

RESOLUTION

AUTHORIZING THE HIRING OF PERSONNEL FOR SUMMER RECREATION

WHEREAS, there is a need for the Clinton Township Parks and Recreation Department to fill the positions of Director and Counselors; and

WHEREAS, Recreation Supervisor Tom Silvia has recommended the hiring of the following individuals for these positions, effective on or about June 28, 2022, until July 29, 2022, in accordance with the salary schedule.

2022 Summer Recreation Staff		
Name	Position	Salary
Katherine Cimei	Director	3750.00 Salary
Amanda Gorgas	Assistant Director	1400.00 Salary
Michael Ciarlante	Counselor	14.00 per hour
Ben Maclsaac	Counselor	14.00 per hour
William Pritchett	Counselor	14.00 per hour
Avery Wrba	Counselor	14.00 per hour
Luke Menabdishvili	Counselor	14.00 per hour
Lauren Paluck	Counselor	14.00 per hour
Nick Sargent	Counselor	14.00 per hour
Ashley Scott	Counselor	14.00 per hour
Megan Cathro	Counselor	14.00 per hour
Alex Morgan	Counselor	13.00 per hour
Megan Lawn	Counselor	13.00 per hour
Hannah Louton	Counselor	13.00 per hour
Ryan Cathro	Counselor	13.00 per hour
Leah Ciarlante	Counselor	13.00 per hour
Alexa Miller	Counselor	13.00 per hour
Kate Maclsaac	Counselor	13.00 per hour
Kylie Buhl	Counselor	13.00 per hour
Emily Klein	Counselor	13.00 per hour
Jake Goodman	Counselor	13.00 per hour
Ava Pecora	Counselor	13.00 per hour
Christian Zamrok	Counselor	13.00 per hour
Kevin Maloy	Counselor	13.00 per hour

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey that the recommendation of the Recreation Supervisor, Tom Silvia be and hereby is accepted and

approved that the individuals be hired as Summer Parks and Recreation summer employees effective on or about June 28, 2022.

ATTEST:

Carla Conner, Township Clerk

Brian Mullay, Mayor

Adopted: June 8, 2022

CERTIFICATION

I, Carla Conner, Municipal Clerk of the Township of Clinton, County of Hunterdon, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution duly authorized by the Mayor and Council on this 8th day of June, 2022.

Conner Conner, Municipal Clerk

RESOLUTION

AUTHORIZING THE PURCHASE FROM MALL CHEVROLET FOR THE PURCHASE OF A NEW FIRE DEPARTMENT COMMAND VEHICLE FROM ESCNJ CONTRACT #20/21-09, NTE \$48,000

WHEREAS, there is a need to purchase one new Command vehicle for the Township of Clinton, in the County of Hunterdon, State of New Jersey; and

WHEREAS, the funds are available through the ARP funds as evidenced by the Chief Finance Officer's Certification in account #02-213-41-710-0102; and

WHEREAS, public bids are not required when the purchase is made through a State Contract in accordance with N.J.S.A. 40A:11-12.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Clinton in the County of Hunterdon that the Township's Fire Department is hereby authorized to purchase from Mall Chevrolet a new Command vehicle from ESCNJ Contract #20/21-09, NTE \$48,000.

ATTEST:

Carla Conner, Township Clerk

Brian Mullay, Mayor

Adopted: June 8, 2022

CERTIFICATION

I, Carla Conner, Municipal Clerk of the Township of Clinton, County of Hunterdon, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution duly authorized by the Mayor and Council on this 8th day of June, 2022.

Conner Conner, Municipal Clerk

RESOLUTION

AUTHORIZING THE PURCHASE FROM MALL CHEVROLET FOR THE PURCHASE OF A NEW FIRE SAFETY VEHICLE FOR THE FIRE MARSHAL FROM ESCNJ CONTRACT #20/21-09, NTE \$38,000

WHEREAS, there is a need to purchase one new Fire Safety vehicle for the Township of Clinton, in the County of Hunterdon, State of New Jersey; and

WHEREAS, the funds are available through the ARP funds as evidenced by the Chief Finance Officer's Certification in account #02-213-41-710-0103; and

WHEREAS, public bids are not required when the purchase is made through a State Contract in accordance with N.J.S.A. 40A:11-12.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Clinton in the County of Hunterdon that the Township's Fire Marshal is hereby authorized to purchase from Mall Chevrolet a new Fire Safety vehicle from ESCNJ Contract #20/21-09, NTE \$38,000.

ATTEST:

Carla Conner, Township Clerk

Brian Mullay, Mayor

Adopted: June 8, 2022

CERTIFICATION

I, Carla Conner, Municipal Clerk of the Township of Clinton, County of Hunterdon, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution duly authorized by the Mayor and Council on this 8th day of June, 2022.

Conner Conner, Municipal Clerk

RESOLUTION #__-2022

**RESOLUTION AUTHORIZING THE EXECUTION OF AN
ASSIGNMENT OF AFFORDABLE HOUSING AGREEMENT
WITH INGERMAN DEVELOPMENT COMPANY, LLC AND
SPRUCE RUN URBAN RENEWAL ASSOCIATES, LLC**

WHEREAS, Ingerman Development Company, LLC (“IDC”) is the owner of a ±11.7-acre property and improvements located at 1726 and 1730 Route 31 in Clinton Township and designated as Block 70, Lots 6 and 6.01 on the Township tax maps (the “Site”); and

WHEREAS, pursuant to Resolution #130-2021 adopted by the Clinton Township Mayor and Council on August 25, 2021, the Township entered into an Affordable Housing Agreement (“Agreement”) with IDC, pursuant to which IDC will develop the Site with approximately one hundred forty-six multi-family residential units, consisting of sixty-six market-rate units and eighty affordable housing units (including at least eleven very low income units as part of a total of forty low income units) and other amenities (the “Project”); and

WHEREAS, the Project is included in the 2021 Amendment to the Third Round Housing Plan Element and Fair Share Plan adopted by the Clinton Township Planning Board on June 7, 2021 and endorsed by the Mayor and Council on June 23, 2021; and

WHEREAS, the Township, IDC and Spruce Run Urban Renewal Associates, LLC (“Spruce Run URA”) desire to effect an assignment of all of Ingerman’s rights, title, interests, and obligations under the Agreement to Spruce Run URA; and

WHEREAS, Ingerman and Spruce Run URA have the same principal, who is an experienced developer of affordable housing projects and possesses the ability to successfully plan, gain funding for, and construct the Project as called for in the Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Clinton, in Hunterdon County, New Jersey, as follows:

1. The preamble to this resolution is hereby incorporated as if more fully set forth herein.
2. The Mayor and Clerk are hereby authorized and directed to execute, on behalf of the Township, the Assignment of Affordable Housing Agreement attached hereto as Exhibit A, or such other substantially similar agreement as shall have been reviewed and approved by the Township Attorney.
3. The Mayor, Clerk, Attorney, Administrator, and other appropriate staff and officials are hereby authorized and directed to execute any and all such other documents and take any and all such other actions as may be necessary and proper to effectuate the terms hereof.

4. This resolution shall take effect immediately.

ATTEST:

Carla Conner, RMC, Clerk

Hon. Brian Mullay, Mayor

Adopted: _____, 2022

CERTIFICATION

I, Carla Conner, Clerk of the Township of Clinton, do hereby certify that the foregoing resolution was duly adopted by the Clinton Township Mayor and Council at a regular meeting held on _____, 2022.

Carla Conner, RMC
Township Clerk

ORDINANCE NO. ____-2022

AN ORDINANCE OF THE TOWNSHIP OF CLINTON IN HUNTERDON COUNTY, NEW JERSEY RESCINDING RESOLUTION #128-2021 AND AUTHORIZING A FINANCIAL AGREEMENT BETWEEN THE TOWNSHIP OF CLINTON AND SPRUCE RUN URBAN RENEWAL ASSOCIATES, LLC PURSUANT TO THE LONG TERM TAX EXEMPTION LAW, N.J.S.A. 40A:20-1 ET SEQ.

WHEREAS, in accordance with the New Jersey Supreme Court’s “Mount Laurel I” decision (*South Burlington County NAACP v. Mount Laurel*, 67 N.J. 151 (1975)), the Township has a constitutional obligation to provide for its fair share of the region’s affordable housing needs; and

WHEREAS, the Township entered into a settlement agreement with Fair Share Housing Center, Inc. (“Fair Share Housing Center” or “FSHC”) on December 13, 2017 and an amended settlement agreement with FSHC on February 7, 2018 (collectively, the “settlement agreement”), setting forth the Township’s third round affordable housing obligation covering the period 1999 to 2025, including the various plan mechanisms to satisfy its obligation in full, which agreement was further amended in 2020; and

WHEREAS, on May 7, 2021, the Township and Fair Share Housing Center entered into a third amendment to the settlement agreement (the “Third Amendment to Settlement Agreement”), which amendment among other things added as one of the mechanisms to be employed in satisfying the Township’s affordable housing obligations a mixed-income affordable housing project on a ±11.7-acre property located at 1726 and 1730 Route 31 in Clinton Township and designated as Block 70, Lots 6 and 6.01 on the Township tax maps (the “Site”), consisting of approximately 146 multi-family residential units, comprising 66 market-rate units and 80 affordable housing units (including at least 11 very low income units as part of a total of 40 low income units) and other amenities (the “Project”); and

WHEREAS, the changes called for in the Third Amendment to Settlement Agreement were incorporated into the 2021 Amendment to the Third Round Housing Plan Element and Fair Share Plan adopted by the Clinton Township Planning Board on June 7, 2021 and endorsed by the Mayor and Council on June 23, 2021; and

WHEREAS, the 80 units of rental housing in the Project will qualify as low and moderate income units under the Fair Housing Act, *N.J.S.A. 52:27D-301 et seq.* and the Uniform Housing Affordability Controls, *N.J.A.C. 5:80-16.1 et seq.* and 66 units will qualify as market rate rental housing; and

WHEREAS, pursuant to Resolution #130-2021 adopted by the Clinton Township Mayor and Council on August 25, 2021, the Township entered into an Affordable Housing Agreement (“Agreement”) with Ingerman Development Company, LLC (“IDC”), pursuant to which IDC agreed to construct the Project as described above; and

WHEREAS, pursuant to Resolution #128-2021 adopted on August 11, 2021, the Mayor and Council also authorized the execution of an agreement for payments in lieu of taxes with IDC

pursuant to the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (*N.J.S.A. 55:14K-1 et seq.*) (the “HMFA Law”); and

WHEREAS, IDC has since formed an urban renewal entity known as Spruce Run Urban Renewal Associates, LLC (“Spruce Run URA”); and

WHEREAS, on June 8, 2022, the Township Mayor and Council adopted a resolution authorizing the assignment of all of IDC’s rights, title, interests, and obligations under the Agreement to Spruce Run URA; and

WHEREAS, in place of the previously-approved HMFA PILOT agreement, Spruce Run URA seeks to enter into a financial agreement with the Township for payments in lieu of taxes pursuant to the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 *et seq.* (the “LTTE Law”); and

WHEREAS, the LTTE Law permits the Township to enter into a financial agreement granting a tax exemption and accepting payments in lieu of taxes for qualified projects; and

WHEREAS, the Project will qualify for a tax exemption and/or abatement under the LTTE Law; and

WHEREAS, Spruce Run URA has presented to the Mayor and Council a form of financial agreement (“the LTTE Financial Agreement”) providing for, among other things, payments in lieu of taxes, a copy of which is on file with the Township Clerk and available for inspection by the public during normal business hours;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Clinton, in Hunterdon County, New Jersey as follows:

Section 1. Findings.

- a. The Annual Service Charge (payment in lieu of taxes) described hereinbelow will exceed the amount of taxes generated by the Site in the last full year;
- b. The Project will provide for the development of the Site with a much-needed mixed-income affordable housing project, which project is included in the Township’s Third Round Housing Plan Element and Fair Share Plan and will assist the Township in meeting its third round affordable housing obligation;
- c. The tax exemption is important to obtain development of the Project and provide affordable housing:
 - i. Without the exemption, the Project is not financially viable;
 - ii. The exemption permits private development of affordable housing on the Site; and
 - iii. The terms of the exemption as set forth in the LTTE Financial Agreement are as or more favorable to the Township as the terms of the previously-approved HMFA PILOT agreement.

Section 2. Authorization of LTTE Financial Agreement.

- a. The development of the Project is hereby approved for a grant of a tax exemption under the LTTE Law; and
- b. The Council authorizes the execution of the LTTE Financial Agreement referenced in the preamble to this ordinance, pursuant to which Spruce Run will be obligated to pay the Township an “Annual Service Charge” (“ASC”) in lieu of taxes, beginning on the date of issuance of the certificate of completion for the Project (“ASC start date”), as follows:
 - i. ASC start date to 15th anniversary of said date : 6.28% of Project Revenue
 - ii. 15th anniversary to 21st anniversary: 6.28% of Project Revenue or 20% of taxes otherwise due, whichever is more
 - iii. 21st anniversary to 28th anniversary: 6.28% of Project Revenue or 40% of taxes otherwise due, whichever is more
 - iv. 28th anniversary to 29th anniversary: 6.28% of Project Revenue or 60% of taxes otherwise due, whichever is more
 - v. 29th anniversary to 30th anniversary: 6.28% of Project Revenue or 80% of taxes otherwise due, whichever is more
- c. The Project shall be exempt from real property taxation and in lieu of real property taxes, Redeveloper shall make payments to the Township of the foregoing Annual Service Charge during the term and under the provisions set forth in the LTTE Financial Agreement; and
- d. The Council hereby authorizes and directs the Mayor and the Township Clerk to execute the LTTE Financial Agreement on behalf of the Township; and
- e. The Council understands and agrees that the revenue projections set forth in Exhibit “A” of the LTTE Financial Agreement are estimates and the actual Annual Service Charge to be paid by Spruce Run URA to the Township shall be determined pursuant to the LTTE Financial Agreement; and
- f. The Township Clerk is hereby authorized and directed to forward a certified true copy of this ordinance to Spruce Urban Renewal Associates, LLC.
- g. The Township Clerk is hereby authorized and directed to forward a certified true copy of this ordinance, and the LTTE Financial Agreement implementing it, to the Township Tax Assessor.

Section 3. Rescission of Resolution #128-2021 and cancellation of HMFA PILOT agreement. Resolution #128-2021 adopted by the Mayor and Council on August 11, 2021 is hereby rescinded, and the HMFA PILOT agreement entered into between the Township and IDC

pursuant to said resolution is hereby canceled and replaced by the LTTE Financial Agreement approved herein.

Section 5. Repealer. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

Section 6. Severability. If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be valid and enforceable.

Section 7. Effective Date. This ordinance shall take effect 20 days from its date of final passage, in accordance with N.J.S.A. 40:69A-181.

Carla Conner, RMC, Township Clerk

Hon. Brian Mullay, Mayor

CERTIFICATION

I, Carla Conner, Clerk of the Township of Clinton, do hereby certify that the foregoing resolution was duly adopted by the Clinton Township Mayor and Council at a regular meeting held on _____, 2022.

Carla Conner, RMC
Township Clerk

ORDINANCE NO. ____-2022

AN ORDINANCE OF THE TOWNSHIP OF CLINTON IN HUNTERDON COUNTY, NEW JERSEY, AMENDING CHAPTER 165, LAND USE REGULATIONS, OF THE “CODE OF THE TOWNSHIP OF CLINTON” TO EXPAND THE SCOPE OF THE TOWNSHIP’S WAIVER OF SITE PLAN REVIEW PROCESS AND AUTHORIZE ADMINISTRATIVE APPROVAL OF SITE PLAN WAIVER APPLICATIONS UNDER CERTAIN CIRCUMSTANCES

WHEREAS, the Mayor and Council find that it is in the best interests of the public to streamline the development review process and reduce the time and costs associated with obtaining approvals for minor improvements to property; and

WHEREAS, to that end, the Mayor and Council wish to amend Article VI, Application Procedure, of Part 6, Subdivision and Site Plan Review, of Chapter 165, Land Use Regulations, of the “Code of the Township of Clinton” by modifying the Township’s waiver of site plan review process to include additional exemptions and allow for such applications to be approved administratively, thereby decreasing the costs and time for applicants and the Township’s land use boards associated with relatively minor property improvements; and

WHEREAS, the Mayor and Council also wish to amend the waiver of site plan review fees established in Article III, Administrative Procedures, of Part 3, Administration and General Procedures, of Chapter 165, Land Use Regulations, accordingly;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Clinton, in Hunterdon County, New Jersey as follows:

Section 1. Section 165-36, “Approval Required,” of Article VI, “Application Procedure,” of Part 6, “Subdivision and Site Plan Review,” in Chapter 165 of the “Code of the Township of

Clinton” (“Township Code”) is hereby amended to read as follows (new text is underlined thus;
deleted text is in brackets [thus]):

§ 165-36. Approval Required.

Prior to the subdivision or resubdivision of land and prior to the issuance of a construction permit or certificate of occupancy for any development, an application for subdivision, site plan or planned development review, as the case may be, shall be submitted to and approved by the [Planning Board] board of jurisdiction or Administrative Officer, as appropriate, and in accordance with the requirements of this article. [The following shall be exempt from site plan review and approval:

- A. Subdivision or individual lot applications for detached one- or two-family dwelling unit buildings.
- B. Replacement of previously approved site lighting, provided that a signed site plan, and information on existing and proposed lights, including photometries and cut sheets, are submitted to the Zoning Officer, and upon a determination by the Zoning Officer that the replacement lighting:
 - (1) Will not increase the number of lights;
 - (2) Will not increase the height of the lights;
 - (3) Will provide a similar level of lighting; and
 - (4) Will not negatively impact adjacent properties.
- C. Replacement of previously approved outdoor mechanical equipment, including air-conditioning equipment, generators, or similar equipment or appliances, provided that the replacement equipment is the same or similar to the existing equipment and is installed in the same location.
- D. Replacement of previously approved fencing, provided that for a fence conforming with the provisions of § 165-117.1, the replacement fencing shall be the same or similar to the existing fencing and in the same location. For a nonconforming fence, the replacement fencing shall be identical to the existing fencing.]

Section 2. The provisions regarding exemptions from site plan review and approval previously located in section 165-36 of the Code are hereby moved to section 165-36.1 and

modified as set forth below, and shall read as follows (new text is underlined thus; deleted text is in brackets [thus]):

§ 165-36.1. [Waiver of site plan review.] Exemption from site plan review and approval.

The following shall be exempt from site plan review and approval:

A. Subdivision or individual lot applications for detached one- or two-family dwelling unit buildings.

[B. Replacement of previously approved site lighting, provided that a signed site plan, and information on existing and proposed lights, including photometries and cut sheets, are submitted to the Zoning Officer, and upon a determination by the Zoning Officer that the replacement lighting:

- (1) Will not increase the number of lights;
- (2) Will not increase the height of the lights;
- (3) Will provide a similar level of lighting; and
- (4) Will not negatively impact adjacent properties.]

[C]B. Replacement of previously approved outdoor mechanical equipment, including air-conditioning equipment, generators, or similar equipment or appliances, provided that the replacement equipment is the same or similar to the existing equipment and is installed in the same location.

[D]C. Replacement of previously approved fencing, provided that for a fence conforming with the provisions of § 165-117.1, the replacement fencing shall be the same or similar to the existing fencing and in the same location. [For a nonconforming fence, the replacement fencing shall be identical to the existing fencing.]

[E]D. Replacement of previously approved signage, provided that for signage conforming with the provisions of § 165-109, the replacement signage shall be the same or similar to the existing signage and in the same location and at the same height.

[F]E. Replacement of a previously approved roof-mounted solar energy system, provided that the replacement system is the same or similar to the existing system and [is installed] in the same location and at the same height.

Section 3. The provisions regarding waiver of site plan review previously located in section 165-36.1 of the Code are hereby moved to new section 165-36.2 and modified as set forth below (new text is underlined thus; deleted text is in brackets [thus]):

§ 165-36.[1]2. Waiver of site plan review.

A. The [approving authority] Administrative Officer and/or Planning Board, as appropriate, may waive the requirement of site plan review, in part or in its entirety, if [the board finds that] the proposed development does not require any new variances or alter any existing variances, and if it:

- (1) Secured previous site plan approval under the terms of this [title] chapter and the proposed development will have an insignificant impact on the previously approved site plan; or
- (2) Involves normal repair, maintenance or replacement; or
- (3) Will not affect existing circulation, parking, drainage, stormwater management, Highlands compliance, building arrangements, landscaping, buffering, lighting or [and] other considerations of site plan review.

B. An applicant requesting such a waiver shall provide to the [approving authority] Administrative Officer[:] one paper copy and one digital copy of the Administrative Waiver of Site Plan Review Application and Checklist (Checklist No. 6), together with all accompanying plans and documents and appropriate application fee.

- (1) An approved site plan, if one exists, along with the resolution of approval for said plan.
- (2) A written description of proposed operation and use.
- (3) A written description of, and grounds for, waiver request.]

C. Within 30 days of receipt of a complete application, the Administrative Officer, in consultation with Board Engineer, Board Planner, Board Attorney, and/or other staff and officials, as appropriate, shall determine whether the application meets the criteria set forth in subsection 165-36.2.A. above. Applications meeting those criteria may be approved administratively. If the Administrative Officer is unable to determine whether the application meets the said criteria, the application shall be referred

to the full Planning Board for action. In such cases, no additional application fee shall be required.

Section 4. Adoption of new checklist. The checklist attached hereto as Exhibit A, entitled “Administrative Waiver of Site Plan Review Application and Checklist” (Checklist No 6) is hereby adopted.

Section 4. Section 165-41, “Completeness of application; checklists,” of Article VI, “Application Procedure,” of Part 6, “Subdivision and Site Plan Review,” in Chapter 165 of the Township Code is hereby amended to read as follows (new text is underlined thus; deleted text is in brackets [thus]):

§ 165-41. Completeness of application; checklists.

A. [no change]

B. For the purposes of administering this section, the following checklists for determining completeness of applications are hereby adopted and made part of this chapter:^[1]

(1) Checklist No. 1, Application Checklist, revised January 16, 2019.

(2) Checklist No. 2, Master Development Plan, revised February 11, 2005.

(3) Checklist No. 3, General Development Plan Approval, revised February 11, 2005.

(4) Checklist No. 4, Cellular Tower Site Plan Approval, revised February 11, 2005.

(5) Checklist No. 5, Single-Family Residential Lot Variance Application, revised February 11, 2005.

(6) Checklist No. 6, Administrative Waiver of Site Plan Review Application and Checklist, adopted _____ [INSERT DATE].

^[1] *Editor’s Note: The checklists are on file in the office of the Township Clerk and available to the public at no charge during normal business hours, Monday through Friday, 8:30 a.m. to 4:30 p.m.*

Section 5. Section 165-13, “Application and escrow fees,” of Article III, “Administrative Procedures,” of Part 3, “Administration and General Procedures,” in Chapter 165 of the Township Code is hereby amended to read as follows (new text is underlined thus; deleted text is in brackets [thus]):

§ 165-13. Application and escrow fees.

There is hereby established, in connection with various applications for development and other matters which are the subjects of this chapter the following schedule of fees and deposits which are the personal responsibility of both the property owner and the applicant if not one and the same:

A. *[no change]*

B. *[no change]*

C. Development applications:

(1) Outline of nonrefundable application and initial escrow fees.

[(a) – (n) no changes]

(o) Site plan waiver.

[1] Application fee: \$200

[2] Escrow fee: \$1,500, but only payable should Board review be required pursuant to §165-36.2.

[D – H no changes]

Section 6. Repealer. All ordinances and resolutions or parts thereof inconsistent with this ordinance are hereby repealed as to such inconsistencies only.

Section 7. Severability. If any paragraph, section, subsection, sentence, sentence clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate,

distinct and independent provision of such holding shall not affect the validity of the remaining paragraphs or sections hereof.

Section 8. Referral to Planning Board. Pursuant to the Municipal Land Use Law, *N.J.S.A.* 40:55D-64, the Clerk shall cause a copy of this ordinance to be referred to the Clinton Township Planning Board for review prior to its adoption.

Section 9. Effective Date. This ordinance shall take effect 20 days after its final passage by council and the filing of same with the Hunterdon County Planning Board, all in accordance with law.

Carla Conner, RMC, Township Clerk

Hon. Brian Mullay, Mayor

Introduced: June 8, 2022

Reviewed by Planning Board: _____, 2022

Public hearing: _____, 2022

Adopted: _____, 2022

EXHIBIT A

(DRAFT)

CHECKLIST NO. 6

ADMINISTRATIVE WAIVER OF SITE PLAN REVIEW APPLICATION AND CHECKLIST

In order to obtain an administrative waiver of site plan review, the proposed development must not require any new variances or alter any existing variances, and must meet the following criteria:

- (1) The applicant secured previous site plan approval under the terms of this title chapter and the proposed development will have an insignificant impact on the previously approved site plan; or
- (2) The proposed development involves normal repair, maintenance, or replacement; or
- (3) The proposed development will not affect existing circulation, parking, drainage, stormwater management, Highlands compliance, building arrangements, landscaping, buffering, lighting or other considerations of site plan review.

APPLICANT:

Name: _____
Address: _____
Telephone number: _____ Email address: _____

PROPERTY OWNER (IF DIFFERENT FROM APPLICANT):

Name: _____
Address: _____
Telephone number: _____ Email address: _____

SUBJECT PROPERTY:

Block: _____ Lot(s): _____ Zoning district: _____
Location: _____

The below checklist must be fully completed. **Please be aware that failure to include required checklist items can result in the application being deemed incomplete and ineligible for review.**

Applicants for administrative waiver of site plan review shall submit one paper copy and one digital copy of all items below. Applications that include a waiver request for any of the checklist items shall be accompanied by a written statement in support of each such request.

(a) General Requirements		
<u>Office Use</u>	<u>Applicant Use</u>	
	Included	Waiver Requested

			1. Written description of, and grounds for, waiver request.
			2. Application fee (see §165-13)
			3. Written description of proposed operation and use.
			4. Copy of previously approved site plan, if one exists, along with the resolution for approval for said plan and a certification of current compliance with said site plan and approval, or, if no previously approved site plan exists, a plot plan of the property showing the location of all existing and proposed structures, with relationship to surrounding building(s) on adjoining properties, zoning setback, driveway(s), and existing and proposed utilities. The site plan and/or plot plan shall include the following items as applicable:
			[a] existing and proposed structures, with dimensional ties to property lines, a minimum of two ties per structure.
			[b] existing and proposed impervious surfaces (stone, paved, etc.), including delineation of parking stalls
			[c] existing and proposed landscaping
			[d] existing and proposed lighting
			[e] existing and proposed floor plans, with the area(s) subject to change clearly defined.
			[f] bulk zoning regulations for applicable district in schedule form (showing required, existing & proposed conditions)
			[g] elevations and details for proposed new construction
			5. If changes to the HVAC are proposed, applicant is to provide information regarding noise and odors as it pertains to the adjacent properties.
			6. Photographs showing existing conditions.
			7. Cut sheets and/or product literature.

(b) Application Review (Township Use Only)			
Approved	Approved with Conditions*	Referred to Planning Board	Reviewed by the Administrative Officer and Planning Board Chair** pursuant to §165-36.2.
			<div style="display: flex; justify-content: space-between; margin-bottom: 10px;"> _____ _____ </div> <div style="display: flex; justify-content: space-between;"> Administrative Officer Date </div> <div style="display: flex; justify-content: space-between; margin-bottom: 10px;"> _____ _____ </div> <div style="display: flex; justify-content: space-between;"> Planning Board Chair Date </div>

(*See attached memorandum with additional information)

(**The Vice-Chair or Chair *Pro Tem* may act in place of the Chair if he/she is unavailable)

The undersigned hereby acknowledge(s) that the information contained herein is true and complete to the best of its/thair knowledge.

Print applicant name

Applicant Signature

Print owner name

Owner Signature

Date: _____