

ORDINANCE O:11-2021

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MONROE
TO AMEND CHAPTER 175 OF THE CODE OF THE TOWNSHIP OF MONROE,
ENTITLED "LAND MANAGEMENT"

WHEREAS, the Township Council of the Township of Monroe has recommended certain amendments to Chapter 175 of the Code of the Township of Monroe and has determined that it is in the best interest of the Township to amend this specific section and to promote public safety.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Monroe that the Code of the Township of Monroe is hereby amended as it relates to lot coverage and inground swimming pools to include the amendments herein.

§ 175-11 Definitions.

LOT COVERAGE

~~The area of the lot covered by all buildings and all impervious surfaces~~

The area of a lot covered by buildings, structures, paved surfaces and compacted stone. Paved surfaces include, but are not limited to, sidewalks, patios and decks, whether constructed of blacktop, compacted stone, flagstone, brick, concrete, wood or similar material, but excluding the water surface of any swimming pool. For purposes of this chapter, the water surface area of any swimming pool shall not be counted as lot coverage.

§ 175-117.1 Lot grading and drainage.

- A. Applicability. The requirements set forth herein shall apply to the development of all lots within the Township of Monroe for residential purposes. For developments where an overall grading plan has already been reviewed and approved by either the Planning Board or the Zoning Board of Adjustment, the review and approval of an individual lot grading plan prior to the issuance of a building is required. For the purposes of this ordinance, the term "development" shall mean the construction, reconstruction or relocation of any residential structure; the enlargement of a residential structure resulting in a land disturbance of 500 square feet or more the construction or placement of an accessory structure on a residential lot resulting in a land disturbance of 500 square feet or more; and/or the construction of an in-ground swimming pool on a residential lot. ~~At the discretion of the Zoning Officer,~~ **At the request of the property owner, the Zoning Officer will request** the Engineer ~~may be called upon~~ to perform a site inspection to waive the within requirements with regard to the construction of a single-family detached dwelling not related to a development; the enlargement of a residential structure resulting in a land disturbance of 500 square feet or more; the construction or placement of an accessory structure on a residential lot resulting in a land disturbance of 500 square feet or more; and/or the construction of an in-ground swimming pool on a residential lot. **Any proposed impervious surface within 5 feet of a property line will require a lot grading waiver application.** The Engineer shall have the authority to waive the within requirements, provided, in his opinion, it will not have an adverse effect on adjacent lots. The determination of the waiver shall ~~be performed at the sole expense of the Engineer~~ **cost \$50.00.**

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- B. The developer of a tract of land in the Township of Monroe shall provide the following items for each lot proposed to be developed:
- (1) Completed lot grading application, copies of which may be obtained from the Township of Monroe ~~Construction~~ Zoning Office;
 - (2) Appropriate fee(s), as required below in Subsection I of this section;
 - (3) Completed lot grading checklist, included below in Subsection J of this section;
and
 - (4) Five copies of a lot grading plan, signed and sealed by an engineer licensed by the State of New Jersey, and containing all information listed in the lot grading checklist.
 - (5) In those instances where the lot grading application is related to a development, the applicant shall deposit a performance escrow in the amount of \$2,000 per lot up to 25 lots within the subdivision. Under the circumstances wherein a subdivision is larger than 100 lots, the applicant shall be required to post \$2,000 per lot for 25% of those lots contained therein. In addition, the applicant shall deposit an inspection escrow in the amount of \$650 per dwelling unit. The performance and inspection escrow fees contained within this section shall be deposited in full at the time that the performance bond is accepted by the municipality. Subsection H, Fees, shall not apply to developments.
- C. Nothing contained herein shall prohibit the Engineer from requiring a new overall grading plan for review and approval. The developer shall be entitled to administrative review, if the plan meets the performance standards contained herein, provided that the proposed changes do not violate or create a conflict with the prior approvals granted by the approving authority. If in the opinion of the Engineer the revised grading plan substantially deviates from the prior approval, the applicant shall be required to seek the approval of the applicable board.
- D. Foundation location plan.
- (1) The State of New Jersey, through the Uniform Construction Code, requires that a foundation location survey be submitted to the Township Construction Official as soon as possible after the installation of the foundation wall. Further, the final verification of such a prior approval rests with the Construction Official. This plan shall be prepared by a land surveyor licensed by the State of New Jersey and show all building corners of the foundation. To confirm that the top of block elevation conforms to the approved plan, the permittee shall also submit a foundation location plan to the Engineer for review. The foundation location plan shall contain the top of block elevation.

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- (2) Nothing in this section shall prohibit a permittee from commencing with framing prior to the submission of the foundation location plan to the Engineer but will instead be a matter to be resolved by the contractor prior to the issuance of the certificate of occupancy. However, since the permittee shall demonstrate conformance to the performance standards listed below in Subsection F prior to the issuance of the certificate of occupancy, it is recommended that the foundation location plan be submitted to the Engineer as soon after the installation of the foundation walls as possible.
- E. Final survey (as-built plan). A certificate of occupancy shall not be issued until the permittee submits an accurate final survey (as-built plan) to the Engineer for approval. The final survey (as-built plan) shall be prepared by a New Jersey licensed professional land surveyor. The purpose of the final survey (as-built plan) is to ensure that the lot grading is in substantial conformance to the approved plan and that the lot will adequately drain and have no adverse impact on adjoining properties. The final survey (as-built plan) shall be reviewed by the Engineer and determined to comply with the above standards.
- F. Performance standards.
- (1) All grading shall be done in a manner that will result in a no adverse impact to adjacent properties. Adjacent properties with natural swales and/or wetlands must be evaluated to insure that adequate capacity is available to accept the runoff from the site being developed and graded. Whenever possible, the land shall be graded in one of the following three methods:
- (a) The rear yard shall drain overland to the street through side yard swales on either side of the house, located on the common property lines with adjoining lots, and the front yard shall drain directly to the street;
 - (b) The rear yard shall drain and be collected in a system of interior yard inlets and piping designed in accordance with accepted standards, connected to the development's overall stormwater drainage system, and the front yard shall drain directly to the street; or
 - (c) The rear yard shall drain overland onto adjoining properties only as permitted by right, i.e., no net increase in rate of runoff or manner of flow or via an acceptable easement. The rear yard shall be graded to drain as required in Subsection F(1) above. The front yard shall drain directly to the street.
- (2) No more than three lots in a row shall be allowed to drain through a swale unless protected by an acceptable easement. The permittee shall confirm to the Engineer that any approved easement has been properly conveyed and recorded and that it

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is not subject or subordinate to any other interest that could extinguish it or otherwise diminish its effectiveness.

- (3) The minimum slope for swales, lawns and disturbed areas shall be 2%, 3% for rear yard swales, and for smooth, hard surfaces, i.e., driveways, 1%.
- (4) Slopes shall not be steeper than three horizontal to one vertical.
- (5) No grading shall occur within five feet of a property line unless necessary to direct drainage off or onto the property, and then into acceptable drainage facilities. All drainage directed off the property shall conform to the requirements listed in Subsection F(1) above.
- (6) The maximum grade for driveways shall be 10%.
- (7) The top of block elevation shall be a minimum of six inches above the highest adjacent grade and shall be provided on all grading plans. The notation of the finished floor alone is not acceptable.
- (8) Grading within 10 feet of the dwelling shall be in accordance with local building codes.
- (9) Retaining walls over three feet in height must be designed and then reviewed and approved by the Engineer.
- (10) Topsoil moved during the course of construction shall be redistributed so as to provide at least five inches of spread cover to all seeded and planted areas of the development and shall be stabilized by seeding or planting. Topsoil shall be reasonably free of stone and contain no stones larger than two inches in any dimension. In the event that the quantity of topsoil at the site is insufficient to provide five inches of cover for all seeded and planted areas, the permittee shall provide and distribute a sufficient quantity of topsoil to provide such cover. The composition of any borrowed topsoil shall be in accordance with New Jersey Department of Transportation (NJDOT) standards and suitable for use in a residential setting.
- (11) Grading necessary to construct an in-ground swimming pool shall not interrupt the existing and/or approved drainage patterns. Finished deck elevations shall be set above the natural grade occurring on the lot to prevent water from flowing into the swimming pool.
 - (a) **The Engineer shall have the authority during the lot grading review process to allow in-ground swimming pools to exceed the permissible percentage of lot coverage, if in his/her opinion, it will not have an adverse effect on adjacent lots.**

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- (12) The permittee may request a waiver of a particular performance standard upon presentation of a reasonable justification. The Engineer shall have the authority to review the request and issue an administrative change, provided it does not violate the intent of the ordinance.
- G. All conditions and requirements herein shall be consistent with the Pinelands Stormwater Management Standards as set forth in the Pinelands Comprehensive Management Plan and any standard adopted thereto.
- H. Fees. Fees shall be as set forth in Chapter 74, Fees.
- I. All of the requirements for the control of grading and drainage of residential lots shall be required to adhere to the following checklist.

§ 175-145 Swimming pools.

- A. No private residential pool shall be installed on any lot unless said lot shall contain a residence and said pool shall be accessory to the residence. Swimming pools shall not be located in the front yard. The pool shall be set back a minimum distance of 10 feet from any rear or side lot line, and a minimum distance of 35 feet from any public right-of-way line. The required setback shall be measured from the property line and/or right-of-way line to the nearest inside face of the swimming pool at its waterline. **At the request of the property owner, the Zoning Officer will request the Engineer perform a site inspection to waive the within requirements should the property owner make a request to exceed the maximum permissible lot coverage for the construction of an in-ground swimming pool on a residential lot. The Engineer shall have the authority to waive the within requirements, provided, in his/her opinion, it will not have an adverse effect on adjacent lot, and the lot grading plan is approved by the Engineer pursuant to the requirements of § 175-117.1 of this chapter.**
- B. Pools shall otherwise be installed, operated and used in accordance with other health and safety ordinances regarding water filtration, circulation and treatment, fencing, noise and lighting.
- C. The requirements of Subsection A above notwithstanding, all swimming pools shall comply with the requirements of § 305, entitled "Barrier Requirements," of the International Swimming Pool and Spa Code (2018) as adopted by the State of New Jersey at N.J.A.C. 5:23-3.14.
- D. The construction of private residential in-ground swimming pools shall comply with the lot grading and drainage requirements included in § 175-117.1 of this chapter.

SECTION II. All prior Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

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SECTION III. If any word, phrase, clause, section or provision in this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word phrase, clause, section or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

SECTION IV. This Ordinance shall take effect twenty (20) days after final passage and publication as required by law.

TOWNSHIP OF MONROE

CNCL. PRES., PATRICK O'REILLY

ATTEST:

**Twp. Clerk, Aileen Chiselko, RMC
or Deputy Clerk, Jennifer Harbison, RMC**

CERTIFICATION OF CLERK

The foregoing Ordinance was introduced at a meeting of the Township Council of the Township of Monroe held on the 10th day of May 2021, and will be considered for final passage and adoption at a meeting of the Township Council of the Township of Monroe to be held on 24th day of May 2021 at the Municipal Building, 125 Virginia Avenue, Williamstown, New Jersey 08094, at which time any person interested therein will be given an opportunity to be heard.

**Twp. Clerk, Aileen Chiselko, RMC
or Deputy Clerk, Jennifer Harbison, RMC**

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ROLL CALL VOTE

1st Reading

ROLL CALL VOTE

	AYES	NAYS	ABSTAIN	ABSENT
Cncl. Falcone				
Cncl. Fox				
Cncl. Garbowski				
Cncl. McKinney				
Cncl. Valcourt				
Cncl. Wolfe				
Cncl. Pres. O'Reilly				
Tally:				

2nd Reading

ROLL CALL VOTE

	AYES	NAYS	ABSTAIN	ABSENT
Cncl. Falcone				
Cncl. Fox				
Cncl. Garbowski				
Cncl. McKinney				
Cncl. Valcourt				
Cncl. Wolfe				
Cncl. Pres. O'Reilly				
Tally:				

The foregoing ordinance was hereby approved by the Mayor of the Township of Monroe on this _____ day of _____, 2021.

MAYOR RICHARD DiLUCIA