

**ORDINANCE NO. 1172-2022**

**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:<sup>[1]</sup>

(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].

<sup>[1]</sup> *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.

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Carla Conner, RMC, Township Clerk

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Hon. Brian Mullay, Mayor

Introduced: June 8, 2022

Reviewed by Planning Board: \_\_\_\_\_, 2022

Public hearing: \_\_\_\_\_, 2022

Adopted: \_\_\_\_\_, 2022