, site plan and/or variance approval shall file twenty one (21) completed copies of the following checklist along with the information and documents required therein. No application will be deemed complete until all of the appropriate checklists are complied with and all fees are paid. (Ord. No. 2009-12)~~

##### Subsection 26-9-1 — Checklist for Subdivision Plans.

###### a. Requirements.

##### MAJOR SUBDIVISION:

- ~~\_\_\_\_\_ 1. \_\_\_\_\_~~ Designed, drawn, signed and sealed by NJPE, LS or AIA as appropriate.
- ~~\_\_\_\_\_ 2. \_\_\_\_\_~~ Title block as prescribed by N.J.S.A. 13:40-1.
- ~~\_\_\_\_\_ 3. \_\_\_\_\_~~ A north arrow with reference meridian.

- ~~4. Twenty one (21) copies of all drawings and documents. Fifteen (15) sets of drawings shall be half size with graphical scale and six (6) sets of drawings shall be full size.~~
- ~~5. List of waivers requested.~~
- ~~6. List of variances requested from the Planning Board by section of Ordinance.~~
- ~~7. Key map showing the tract in question; north arrow; zoning; tax lot numbers, tax block numbers, owners names as identified on certified list provided by Borough and all lots within 200 feet of total tract; Municipal Boundaries; signature and seal of licensed professional; names and addresses of owner, applicant and professional preparing the map; owner's certification; zoning data for each zone with all proposed data and deficiencies listed; number of proposed lots.~~
- ~~8. A boundary and topographic survey of the total tract as required by N.J.A.C. 13:40 7.2 signed and sealed by the preparing N.J. Licensed Land Surveyor in accordance with N.J.A.C. 13:40 5. Topography within 200 feet from the subdivision boundary shall be shown. All topography shall be based on NGVD 1929 datum.~~
- ~~9. Delineation of on site wetlands as field identified by a qualified expert in accordance with the NJDEP standards, or statement by qualified expert that no wetlands or wetlands transition areas exist on site. Copy of wetlands delineation report to accompany site plan submission.~~
- ~~10. Subdivision plan showing existing topography; all existing and proposed lot lines, lot dimensions, locations of on site structures with dimensions to proposed lots (if remaining after subdivision); wetland boundaries and areas; flood hazard boundaries and areas; all easement boundaries and areas; all proposed streets showing name; right of way width and cartway widths; common driveway locations; proposed widened roadway widths along frontage of lot; sight triangle easements and boundaries; and a tabulation of zoning requirements showing zone(s) in which lot is located, bulk requirements of zone(s), bulk requirements proposed by application (including conditional or accessory use requirements) and density.~~
- ~~11. Grading and Drainage Plan detailing all provisions for collecting and discharging storm water runoff shall be made. A composite grading and drainage plan of the entire development identifying the individual NGVD 1929 elevations at all high and low points, breaks in grade, corners of tentative house locations on each lot and lot corners shall be shown. Existing and proposed contours with intervals of one foot.~~
- ~~12. A plan and centerline profile for all proposed roadways showing existing and proposed elevations; storm and sanitary sewer piping, storm water inlet locations, inverts, slopes, horizontal offset dimensions, grate or rim elevations; curb lines and locations; proposed contours; water mains and valves.~~
- ~~13. Profiles for all diversion swales, waterways, storm sewer pipe and any other conduit not shown on roadway plan and profile sheets shall be provided.~~
- ~~14. Stormwater Management Submission, including the following in accordance with Section 25-9 of the Revised General Ordinances of the Borough of Hightstown:~~

- ~~\_\_\_\_\_ a. Topographic base map~~
  - ~~\_\_\_\_\_ b. Environmental Impact Assessment, pursuant to Section 26-8 of the Revised General Ordinances of the Borough of Hightstown~~
  - ~~\_\_\_\_\_ c. Project Description and Site Plan~~
  - ~~\_\_\_\_\_ d. Land Use Planning & Source Control Plan~~
  - ~~\_\_\_\_\_ e. Stormwater Management Facilities Map~~
  - ~~\_\_\_\_\_ f. Hydrologic and Hydraulic Calculations~~
  - ~~\_\_\_\_\_ g. Maintenance & Repair Plan~~
- ~~\_\_\_\_\_ 15. Plan and centerline profiles for widening of all existing roadways.~~
- ~~\_\_\_\_\_ 16. Half cross sections along the side of all existing roadways to be widened.~~
- ~~\_\_\_\_\_ 17. Typical construction details. Details shall include: typical roadway cross section; storm sewer inlets and manholes (each type proposed); storm sewer headwalls, storm sewer trench; storm sewer flared end section; underdrain; curb; curb end treatment, depressed curb; sidewalk; handicap ramp; street signs; warning and regulatory signs; sump pump/underdrain to storm sewer connection; any "poured in place" concrete details and reinforcing schedules; sanitary main; manholes and laterals; water main, valves and house services; and other details deemed appropriate by the Borough Engineer.~~
- ~~\_\_\_\_\_ 18. A landscaping plan showing the site, all existing and proposed topography, existing on-site tree groupings and off site tree groupings within 200 feet; typical planting details; landscaping notations and details showing detailed locations of proposed plant materials; and enlarged details for individual units, landscaped islands, and landscaped berms. All trees and tree groups shown shall be classified as to greater size and species. The landscape plan shall be signed and sealed by a New Jersey Certified Landscape Architect.~~
- ~~\_\_\_\_\_ 19. Proposed lighting. Fixtures shall be placed at all intersections and at permanently located cul de sacs. Details shall include the proposed fixture type, height, color, wattage and type of light.~~
- ~~\_\_\_\_\_ 20. Architectural plans showing, as a minimum, the first floor plan and front, rear and side elevations of all proposed principal buildings and structures and all accessory buildings and structures, and their materials and treatment.~~
- ~~\_\_\_\_\_ 21. Community Impact Statement, pursuant to Ordinance Section 26-7.~~
- ~~\_\_\_\_\_ 22. Environmental Impact Assessment pursuant to Ordinance Section 26-8.~~
- ~~\_\_\_\_\_ 23. A traffic report and analysis including but not limited to existing and background peak hour traffic volumes and distribution patterns; peak hour on site generated traffic volumes and distribution patterns; existing and proposed traffic composition; analysis of adequacy of proposed on-site circulation patterns including adequacy of truck and automobile turning radii; analyses of need for number of loading bays; existing and proposed levels of service and volume/capacity ratios; adequacy of proposed sight distances; analyses of need for roadway striping, signage of reflectorization; need for signalization and a summary recommendation and conclusions for the analysis.~~

- ~~\_\_\_\_\_24. Contribution Disclosure Statement, pursuant to Subsection 26-9-5 of the *Revised General Ordinances of the Borough of Hightstown.*~~
- ~~\_\_\_\_\_25. Affidavit of Service of Notice of Hearing on all owners of property within two Hundred (200) feet of subject property as shown on the current Borough Tax duplicate. Certified list of property owners obtained from Borough Tax Assessor and Affidavit along with certified mail receipts arranged in the same order as the certified list of property owners (mounted on 8½ x 11" bond paper, six (6) receipts to a page) shall be submitted to Planning Board Secretary at least forty eight (48) hours prior to hearing.~~

**MINOR SUBDIVISION:**

- ~~\_\_\_\_\_1. Designed, drawn, signed and sealed by NJPE, LS or AIA as appropriate.~~
- ~~\_\_\_\_\_2. Name, title and address of applicant, owner and person preparing application.~~
- ~~\_\_\_\_\_3. Place for signature of owner with owner's consent statement.~~
- ~~\_\_\_\_\_4. Twenty one (21) copies of all drawings and documents. Fifteen (15) sets of drawings shall be half size with graphical scale and six (6) sets of drawings shall be full size.~~
- ~~\_\_\_\_\_5. Place for signature of Chairman and Secretary of Planning Board.~~
- ~~\_\_\_\_\_6. Place for signature of Borough Engineer.~~
- ~~\_\_\_\_\_7. Tax map lot and block numbers.~~
- ~~\_\_\_\_\_8. Date, scale and north arrow with reference meridian (scale must be not less than 1" = 50 feet).~~
- ~~\_\_\_\_\_9. Key map showing the tract in question; all tax lots and blocks within two hundred (200) feet; municipal boundaries; streams, waterways and public roadways within two hundred (200) feet.~~
- ~~\_\_\_\_\_10. A boundary survey of the total tract signed and sealed by the preparing N.J. Licensed Land Surveyor in accordance with N.J.A.C. 13:40-5.~~
- ~~\_\_\_\_\_11. Plan of existing and proposed lot lines showing bearings and dimensions of all lots including the lands remaining to nearest 1/100<sup>th</sup> foot and areas to nearest 1/100<sup>th</sup> acre; all setbacks with typical dimensions; and dimensions to all existing structures; wetlands boundaries; 100 year flood hazard limit line.~~
- ~~\_\_\_\_\_12. Zoning requirements tabulated to show all bulk requirements of the zone and the bulk data proposed by the application. This tabulation shall also identify compliance or noncompliance for all existing structures.~~
- ~~\_\_\_\_\_13. List of tax blocks and lots with owners within 200 feet of lot being subdivided as shown on certified list provided by Borough.~~

- ~~\_\_\_\_\_ 14. Location and general specific classification of all existing on-site tree masses.~~
- ~~\_\_\_\_\_ 15. Identification of existing on-site physical features including soils, geology, stream and water courses, rock out crops and 100 year flood hazard area.~~
- ~~\_\_\_\_\_ 16. Delineation of on-site wetlands as field identified by a qualified expert in accordance with the NJDEP standards, or statement by qualified expert that no wetlands or wetlands transition areas exist on site. Copy of wetlands delineation report to accompany site plan submission.~~
- ~~\_\_\_\_\_ 17. All rights of way, easements and lands to be dedicated to the municipality or reserved for specific uses shall be shown and dimensioned with areas to the nearest 1/100<sup>th</sup>-acre.~~
- ~~\_\_\_\_\_ 18. Provisions for collecting and discharging storm water runoff. A composite grading and drainage plan of the entire development shall accompany each submission. This plan shall identify finished floor elevations, all high and low points and breaks in grade and tentative elevation at the corners of house locations on each lot.~~
- ~~\_\_\_\_\_ 19. All existing and proposed utility service lines and laterals on-site and along the frontage of the site. This shall include storm drainage, water mains, sanitary mains, connections and underground electric and phone service.~~

~~b. Additional Instructions and Notes for Applicants:~~

- ~~1. Plans will be reviewed by the Borough Engineer, Zoning Officer, Planning Consultants and other interested parties.~~
- ~~2. In addition, the Mercer County Planning Board will review the plat and make comments.~~
- ~~3. The applicant must submit proof that no taxes or assessments for local improvements are due or delinquent on the property for which subdivision application is made.~~
- ~~4. The applicant shall give public notice by publication in the official newspaper of the Borough at least ten (10) days prior to the date of the hearing.~~
- ~~5. Affidavit of Service of Notice of Hearing on all owners of property within two Hundred (200) feet of subject property as shown on the current Borough Tax duplicate. A certified list of property owners obtained from the Borough Tax Assessor and Affidavit, along with certified mail receipts arranged in the same order as the certified list of property owners (mounted on 8½ x 11" bond paper, six (6) receipts to a page), shall be submitted to the Planning Board Secretary at least forty eight (48) hours prior to the hearing.~~
- ~~6. Notice shall be sent to the following:~~
  - ~~(a) Adjoining municipality if the property is located within two hundred (200') feet.~~
  - ~~(b) The County Planning Board if the property is adjacent to a County road.~~
  - ~~(c) The Commissioner of Transportation, if the property is adjacent to a State highway.~~

~~7. Proof of service must be submitted to the Planning Board Secretary prior to the hearing.~~

~~8. The Board reserves the right to require additional information before granting preliminary approval when unique circumstances affect the tract and/or when the application for development poses special problems for the tract and the surrounding area. No application shall be declared incomplete for lack of such additional information. (Ord. No. 2005-15; Ord. No. 2006-28; Ord. No. 2009-12)~~

**Subsection 26-9-2 — Checklist for Site Plan Approval.**

a. Requirements.

- ~~\_\_\_\_\_ 1. Designed, drawn, signed and sealed by NJPE, LS or AIA as appropriate.~~
- ~~\_\_\_\_\_ 2. Name, title and address of applicant, owner and person preparing application.~~
- ~~\_\_\_\_\_ 3. Place for signature of chairman and secretary of Planning Board.~~
- ~~\_\_\_\_\_ 4. Place for signature of Borough Engineer.~~
- ~~\_\_\_\_\_ 5. Twenty one (21) copies of all drawings and documents. Fifteen (15) sets of drawings shall be half size with graphical scale and six (6) sets of drawings shall be full size.~~
- ~~\_\_\_\_\_ 6. List of waivers requested.~~
- ~~\_\_\_\_\_ 7. List of variances requested from the Planning Board by section of Ordinance.~~
- ~~\_\_\_\_\_ 8. Tax map lot and block numbers.~~
- ~~\_\_\_\_\_ 9. Date, scale and north arrow with reference meridian.~~
- ~~\_\_\_\_\_ 10. Key map of the site with reference to surrounding areas and to existing street locations, containing existing buildings and lot lines within two hundred (200) feet of the site.~~
- ~~\_\_\_\_\_ 11. Boundary and topographic survey of the total tract as required by N.J.A.C. 13:40-7.2, signed and sealed by the preparing N.J. Licensed Land Surveyor in accordance with N.J.A.C. 13:40-5. Topography within 200 feet of the boundary shall be shown and a reference datum indicated.~~
- ~~\_\_\_\_\_ 12. Zone district in which property in question falls, zone district of adjoining properties and all property within a two hundred (200) foot radius of the property in question.~~
- ~~\_\_\_\_\_ 13. Names of owners of all contiguous land and adjacent property within two hundred (200) feet as per certified list obtained from the Borough.~~
- ~~\_\_\_\_\_ 14. Zoning requirements tabulated to show all bulk requirements of the zone and the bulk data existing and proposed. All variance conditions are to be noted as such.~~
- ~~\_\_\_\_\_ 15. The entire property in question even though only a portion of said property is involved in the site plan.~~

- ~~\_\_\_\_\_ 15A. The outside dimensions of existing and/or proposed principal buildings(s) and all accessory structures.~~
- ~~\_\_\_\_\_ 16. Delineation of on site wetlands as field identified by a qualified expert in accordance with the NJDEP standards, or statement by qualified expert that no wetlands or wetlands transition areas exist on site. Copy of wetlands delineation report to accompany site plan submission.~~
- ~~\_\_\_\_\_ 17. Significant existing physical features including streams, water courses, rock outcrops, swampy soil, etc.~~
- ~~\_\_\_\_\_ 18. All driveways, streets, buildings and lot lines within two hundred (200) feet of site.~~
- ~~\_\_\_\_\_ 19. All existing and proposed curbs and sidewalks.~~
- ~~\_\_\_\_\_ 20. All existing and proposed utility lines within and adjacent to the subject property and full explanation of source of water supply and means of sewage disposal.~~
- ~~\_\_\_\_\_ 21. Rights of way, easements and all lands to be dedicated to the municipality or reserved for specific uses.~~
- ~~\_\_\_\_\_ 22. A grading plan with existing and proposed contours at one foot intervals and finished first floor elevations. Additional spot elevations may be required to determine slopes in "critical" areas as deemed appropriate by the Borough Engineer.~~
- ~~\_\_\_\_\_ 23. Plans and centerline profiles shall be provided for widening of all existing roadways.~~
- ~~\_\_\_\_\_ 24. Half cross sections, 50 feet on center, shall be provided along the side of all widened existing roadways.~~
- ~~\_\_\_\_\_ 25. Dimensions of lot, setbacks, front yard, side yards and rear yard; size, kind and location of fences.~~
- ~~\_\_\_\_\_ 26. Drainage plan showing location of existing and proposed manholes, inlets, pipes, inverts, rims, grates, swales, berms, and other storm drainage facilities, including roof leaders. All pipe slopes, lengths and materials are to be identified.~~
- ~~\_\_\_\_\_ 27. Storm drainage profiles for all diversion swales, waterways, storm sewer pipe and any other conduit not shown on roadway plan and profile sheets shall be provided.~~
- ~~\_\_\_\_\_ 28. Stormwater Management Submission, including the following in accordance with Section 25-9 of the Revised General Ordinances of the Borough of Hightstown:
 
  - ~~\_\_\_\_\_ a. Topographic base map~~
  - ~~\_\_\_\_\_ b. Environmental Impact Assessment, pursuant to Section 26-8 of the Revised General Ordinances of the Borough of Hightstown~~
  - ~~\_\_\_\_\_ c. Project Description and Site Plan~~
  - ~~\_\_\_\_\_ d. Land Use Planning & Source Control Plan~~
  - ~~\_\_\_\_\_ e. Stormwater Management Facilities Map~~~~

~~f. Hydrologic and Hydraulic Calculations~~

~~g. Maintenance & Repair Plan~~

~~29. Location, dimensions and details of all signs.~~

~~30. Typical construction details shall be provided. Details to be shown shall include: typical roadway cross section; storm sewer inlets and manholes (each type proposed); storm sewer headwalls, storm sewer trench; storm sewer flared end section; underdrain; curb; curb end treatment, depressed curb; sidewalk; handicap ramp; street signs; warning and regulatory signs; sump pump/underdrain to storm sewer connection; any "poured in place" concrete details and reinforcing schedules; and all retaining wall details; and other details deemed appropriate by the Borough Engineer.~~

~~31. A landscaping plan showing the site, all existing and proposed topography, existing on-site tree groupings and off site tree groupings within 200 feet; typical planting details; detailed locations of proposed plant materials; and enlarged details for individual multi-family units, landscaped islands, and landscaped berms. All trees and tree groups shown shall be classified as to general size and species. Proposed materials with a fall planting hazard are to be noted as such.~~

~~32. Plans of off street parking, parking area layout and off street loading facilities showing location and dimensions of individual parking spaces, loading areas, aisles, traffic patterns and driveways for ingress and egress.~~

~~33. Details of all proposed outdoor lighting including site lighting stanchion locations including the 0.5 foot candle boundary limit in plan form, details showing type of light(s), height of light(s), style of light(s), typical footing detail; typical illumination pattern (to Scale); color and wattage of lights; all lighting details may be included on the landscaping plan.~~

~~34. Architectural plans showing, as a minimum, the first floor plan and front, rear and side elevations of all proposed principal buildings and structures and all accessory buildings and structures, and their materials and treatment.~~

~~35. Submission of Community Impact Statement, pursuant to Section 26-7.~~

~~36. Submission of Environmental Impact Assessment, pursuant to Section 26-8.~~

~~37. Contribution Disclosure Statement, pursuant to Subsection 26-9-5 of the *Revised General Ordinances of the Borough of Hightstown*.~~

~~b. The Board reserves the right to require additional information before granting preliminary approval when unique circumstances affect the tract and/or when the application for development poses special problems for the tract and the surrounding area. No application shall be declared incomplete for lack of such additional information. (Ord. No. 2005-15; Ord. No. 2006-28; Ord. No. 2009-12)~~

**~~Subsection 26-9-3 Checklist for Variance Application.~~**

~~Applicants seeking variance relief shall file twenty one (21) completed copies of the following checklist along with the information and documents required therein:~~

- ~~\_\_\_\_\_ 1. Twenty one (21) copies of completed application.~~
- ~~\_\_\_\_\_ 2. Twenty one (21) copies of survey showing location of existing and proposed structures on subject.~~
- ~~\_\_\_\_\_ 3. Twenty one (21) copies of plans of the proposed structure which describe its appearance and prove its compliance with building codes.~~
- ~~\_\_\_\_\_ 4. Letter from Borough Tax Collector indicating that taxes are paid to date.~~
- ~~\_\_\_\_\_ 5. Affidavit of Publication of Notice of Hearing in Hightstown Gazette or Trenton Times at least ten (10) days prior to hearing (obtain this affidavit from the newspaper and submit to the Planning Board Secretary at least forty eight (48) hours prior to the scheduled hearing).~~
- ~~\_\_\_\_\_ 6. Affidavit of Service of Notice of Hearing on all owners of property within two Hundred (200) feet of subject property as shown on the current Borough Tax duplicate. Certified list of property owners obtained from Borough Tax Assessor and Affidavit along with certified mail receipts arranged in the same order as the certified list of property owners (mounted on 8½ x 11" bond paper, six (6) receipts to a page) shall be submitted to Planning Board Secretary at least forty eight (48) hours prior to hearing.~~
- ~~\_\_\_\_\_ 7. Payment of applicable fees and escrow accounts.~~
- ~~\_\_\_\_\_ 8. Contribution Disclosure Statement, pursuant to Subsection 26-9-5 of the Revised General Ordinances of the Borough of Hightstown. (Ord. No. 2006-28; Ord. No. 2009-12)~~

**Subsection 26-9-4 — Checklist for Sign Variance Application**

Applicants seeking sign variance relief shall file eighteen (18) completed copies of the following checklist along with the information and documents required therein:

- ~~\_\_\_\_\_ 1. Eighteen (18) copies of completed application.~~
- ~~\_\_\_\_\_ 2. Eighteen (18) copies of photo or sketch with dimension of sign(s) desired.~~
- ~~\_\_\_\_\_ 3. Letter from Borough Tax Collector indicating that taxes are paid to date.~~
- ~~\_\_\_\_\_ 4. Affidavit of Publication of Notice of Hearing in Hightstown Gazette or Trenton Times at least ten (10) days prior to hearing (obtain this affidavit from the newspaper and submit to the Planning Board Secretary at least forty eight (48) hours prior to the scheduled hearing).~~
- ~~\_\_\_\_\_ 5. Affidavit of Service of Notice of Hearing on all owners of property within two Hundred (200) feet of subject property as shown on the current Borough Tax duplicate. Certified list of property owners obtained from Borough Tax Assessor and Affidavit along with certified mail receipts arranged in the same order as the certified list of property owners~~

~~(mounted on 8½ x 11" bond paper, six (6) receipts to a page) shall be submitted to Planning Board Secretary at least forty eight (48) hours prior to hearing.~~

~~\_\_\_\_\_ 6. Payment of applicable fees.~~

~~\_\_\_\_\_ 7. Contribution Disclosure Statement, pursuant to Subsection 26-9-5 of the Revised General Ordinances of the Borough of Hightstown. (Ord. No. 2006-28; Ord. No. 2009-12)~~

**SUBDIVISION, SITE PLAN, VARIANCE AND SIGN VARIANCE CHECKLISTS**  
**FOR DEVELOPMENT APPLICATIONS FILED PURSUANT TO**  
**HIGHTSTOWN DEVELOPMENT REGULATIONS**

**Subsections:**

**26-9-00 Filing and Completeness of All Applications.**

**26-9-1 Checklist for Subdivisions.**

**26-9-2 Checklist for Site Plans.**

**26-9-3 Checklist for Variances.**

**26-9-4 Checklist for Sign Variances.**

**Subsection 26-9-00 Filing and Completeness of All Applications.**

Applicants seeking subdivision, site plan and/or variance approvals shall file with the Planning Board Secretary twenty-one (21) completed copies of a completed application and the applicable Checklist with all plans, information and documents required therein. Applicants must organize and collate all information presented into twenty-one (21) individual packages and all plans shall be folded with the Title Block showing. No application will be accepted and/or deemed complete and placed on a Planning Board Agenda until the appropriate checklist is completed in full, all fees and escrow (if applicable) are paid, a completed W-9 provided, and plans and documents presented in collated form. Notices of hearings shall not be published or served until the application is deemed to be complete and a date scheduled for Public Hearing. All N.J. corporations and business entities, except sole proprietorships, must be represented by a N.J. Licensed Attorney in appearances before the Planning Board involving the practice of law, as defined by the N.J. Supreme Court, where witnesses are examined, legal authority is cited and laws and ordinances are interpreted.

All complete applications must be submitted no less than thirty-one (31) calendar days prior to the next available Planning Board Meeting date or will not be considered until the following Meeting date. However, the scheduling of a complete application on a Planning Board Agenda shall depend on the Board's business and shall be at the discretion of the Board Chair.

N.J.S.A. 40:55D-48.1 and 48.2 require that corporations or partnerships applying to the Planning Board for permission to subdivide land into six (6) or more lots, a variance to construct a multiple dwelling of twenty-five (25) or more units, or to use a site for commercial purposes, must disclose the names and address of all stockholders or individual partners owning at least ten percent (10%) stock or a ten percent (10%) or greater interest in the partnership.

**Subsection 26-9-1 Checklist for Subdivisions.**

a. Requirements for Preliminary Major Subdivision.

1. Designed, drawn, signed and sealed by a New Jersey licensed P.E., L.S., R.A., L.L.A. or P.P. as permitted by N.J.A.C. 13:40-7.1 et seq.
2. Title Block as prescribed by N.J.S.A. 13:40-8.
3. A north arrow with reference meridian.
4. Twenty-one (21) copies of a complete application and all drawings and documents. Fifteen (15) sets of drawings shall be half-size with graphical scale and six (6) sets of drawings shall be full-size.
5. List of all waivers requested.
6. List of all variances requested from the Planning Board by section of Ordinance.
7. Key map showing the tract in question; north arrow; zoning; tax lot numbers, tax block numbers, owners names as identified on certified list provided by Borough and all lots within 200 feet of total tract; Municipal Boundaries; signature and seal of licensed professional; names and addresses of owner, applicant and professional preparing the map; owner's certification of title and consent to file application; zoning data for each zone with all proposed data and deficiencies listed; number of proposed lots.
8. A boundary and topographic survey of the total tract as required by N.J.A.C. 13:40-7.2 signed and sealed by the preparing N.J. Licensed Land Surveyor in accordance with N.J.A.C. 13:40-5. Topography within 200 feet from the subdivision boundary shall be shown. All topography shall be based on NGVD 1929 datum.
9. Delineation of on-site wetlands as field identified by a qualified expert in accordance with the NJDEP standards, or statement by qualified expert that no wetlands or wetlands transition areas exist on-site. Copy of wetlands delineation report to accompany site plan submission.
10. Subdivision plan showing existing topography; all existing and proposed lot lines, lot dimensions, locations of on-site structures with dimensions to proposed lots (if remaining after subdivision); wetland boundaries and areas; flood hazard boundaries and areas; all easement boundaries and areas; all proposed streets showing name; right-of-way width and cartway widths; common driveway locations; proposed widened roadway widths along frontage of lot; sight triangle easements and boundaries; and a tabulation of zoning requirements showing zone(s) in which lot is located, bulk requirements of zone(s), bulk requirements proposed by application (including conditional or accessory use requirements) and density.
11. Grading and Drainage Plan detailing all provisions for collecting and discharging storm water runoff shall be made. A composite grading and drainage plan of the entire development identifying the individual NGVD 1929 elevations at all high and low points, breaks in grade, corners of tentative house locations on each lot and lot corners shall be shown. Existing and proposed contours with intervals of one foot.

12. A plan and centerline profile for all proposed roadways showing existing and proposed elevations; storm and sanitary sewer piping, storm water inlet locations, inverts, slopes, horizontal offset dimensions, grate or rim elevations; curb lines and locations; proposed contours; water mains and valves.
13. Profiles for all diversion swales, waterways, storm sewer pipe and any other conduit not shown on roadway plan and profile sheets shall be provided.
14. Stormwater Management Submission, including the following in accordance with Section 25-9 of the Revised General Ordinances of the Borough of Hightstown:
  - a. Topographic base map
  - b. Environmental Impact Assessment, pursuant to Section 26-8 of the Revised General Ordinances of the Borough of Hightstown
  - c. Project Description and Site Plan
  - d. Land Use Planning & Source Control Plan
  - e. Stormwater Management Facilities Map
  - f. Hydrologic and Hydraulic Calculations
  - g. Maintenance & Repair Plan
15. Plan and centerline profiles for widening of all existing roadways.
16. Half cross sections along the side of all existing roadways to be widened.
17. Typical construction details. Details shall include: typical roadway cross section; storm sewer inlets and manholes (each type proposed); storm sewer headwalls, storm sewer trench; storm sewer flared-end section; underdrain; curb; curb end treatment, depressed curb; sidewalk; handicap ramp; street signs; warning and regulatory signs; sump pump/underdrain to storm sewer connection; any "poured in place" concrete details and reinforcing schedules; sanitary main; manholes and laterals; water main, valves and house services; and other details deemed appropriate by the Borough Engineer.
18. A landscaping plan showing the site, all existing and proposed topography, existing on-site tree groupings and off-site tree groupings within 200 feet; typical planting details; landscaping notations and details showing detailed locations of proposed plant materials; and enlarged details for individual units, landscaped islands, and landscaped berms. All trees and tree groups shown shall be classified as to greater size and species. The landscape plan shall be signed and sealed by a New Jersey Certified Landscape Architect.
19. Proposed lighting. Fixtures shall be placed at all intersections and at permanently located cul-de-sacs. Details shall include the proposed fixture type, height, color, wattage and type of light.
20. Architectural plans showing, as a minimum, the first floor plan and front, rear and side elevations of all proposed principal buildings and structures and all accessory buildings and structures, and their materials and treatment.
21. Community Impact Statement, pursuant to Ordinance Section 26-7.

22. Environmental Impact Assessment pursuant to Ordinance Section 26-8.
23. A traffic report and analysis including but not limited to existing and background peak hour traffic volumes and distribution patterns; peak hour on-site generated traffic volumes and distribution patterns; existing and proposed traffic composition; analysis of adequacy of proposed on-site circulation patterns including adequacy of truck and automobile turning radii; analyses of need for number of loading bays; existing and proposed levels of service and volume/capacity ratios; adequacy of proposed sight distances; analyses of need for roadway striping, signage of reflectorization; need for signalization and a summary recommendation and conclusions for the analysis.
24. Contribution Disclosure Statement, pursuant to Subsection 26-9-5 of the *Revised General Ordinances of the Borough of Hightstown*.
25. Owner's Certification or Affidavit of Title prepared by an N.J. Attorney at Law or N.J. Title Company with Commitment to Insure and Consent to file the Application.
26. A draft public notice.
27. Places for signatures of Chairman, Secretary and Borough Engineer.
28. Proof that no taxes, assessments, or sewer and water charges are due or delinquent on the subject property.
29. Disclosure of ownership, if required, pursuant to N.J.S.A. 40:55D-48.1 and 48.2.
30. Completion of W-9 form to accompany payment of applicable fees and escrow accounts.

b. Additional Instructions and Notes for All Applicants (Major Subdivision).

1. Plans may be reviewed by the Borough Engineer, Zoning Officer, Planning Consultants and other interested parties.
2. In addition, as required, the Mercer County Planning Board must receive a copy of the application and plan(s), and may review the plan and make comments.
3. The applicant shall give public notice by publication in the official newspaper of the Borough at least ten (10) days prior to the date of the hearing.
4. \_\_\_\_\_
  - (a) Affidavit of Service of Notice of Hearing on all owners of property within two Hundred (200) feet of subject property as shown on the current Borough Tax duplicate. A certified list of property owners obtained from the Borough Tax Assessor and Affidavit, along with USPS certified mail receipts arranged in the same order as the certified list of property owners (mounted on 8½ x 11" bond paper, six (6) receipts to a page), shall be submitted to the Planning Board Secretary at least forty-eight (48) hours prior to the hearing.
  - (b) Affidavit of Publication of Notice of Hearing in the official newspaper of the Borough at least ten (10) days prior to hearing (obtain this affidavit from the newspaper

and submit to the Planning Board Secretary at least forty-eight (48) hours prior to the scheduled hearing).

5. Notice shall be sent to the following:

- (a) Adjoining municipality (Clerk) if the property is located within two hundred (200') feet.
- (b) The County Planning Board if the property is adjacent to a County road or affects a County drainage facility.
- (c) The Commissioner of Transportation, if the property is adjacent to a State Highway.
- (d) All public utilities in the Municipality registered pursuant to N.J.S.A. 40:55D-12.1.

6. The Board reserves the right to require additional information before granting approval when unique circumstances affect the tract and/or when the application for development poses special problems for the tract and/or the surrounding area. This includes, but is not limited to, buildings and structures with State or Federal historical designation or of local significance, or which are located within the Borough's Stockton Street Historic District. No application shall be deemed incomplete for lack of such additional information.

c. Requirements for Minor Subdivision.

- 1. Designed, drawn, signed and sealed by a New Jersey licensed .P.E., L.S., R.A., L.L.A. or P.P. as permitted by N.J.A.C. 13:40-7.1 et seq.
- 2. Title Block as prescribed by N.J.S.A. 13:40-8.
- 3. Place for signature of owner with owner's Certification of Title and Consent to file the application statement, and name and address of applicant.
- 4. Twenty-one (21) copies of a complete application and all drawings and documents. Fifteen (15) sets of drawings shall be half-size with graphical scale and six (6) sets of drawings shall be full-size.
- 5. Place for signature of Chairman and Secretary of Planning Board.
- 6. Place for signature of Borough Engineer.
- 7. Tax map lot and block numbers.
- 8. Date, scale and north arrow with reference meridian (scale must be not less than 1" = 50 feet).
- 9. Key map showing the tract in question; all tax lots and blocks within two hundred (200) feet; municipal boundaries; streams, waterways and public roadways within two hundred (200) feet.

10. A boundary survey of the total tract signed and sealed by the preparing N.J. Licensed Land Surveyor in accordance with N.J.A.C. 13:40-5.
11. Plan of existing and proposed lot lines showing bearings and dimensions of all lots including the lands remaining to nearest 1/100<sup>th</sup> foot and areas to nearest 1/100<sup>th</sup> acre; all setbacks with typical dimensions; and dimensions to all existing structures; wetlands boundaries; 100 year flood hazard limit line.
12. Zoning requirements tabulated to show all bulk requirements of the zone and the bulk data proposed by the application. This tabulation shall also identify compliance or noncompliance for all existing structures.
13. List of tax blocks and lots with owners within 200 feet of lot being subdivided as shown on certified list provided by Borough.
14. Location and general specific classification of all existing on-site tree masses.
15. Identification of existing on-site physical features including soils, geology, stream and water courses, rock out-crops and 100 year flood hazard area.
16. Delineation of on-site wetlands as field identified by a qualified expert in accordance with the NJDEP standards, or statement by qualified expert that no wetlands or wetlands transition areas exist on-site. Copy of wetlands delineation report to accompany site plan submission.
17. All rights-of-way, easements and lands to be dedicated to the municipality or reserved for specific uses shall be shown and dimensioned with areas to the nearest 1/100<sup>th</sup> acre.
18. Provisions for collecting and discharging storm water runoff. A composite grading and drainage plan of the entire development shall accompany each submission. This plan shall identify finished floor elevations, all high and low points and breaks in grade and tentative elevation at the corners of house locations on each lot.
19. All existing and proposed utility service lines and laterals on-site and along the frontage of the site. This shall include storm drainage, water mains, sanitary mains, connections and underground electric and phone service.
20. Proof that no taxes, assessments, or sewer and water charges are due or delinquent on the subject property.
21. A draft public notice.
22. List of all waivers and variances requested.
23. Completion of W-9 form to accompany payment of applicable fees and escrow accounts.

d. Additional Instructions and Notes for All Applicants (Minor Subdivision).

1. Plans may be reviewed by the Borough Engineer, Zoning Officer, Planning

Consultants and other interested parties.

2. In addition, as required, the Mercer County Planning Board must receive a copy of the application and plan(s), and may review the plan and make comments.

3. The applicant shall give public notice by publication in the official newspaper of the Borough at least ten (10) days prior to the date of the hearing.

4. \_\_\_\_\_

(a) Affidavit of Service of Notice of Hearing on all owners of property within two Hundred (200) feet of subject property as shown on the current Borough Tax duplicate. A certified list of property owners obtained from the Borough Tax Assessor and Affidavit, along with USPS certified mail receipts arranged in the same order as the certified list of property owners (mounted on 8½ x 11” bond paper, six (6) receipts to a page), shall be submitted to the Planning Board Secretary at least forty-eight (48) hours prior to the hearing.

(b) Affidavit of Publication of Notice of Hearing in the official newspaper of the Borough at least ten (10) days prior to hearing (obtain this affidavit from the newspaper and submit to the Planning Board Secretary at least forty-eight (48) hours prior to the scheduled hearing).

5. Notice shall be sent to the following:

(a) Adjoining municipality (Clerk) if the property is located within two hundred (200') feet.

(b) The County Planning Board if the property is adjacent to a County road or affects a County drainage facility.

(c) The Commissioner of Transportation, if the property is adjacent to a State Highway.

(d) All public utilities in the Municipality registered pursuant to N.J.S.A. 40:55D-12.1.

6. The Board reserves the right to require additional information before granting approval when unique circumstances affect the tract and/or when the application for development poses special problems for the tract and/or the surrounding area. This includes, but is not limited to, buildings and structures with State or Federal historical designation or of local significance, or which are located within the Borough’s Stockton Street Historic District. No application shall be deemed incomplete for lack of such additional information.

**Subsection 26-9-2 Checklist for Site Plans.**

a. Requirements.

1. Designed, drawn, signed and sealed by a New Jersey licensed P.E., L.S., R.A., L.L.A. or P.P. as permitted by N.J.A.C. 13:40-7.1 et seq.

2. Title Block as prescribed by N.J.A.C. 13:40-8.

3. Name, title and address of applicant, owner and person preparing application.
4. Place for signature of Chairman and Secretary of Planning Board.
5. Place for signature of Borough Engineer.
6. Twenty-one (21) copies of a complete application and all drawings and documents. Fifteen (15) sets of drawings shall be half-size with graphical scale and six (6) sets of drawings shall be full-size.
7. List of all waivers requested.
8. List of all variances requested from the Planning Board by Section of Ordinance.
9. Tax map lot and block numbers.
10. Date, scale and north arrow with reference meridian.
11. Key map of the site with reference to surrounding areas and to existing street locations, containing existing buildings and lot lines within two hundred (200) feet of the site.
12. Boundary and topographic survey of the total tract as required by N.J.A.C. 13:40-7.2, signed and sealed by the preparing N.J. Licensed Land Surveyor in accordance with N.J.A.C. 13:40-5. Topography within 200 feet of the boundary shall be shown and a reference datum indicated.
13. Zone district in which property in question falls, zone district of adjoining properties and all property within a two hundred (200) foot radius of the property in question.
14. Names of owners of all contiguous land and adjacent property within two hundred (200) feet as per certified list obtained from the Borough.
15. Zoning requirements tabulated to show all bulk requirements of the zone and the bulk data existing and proposed. All variance conditions are to be noted as such.
16. The entire property in question even though only a portion of said property is involved in the site plan.
- 16A. The outside dimensions of existing and/or proposed principal buildings(s) and all accessory structures.
17. Delineation of on-site wetlands as field identified by a qualified expert in accordance with the NJDEP standards, or statement by qualified expert that no wetlands or wetlands transition areas exist on-site. Copy of wetlands delineation report to accompany site plan submission.
18. Significant existing physical features including streams, water courses, rock outcrops, swampy soil, etc.

19. All driveways, streets, buildings and lot lines within two hundred (200) feet of site.
20. All existing and proposed curbs and sidewalks.
21. All existing and proposed utility lines within and adjacent to the subject property and full explanation of source of water supply and means of sewage disposal.
22. Rights-of-way, easements and all lands to be dedicated to the municipality or reserved for specific uses.
23. A grading plan with existing and proposed contours at one-foot intervals and finished first floor elevations. Additional spot elevations may be required to determine slopes in "critical" areas as deemed appropriate by the Borough Engineer.
24. Plans and centerline profiles shall be provided for widening of all existing roadways.
25. Half cross sections, 50 feet on center, shall be provided along the side of all widened existing roadways.
26. Dimensions of lot, setbacks, front yard, side yards and rear yard; size, kind and location of fences.
27. Drainage plan showing location of existing and proposed manholes, inlets, pipes, inverts, rims, grates, swales, berms, and other storm drainage facilities, including roof leaders. All pipe slopes, lengths and materials are to be identified.
28. Storm drainage profiles for all diversion swales, waterways, storm sewer pipe and any other conduit not shown on roadway plan and profile sheets shall be provided.
29. Stormwater Management Submission, including the following in accordance with Section 25-9 of the *Revised General Ordinances of the Borough of Hightstown*:
  - a. Topographic base map
  - b. Environmental Impact Assessment, pursuant to Section 26-8 of the *Revised General Ordinances of the Borough of Hightstown*
  - c. Project Description and Site Plan
  - d. Land Use Planning & Source Control Plan
  - e. Stormwater Management Facilities Map
  - f. Hydrologic and Hydraulic Calculations
  - g. Maintenance & Repair Plan
30. Location, dimensions and details of all signs.
31. Typical construction details shall be provided. Details to be shown shall include: typical roadway cross section; storm sewer inlets and manholes (each type proposed); storm sewer headwalls, storm sewer trench; storm sewer flared-end section; underdrain; curb; curb end treatment, depressed curb; sidewalk; handicap ramp; street signs; warning and regulatory signs; sump pump/underdrain to storm sewer connection; any "poured in place" concrete details and reinforcing schedules; and all retaining wall details; and other details deemed appropriate by the Borough Engineer.

32. A landscaping plan showing the site, all existing and proposed topography, existing on-site tree groupings and off-site tree groupings within 200 feet; typical planting details; detailed locations of proposed plant materials; and enlarged details for individual multi-family units, landscaped islands, and landscaped berms. All trees and tree groups shown shall be classified as to general size and species. Proposed materials with a fall planting hazard are to be noted as such.
33. Plans of off-street parking, parking area layout and off-street loading facilities showing location and dimensions of individual parking spaces, loading areas, aisles, traffic patterns and driveways for ingress and egress.
34. Details of all proposed outdoor lighting including site lighting stanchion locations including the 0.5 foot-candle boundary limit in plan form, details showing type of light(s), height of light(s), style of light(s), typical footing detail; typical illumination pattern (to Scale); color and wattage of lights; all lighting details may be included on the landscaping plan.
35. Architectural plans showing, as a minimum, the first floor plan and front, rear and side elevations of all proposed principal buildings and structures and all accessory buildings and structures, and their materials and treatment.
36. Submission of Community Impact Statement, pursuant to Section 26-7.
37. Submission of Environmental Impact Assessment, pursuant to Section 26-8.
38. Contribution Disclosure Statement, pursuant to Subsection 26-9-5 of the *Revised General Ordinances of the Borough of Hightstown*.
39. Owner's Certification or Affidavit of Title prepared by an N.J. Attorney at Law or N.J. Title Company with Commitment to Insure and Consent to file the application.
40. A draft public notice.
41. Proof that no taxes, assessments, or sewer and water charges are due or delinquent on the subject property.
42. Disclosure of ownership, if required, pursuant to N.J.S.A. 40:55D-48.1 and 48.2.
43. Completion of W-9 form to accompany payment of applicable fees and escrow accounts.

b. Additional Instructions and Notes for All Applicants (Site Plan).

1. Plans may be reviewed by the Borough Engineer, Zoning Officer, Planning Consultants and other interested parties.
2. In addition, as required, the Mercer County Planning Board must receive a copy of the application and plan(s), and may review the plan and make comments.

3. The applicant shall give public notice by publication in the official newspaper of the Borough at least ten (10) days prior to the date of the hearing.

4.

(a) Affidavit of Service of Notice of Hearing on all owners of property within two Hundred (200) feet of subject property as shown on the current Borough Tax duplicate. A certified list of property owners obtained from the Borough Tax Assessor and Affidavit, along with USPS certified mail receipts arranged in the same order as the certified list of property owners (mounted on 8½ x 11” bond paper, six (6) receipts to a page), shall be submitted to the Planning Board Secretary at least forty-eight (48) hours prior to the hearing.

(b) Affidavit of Publication of Notice of Hearing in the official newspaper of the Borough at least ten (10) days prior to hearing (obtain this affidavit from the newspaper and submit to the Planning Board Secretary at least forty-eight (48) hours prior to the scheduled hearing).

5. Notice shall be sent to the following:

(a) Adjoining municipality (Clerk) if the property is located within two hundred (200') feet.

(b) The County Planning Board if the property is adjacent to a County road or affects a County drainage facility.

(c) The Commissioner of Transportation, if the property is adjacent to a State Highway.

(d) All public utilities in the Municipality registered pursuant to N.J.S.A. 40:55D-12.1.

6. The Board reserves the right to require additional information before granting preliminary approval when unique circumstances affect the tract and/or when the application for development poses special problems for the tract and/or the surrounding area. This includes, but is not limited to, buildings and structures with State or Federal historical designation or of local significance, or which are located within the Borough's Stockton Street Historic District. No application shall be deemed incomplete for lack of such additional information.

**Subsection 26-9-3 Checklist for Variances.**

a. Applicants seeking variance relief shall file twenty-one (21) completed copies of the following checklist along with the information and documents required therein:

1. Twenty-one (21) copies of a complete application.

2. Twenty-one (21) copies of survey showing location of existing and proposed structures on subject.

3. Twenty-one (21) copies of plans of the proposed structure which describe its appearance

and prove its compliance with building codes.

4. Proof that no taxes, assessments, or sewer and water charges are due or delinquent on the subject property.
5. Completion of W-9 form to accompany payment of applicable fees and escrow accounts.
6. Contribution Disclosure Statement, pursuant to Subsection 26-9-5 of the Revised General Ordinances of the Borough of Hightstown.
7. A draft public notice.
8. Owner's Certification or Affidavit of Title prepared by an N.J. Attorney at Law or N.J. Title Company with Commitment to Insure and Consent to file the application.
9. Disclosure of ownership, if required, pursuant to N.J.S.A. 40:55D-48.1 and 48.2.
10. List of all variances ~~waivers~~ requested.

b. Additional Instructions and Notes for All Applicants (Variance).

1. Plans may be reviewed by the Borough Engineer, Zoning Officer, Planning Consultants and other interested parties.
2. In addition, as required, the Mercer County Planning Board must receive a copy of the application and plan(s), and may review the plan and make comments.
3. The applicant shall give public notice by publication in the official newspaper of the Borough at least ten (10) days prior to the date of the hearing.
4. \_\_\_\_\_
  - (a) Affidavit of Service of Notice of Hearing on all owners of property within two Hundred (200) feet of subject property as shown on the current Borough Tax duplicate. A certified list of property owners obtained from the Borough Tax Assessor and Affidavit, along with USPS certified mail receipts arranged in the same order as the certified list of property owners (mounted on 8½ x 11" bond paper, six (6) receipts to a page), shall be submitted to the Planning Board Secretary at least forty-eight (48) hours prior to the hearing.
  - (b) Affidavit of Publication of Notice of Hearing in the official newspaper of the Borough at least ten (10) days prior to hearing (obtain this affidavit from the newspaper and submit to the Planning Board Secretary at least forty-eight (48) hours prior to the scheduled hearing).
5. Notice shall be sent to the following:
  - (a) Adjoining municipality (Clerk) if the property is located within two hundred (200') feet.
  - (b) The County Planning Board if the property is adjacent to a County road or affects a County drainage facility.

(c) The Commissioner of Transportation, if the property is adjacent to a State Highway.

(d) All public utilities in the Municipality registered pursuant to N.J.S.A. 40:55D-12.1.

6. The Board reserves the right to require additional information before granting approval when unique circumstances affect the tract and/or when the application for development poses special problems for the tract and/or the surrounding area. This includes, but is not limited to, buildings and structures with State or Federal historical designation or of local significance, or which are located within the Borough's Stockton Street Historic District. No application shall be deemed incomplete for lack of such information.

**Subsection 26-9-4 Checklist for Sign Variances.**

a. Applicants seeking sign variance relief shall file twenty-one (21) completed copies of the following checklist along with the information and documents required therein:

1. Twenty-one (21) copies of a complete application.
2. Twenty-one (21) copies of photo or sketch with dimension of sign(s) desired.
3. Proof that no taxes, assessments or sewer and water charges are due or delinquent on the subject property.
4. Completion of W-9 form to accompany payment of all fees.
5. Contribution Disclosure Statement, pursuant to Subsection 26-9-5 of the *Revised General Ordinances of the Borough of Hightstown*.
6. A draft public notice.
7. Owner's Certification or Affidavit of Title prepared by an N.J. Attorney at Law or N.J. Title Company with Commitment to Insure, and Consent to file application.
8. List of all variances ~~waivers~~ requested.

b. Additional Instructions and Notes for All Applicants (Sign Variance).

1. In addition, as required, the Mercer County Planning Board must receive a copy of the application and plan(s), and may review the plan and make comments.

2. The applicant shall give public notice by publication in the official newspaper of the Borough at least ten (10) days prior to the date of the hearing.

3. (a) Affidavit of Service of Notice of Hearing on all owners of property within two Hundred (200) feet of subject property as shown on the current Borough Tax duplicate. A certified list of property owners obtained from the Borough Tax Assessor and Affidavit, along with USPS certified mail receipts arranged in the same order as the certified list of property owners (mounted on 8½ x 11" bond paper, six (6) receipts to a page), shall be submitted to the Planning Board Secretary at least forty-eight (48) hours prior to the hearing.

(b) Affidavit of Publication of Notice of Hearing in the official newspaper of the Borough at least ten (10) days prior to hearing (obtain this affidavit from the newspaper and submit to the Planning Board Secretary at least forty-eight (48) hours prior to the scheduled hearing).

4. Notice shall be sent to the following:

(a) Adjoining municipality (Clerk) if the property is located within two hundred (200') feet.

(b) The County Planning Board if the property is adjacent to a County road or affects

a County drainage facility.

(c) The Commissioner of Transportation, if the property is adjacent to a State Highway.

(d) All public utilities in the Municipality registered pursuant to N.J.S.A. 40:55D-12.1.

5. In lieu of an Owner's Certification of Title and Consent as required in Subsection 26-9-4a.7. above, a Lessee or Contract Purchaser, may submit a copy of an existing Lease document or executed Contract of Sale for the subject property demonstrating ownership and the Owner's consent to file the application.

6. The Board reserves the right to require additional information before granting approval when unique circumstances affect the tract and/or when the application for development poses special problems for the tract and the surrounding area. This includes, but is not limited to, buildings and structures with State or Federal historical designation or of local significance, or which are located within the Borough's Stockton Street Historic District. No application shall be deemed incomplete for lack of such additional information.

#### **Subsection 26-9-5 Contribution Disclosure Statement Required for all Checklists.**

a. Purpose. The purpose of this Section is to enhance the Borough's commitment to openness in government and to provide further guarantees for a fair and impartial variance, waiver and exception application process, and the land use application process in general, by requiring the disclosure of political contributions made by property owners, developers and professionals as part of the application process for certain approvals under the Municipal Land Use Law. Such disclosure will effectuate the purposes of the Municipal Land Use Law to promote the morals and general welfare of the community, through ensuring additional guarantees of openness in government and a fully informed public.

b. Definitions. The following terms shall have the meanings indicated:

1. Application Checklist – The term "Application Checklist" means the list of submission requirements adopted by Ordinance and provided by the Municipal Agency to a developer pursuant to N.J.S.A. 40:55D-10.3.

2. Developer – The term "Developer" means a developer as defined by N.J.S.A. 40:55D-4, i.e. the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

3. Professional – The term "Professional" means any person or entity whose principals are required to be licensed by New Jersey Law and who supplies legal representation, expert testimony or written reports in support of an application. Professionals shall include both any individuals supplying the representation, testimony or reports and the firms or entities in which said individuals practice.

4. Contribution – The term "Contribution" means every loan, gift, subscription, advance or transfer of money or other thing of value, including any item of real property or personal property, tangible or intangible (but not including services provided without compensation by individuals volunteering a part or all of their time on behalf of a

candidate, committee or organization), made to or on behalf of any candidate, candidate committee, joint candidates committee, political committee, continuing political committee or political party committee of, or pertaining to, the Borough of Hightstown, including any Mercer County Party Committee or political action committee (PAC) that is organized for the primary purpose of promoting or supporting Borough of Hightstown municipal candidates or officeholders, and any pledge, promise or other commitment or assumption of liability to make such transfer. For purposes of reports required under the provisions of the Ordinance, any such commitment or assumption shall be deemed to have been a contribution upon the date when such commitment is made or liability assumed.

5. Contribution Disclosure Statement – The term “Contribution Disclosure Statement” means a list specifying the amount, date, and the recipient of any and all contributions made to or on behalf of any candidate, candidate committee, joint candidates committee, political committee, continuing political committee or political party committee of, or pertaining to, the Borough of Hightstown, including any Mercer County Party Committee or political action committee (PAC) that is organized for the primary purpose of promoting or supporting Borough of Hightstown municipal candidates or officeholders, made prior to filing the application with or seeking approval from the Borough, and required to be reported pursuant to N.J.S.A. 19:44A-1, et seq. The disclosure shall include all such contributions made during the time period measuring from one (1) year prior to filing the application seeking approval from the Borough through to the time of filing said application. Additionally, there shall be a continuing disclosure responsibility to require continuing disclosure of any such contributions made following the filing of the “Contribution Disclosure Statement” and during the pendency of the application and/or approval process.

6. Municipal Agency – The term “Municipal Agency” shall mean the Borough Planning Board. If the Borough shall ever re-create a separate Municipal Zoning Board in the future, then the term “Municipal Agency” shall also refer to the Borough Zoning Board.

c. General Provisions.

1. Disclosure Requirements.

- (i.) Any applicant for a variance pursuant to N.J.S.A. 40:55D-70d or a variance pursuant to N.J.S.A. 40:55D-70c in conjunction with any application for a subdivision not considered a minor subdivision pursuant to local ordinance or a site plan not considered a minor site plan pursuant to local ordinance, as well as any application for a subdivision not considered a minor subdivision pursuant to local ordinance or site plan not considered a minor site plan pursuant to local ordinance requiring waivers or exceptions pursuant to N.J.S.A. 40:55D-51, shall include in its application with and/or submit to the Municipal Agency a Contribution Disclosure Statement for all Developers involved in the said application; all associates of said Developers who would be subject to disclosure pursuant to N.J.S.A. 40:55D-48.1 or 40:55D-48.2; and all Professionals who apply for or provide testimony, plans, or reports in support of said application or who

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have an enforceable proprietary interest in the property or development which is the subject of the application or whose fee in whole or part is contingent upon the outcome of the application. Regardless of whether the owner of the property which is the subject of the application falls in any of the categories established in the preceding sentence, the applicant shall include in its application to the Municipal Agency a Contribution Disclosure Statement for said owner.

- (ii.) During the pendency of the application process until the final approval(s) associated with the application is granted, any applicant required to comply with this ordinance shall amend its Contribution Disclosure Statement to include continuing disclosure of all contributions within the scope of the disclosure requirement of the above paragraph.

2. Inclusion of Contribution Disclosure Statements as an Element of all Application Checklists within the Borough of Hightstown.

- (i.) All Application Checklists previously adopted within the Borough of Hightstown pursuant to N.J.S.A. 40:55D-10.3, including but not limited to those referenced in Section 26-9, "Subdivision and Site Plan Checklists," of the Borough Code, are hereby revised to require that all applications for variance relief pursuant to N.J.S.A. 40:55D-70d, as well as for relief pursuant to N.J.S.A. 40:55D-70c, or for relief pursuant to N.J.S.A. 40:55D-51 in applications for site plan and subdivision approval not considered to be minor site plans or minor subdivisions pursuant to local ordinance, shall include the Contribution Disclosure Statements specified in paragraph 1 of this section.
- (ii.) The Borough's Municipal Agency shall amend its Application Checklists to include the Contribution Disclosure Statements specified in paragraph 1 of this section.
- (iii.) An application shall not be deemed complete by the administrative official or accepted for public hearing by the Municipal Agency until the required Contribution Disclosure Statements are submitted.

3. Availability of Contribution Disclosure Statements. All Contribution Disclosure Statements shall be available in the office of the administrative officer for review by any member of the public.

4. Intent of Contribution Disclosure Statements. It is the intent of this Ordinance that Contribution Disclosure Statements shall serve solely as a means to inform the public and shall not serve in any manner as evidence relevant to the decision-making criteria for granting or denying requested variances or other approvals. Such decisions shall continue to be governed strictly under the relevant criteria set forth in the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., or other relevant law. (Ord. No. 2004-27)

Section 2. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Section 3. That, in the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

Section 4. That this Ordinance shall take effect upon final passage and publication in accordance with the law.

Introduced: August 16, 2010  
Adopted: September 20, 2010

**ATTEST:**

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Debra L. Sopronyi  
Municipal Clerk

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Robert F. Patten  
Mayor