

WARREN COUNTY DEVELOPMENT REVIEW REGULATIONS

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WARREN COUNTY

NEW JERSEY

Prepared Pursuant to

R.S. 40:27-6.2 and R.S. 40:27-6.6

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CHAPTER I
TITLE, APPLICABILITY, PURPOSE AND POLICY OBJECTIVES

A. TITLE

These regulations shall be known as the *Warren County Development Review Regulations*.

B. APPLICABILITY

The regulations and standards established herein shall apply to all development of lands which directly or indirectly impact the county road system or county storm water facilities system under county jurisdiction, or which otherwise fall within in county jurisdiction, except as specifically provided in these regulations.

C. PURPOSE AND POLICY OBJECTIVES

1. To provide rules, regulations and standards to guide land development that affects or involves county facilities pursuant to the New Jersey County Planning Act N.J.S.A. 40:27-1 et seq as supplemented by laws heretofore promulgated.
2. To provide regulations which ensure that land development within the county proceeds in accordance with the goals and objectives of the Warren County Master Plan and other adopted county plans, regulations and/or standards.
3. To establish standards and procedures for assessing developers for a proportionate share of improvements to county road systems and drainage facilities which are the direct result of or bear a rational nexus to the development.

D. APPROVING AGENCY STATUTORY AUTHORITY

The regulations and standards established herein are administered by the Warren County Planning Board, established pursuant to N.J.S.A. 40:27-1 et seq, or any department, division, board or agency established by the Warren County Board of Chosen Freeholders to exercise such duties.

E. LANGUAGE

1. Words used in the singular shall include the plural and the plural shall include the singular; words used in the present tense shall include the future tense.
2. All references to "the County" herein refer to the County of Warren; all references to "the Board" refer to the Warren County Planning Board; and all references to "the

Regulations" refer to this document, the *Warren County Development Review Regulations*.

F. REPEAL OF CONFLICTING REGULATIONS

All chapters or parts of chapters which are inconsistent with the provisions of these regulations are hereby repealed to the extent of such inconsistency and shall therefore be deemed to be of no force and effect.

G. EFFECTIVE DATE

The Regulations shall take effect as provided by law.

H. SEVERABILITY

If any subchapter, section, subsection, provision, clause, or portion of these Regulations, or the application thereof to any person, is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the subchapter, section, subsection, provision, clause, portion or application directly involved in the controversy in which such judgement shall have been rendered, and it shall not affect or impair the remainder of these Regulations or the application thereof to other persons.

CHAPTER II
DEFINITIONS FOR WARREN COUNTY LAND DEVELOPMENT REVIEW
REGULATIONS

Abutting County Road

Any existing or proposed county road, shown on the Warren County Highway Designation Map or the adopted County Master Plan or Official Map, which adjoins a lot or parcel of land submitted for approval under this resolution.

Acceleration Lane

An auxiliary speed change lane primarily for the acceleration of vehicles entering the through traffic lanes. The term acceleration lane applies broadly to the added pavement joining the traveled way of the county highway with that of the intersecting road or driveway. This auxiliary lane does not necessarily imply a definite lane of uniform width or length.

Adverse Drainage Condition

The absence of adequate drainage facilities or drainage easements in a drainage way leading to, along or through a county road or county drainage structure, either within or exterior to a proposed subdivision including:

- Drainage facilities of such location, size, design, construction or condition as may not provide adequately for storm drainage.
- Drainage conditions which may cause either flooding, erosion, silting or other damaging effect to a county road or county drainage structure.
- Drainage conditions which threaten to damage property as a result of storm drainage from a county road, along a county road or through a county road or from a county drainage structure.

Agricultural Purposes

Farming and related pursuits not including the erection, alteration, enlargement, occupancy or use of any building designed for or suitable for residential occupancy.

Applicant

Anyone submitting an application for development.

Application Form

The form provided by the County Planning Board to an applicant seeking site plan or subdivision review or approval.

As-built Plans

Plans which reflect the exact horizontal and vertical location of improvements after construction.

Board or County Planning Board

Means a county planning board established by a county pursuant to R.S. 40:27-1 to exercise the duties set forth in such chapter, and means, in any county having adopted the revisions of the "Optional County Charter Law" (P.L. 1972, c. 154; C.40:41A-1 et seq.) any department, division, board or agency established pursuant to the administrative code of such county to exercise such duties, but not to the degree and extent that the requirements specified in such chapter for county planning boards do not conflict with the organization and structure of such department, division, agency or board as set forth in the administrative code of such county.

Bridge

A structure having a clear span in excess of twenty (20) feet or more designed to convey vehicles and/or pedestrians over a water course, railroad or highway.

Building Permit

A permit required by or pursuant to law to be obtained from the appropriate official in a municipality before a building or structure may be erected or altered.

Completeness

A determination made by the County Planning Board, its authorized agency or designee that certifies material submitted as an application for development which satisfies criteria established by said Board to commence review.

Concept Plan

A concept map of a subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and in accordance with the concept plan requirements in these Regulations.

Conceptual Design

Preliminary design used for estimating quantities, costs and other related information for a land development proposal; usually does not include detailed construction design.

Conditional Approval

In the event that a developer submits an application for development and has not provided all necessary details, the County Planning Board may vote to approve such application upon the condition that the applicant submit the required documentation before plans are signed by the County Engineer and the Planning Board Secretary.

Construction Plan

Documentation which depicts all necessary improvements associated with a development in a way that is appropriate for construction of said improvements.

Construction Specifications

Those items specific to the installation of the improvements agreed to by the Development Review Committee, such as the type and size of materials; field changes in elevations of installed improvements not altering or affecting neighboring properties; modifications in techniques or methods of assembly; filed changes in alignment not altering or affecting neighboring properties.

Contribution

Means an amount of money or services provided by the applicant to supply or furnish a share of an off-site improvement(s).

County Drainage Facility

Any structure or man-made system intended to control storm water drainage.

County Facility

Any roadway, bridge, culvert, storm water facility, traffic signal, land area, etc. whose maintenance responsibility falls within the County's jurisdiction.

County Master Plan or "Master Plan"

Means a composite of the master plan for the physical development of the county, with the accompanying maps, plats, charts and descriptive and explanatory matter adopted by the County Planning Board pursuant to Revised Statute 40:27-2.

Culvert

A structure designed to convey a water course under a driveway, road, railroad, or pedestrian walk, not incorporated in a closed drainage system and having a clear span of twenty (20) feet or less.

Deceleration Lane

An auxiliary speed change lane primarily for the deceleration of vehicles leaving the through traffic lanes. The term deceleration lane applies broadly to the added pavement adjoining the traveled way of the county highway with that of the intersecting road or driveway.

Dedication

An act permanently conveying private property rights by deed or other instrument for public use.

Detention Basin

A basin or depression formed by the construction of a barrier or dam built at a suitable location to detain storm water runoff and discharge this water at a reduced rate.

Developer

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 interest in such land.

Development Application

Material submitted by the applicant to the County Planning Board which, by its submission, requests said Board to act within its legal jurisdiction to approve or disapprove a specified activity or activities to take place, or development to occur, upon a specific parcel of land.

Development Regulations

Means a zoning ordinance, subdivision ordinance, site plan ordinance, official map ordinance or other municipal or county regulation of the use and development of land, or amendment thereto adopted and filed pursuant to the Municipal Land Use Law.

Development Review Committee

A committee of the Warren County Planning Board which is vested with the power to review

and approve subdivisions and site plans pursuant to the New Jersey County Planning Act (N.J.S.A.; Title 40, Chapter 27-6.8).

Drainage Right-of-Way or Drainage Easement

The assignable rights and restrictions to the land required for the installation of an/or maintenance of storm water sewers, culverts, bridges, retention/detention areas, drainage ditches, swales or grassed waterways, or that which is required along a natural stream or watercourse for preserving the channel and providing for the flow therein, to safeguard the public against flood damage, sedimentation erosion, or for similar or related storm drainage purposes.

Drainage Watercourse

Any stream, brook or river which is the natural course of storm or running water through which water flows ordinarily and frequently but not necessarily continuously. This definition includes watercourses which have been artificially created, realigned or modified.

Driveway

Paved or unpaved area allowing access from a street to a building or other structure or facility used for ingress and egress of vehicles.

Driveway Permit

The permit issued by the County Engineer's Office for the connection of any driveway into any portion of the county road right-of-way.

Easement

A non-possessing interest held by one interested party in the land of another interested party whereby the first interested party is accorded partial use of such land for a specific purpose. An easement restricts but does not abridge the rights of the owner to the use and enjoyment of his land.

Easement for County Road Purposes

An easement to the County for the purpose of installation of utilities, construction, reconstruction, widening, or improving a county road, including the repair and maintenance of the county road, and the construction, reconstruction or alteration of facilities related to the safety, convenience or carrying capacity of the county road including drainage facilities and traffic control devices.

Farmland

A parcel of land used for agricultural activities.

Final Approval

Means the official action of the County Planning Board taken on a preliminary approved major subdivision or site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion, or approval conditioned upon the posting of such guarantees.

Final Subdivision

The final map of all or a portion of a subdivision meeting all of the standards and regulations of this resolution and meeting all of the conditions established by the County Planning Board in granting Preliminary Approval to the subdivision and drawn in compliance with the Map Filing Act of New Jersey.

Final Site Plan

The final map of a proposed site plan on a specific parcel or parcels of land, meeting all of the standards and regulations of this resolution, and meeting all of the conditions established by the County Planning Board in granting Preliminary Approval for the site plan and drawn in compliance with the Map Filing Act of New Jersey.

Formal Review

Consideration by the Warren County Planning Board of an application for development which commences upon a determination of completeness and continues until such time as a final action is taken by said Board or the project is withdrawn by the applicant.

Floodplain

Any land area susceptible to being inundated by water from any source as delineated by the most current "Flood Hazard Maps" by the United States Department of Housing and Urban Development and/or United States Natural Resource Conservation Service Floodplain Maps.

General Development Plan

Means a comprehensive plan for the development of a planned development C.40:55D-45.1. This includes, but is not limited to, an overall plan for a general land use plan, a circulation plan, an open space plan, a utility plan, etc. as defined in the Municipal Land Use Law C.40:55D-45.2.

Historic Impact Review

A report submitted to the Warren County Planning Board as part of either a site plan or subdivision application which meets the review requirements in these Regulations.

Historic Site

Means any real property, man-made structure, natural object or configuration or any portion or group of the foregoing of historical, archeological, cultural, scenic or architectural significance as listed on the National or State Register of Historic Places.

Impervious Coverage

Any material which reduces or prevents absorption of storm water into previously undeveloped land. All parking areas and driveways shall be considered impervious.

Land Development

The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation, solid waste or recycling operation or landfill; and any use or change in the use of any building or other structure, or land or extension of use of land.

Land Development Application

The application made pursuant to this resolution for approval of a proposed land development.

Lot

Means a designated parcel, tract or area of land established by plan or otherwise as permitted by law and to be used, developed or built upon as a unit.

Lot Line Adjustment

A resubdivision where changes are made to existing lot lines in which no additional lots are created.

Maintenance Bond

Any security that is acceptable to the County Counsel, and approved by the County Engineer, to assure the maintenance of approved installations by developers.

Major Site Plan

Means any site plan not classified as a minor site plan as defined and classified by the effected municipal ordinance.

Major Subdivision

Means any subdivision not classified as a minor subdivision as defined and classified by the effected municipal ordinance.

Minor Site Plan

Means a development plan of one or more lots which (1) proposes new development within the scope of development specifically permitted by municipal ordinance as a minor site plan; (2) does not involve planned development, any new street or extension of any off-tract improvement which is to be prorated pursuant to section 30 of P.L. 1975, c. 291 (C.40:55D-42); and (3) contains the information reasonably required in order to make an informed determination as to whether the requirements established by ordinance for approval of a minor site plan have been met.

Minor Subdivision

Means a subdivision of land for the creation of a number of lots specifically permitted by ordinance as a minor subdivision; provided that such subdivision does not involve (1) a planned development, (2) any new street or (3) the extension of any off-tract improvement, the cost of which is to be prorated pursuant to section 30 of P.L. 1975, c. 291 (C. 40:55D-42).

Morris Canal

A cultural resource placed on the National Register of Historic Places in 1974 that traverses Warren County and includes the land, structures, objects and artifacts of historical importance.

Municipal Approving Authority

The local planning board or zoning board of adjustment to whom an application for development is submitted for approval under the Municipal Land Use Law N.J.S.A. 40:55D et seq.

New Building Lot

Any lot being created by a subdivision upon which one or more principal buildings or

structures could be erected under the provisions of the municipal zoning ordinance in the municipality in which said lot is located.

Nonprofit Institution

Means a not-for-profit organization, such as charitable, philanthropic, fraternal, and religious non profit, as recognized by the United States Department of the Treasury Internal Revenue Service.

Official County Map

Means the map, with changes and additions thereto, adopted and established, from time to time, by resolution of the Board of Chosen Freeholders of the County pursuant to Revised Statutes 40:27-5.

Off-Tract

Not located on the property which is the subject of a development application, nor on a contiguous portion of a street or right-of-way.

Off-Tract Drainage Easement

A legally recordable instrument granting to the developer or his successors in interest the right to discharge collected waters upon lands exterior to the site being developed.

Off-Site Improvements

Improvements to county facilities, including, but not limited to, traffic facilities, culverts, and bridges and other drainage facilities located outside of a given land development.

Off-Street Parking Area

An area providing vehicle parking spaces and aisles off the street or road right-of-way.

On-Site

Means located on the lot in question.

On-Site Storm Water Management Facility

A storm water management facility which controls or manages the storm water runoff from a single development site and which is located on the tract of land being developed.

On-Tract

Located on the property which is the subject of a development application or on a contiguous portion of a street or other right-of-way.

Open Space

Land or water areas to be retained in a largely natural or undeveloped state, for purpose of, among other things, providing parkland or green spaces, protecting ecologically sensitive areas, preserving flora and wildlife, or protecting and preserving areas of scenic, historic and cultural value, while at the same time affording, whenever practicable, public outdoor recreational opportunities for the County's residents. (N.J.S.A. 40:12-16)

Owner

Any individual, firm, association, syndicate, co-partnership or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under a municipal subdivision ordinance and this resolution.

Performance Guarantee

Means any security, which may be accepted by a municipality or county, including cash, provided that a municipality or county shall not require more than ten percent (10%) of the total performance guarantee in cash.

Preapplication Review

An informal review of a development application for the purpose of discussing its key elements and to identify County concerns early in the development process.

Preliminary Subdivision Plan

The preliminary subdivision plan indicating the proposed layout of the subdivision showing or being accompanied by all of the information required pursuant to these regulations.

Preliminary Subdivision Plan Amended

Means a change to an existing approved preliminary subdivision that requires action by the Board.

Preliminary Site Plan

The development of a site plan of an existing lot or lots on which is shown all of the information required by the Preliminary Site Plan submission requirements of these regulations. The plan shall be drawn in compliance with the requirements of the Map Filing Act of New Jersey.

Public Road

Any right-of-way over which the public has the right to travel.

Required Improvements

Improvements which are necessitated by a land development proposal and whose completion must be guaranteed prior to final County approval being granted.

Resubdivision

Means (1) the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law or (2) the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but does not include conveyances so as to combine existing lots by deed or other instrument.

Retention Basin

A basin or depression formed by the construction of a barrier or dam at a suitable location to retain storm water runoff and allow this water to percolate into the ground.

Reverse Frontage

The provision in the design of a land development allowing for lots contiguous to an abutting county road to front on an internal street and the lots shall not have direct access to said county road.

Right of Discharge

A legally recordable instrument granting to the developer or the County, the right to discharge collected water upon lands exterior to the development.

Right-of-Way

A strip of land acquired by reservation, dedication, required dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer and other similar uses.

Road

Any street, avenue, boulevard, road, lane, parkway or freeway which is an existing state, county, or municipal roadway, or a street or way shown upon a plan heretofore approved pursuant to law and including the land between the right-of-way lines, whether improved or unimproved, and comprising all pavement, shoulders, gutters, curbs, sidewalks, parking areas and other improvements within the right-of-way lines.

Sight Easements

An area established in accordance with the requirements of this resolution, in which nothing shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision of traffic.

Siltation Basin

A temporary facility, designed in accordance with the standards of this resolution, to collect silt and eroded soil resulting from grading the area of a subdivision, for the purpose of limiting the deposit of silt and eroded soil in streams and brooks and on county roads.

Site Plan

Means a development plan of one or more lots on which is shown (1) the existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, floodplains, marshes and waterways, (2) the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting, screening devices, and (3) any other information that may be reasonably required in order to make an informed determination pursuant to an ordinance requiring review and approval of site plans by the planning board adopted pursuant to Article 6 (C. 40:55D-37 et seq.) of the Municipal Land Use Act.

Sketch Plan

Means a preliminary set of documents and maps of sufficient accuracy to be used for the purpose of discussion between the applicant and county staff.

Storm Water Facility

A structure and/or technique, which conveys, stores, and/or otherwise manages or controls storm water runoff. A storm water facility may be either a storm water management facility or a storm water conveyance or runoff flow facility, depending upon its purpose and function.

Storm Water Management Facility

A facility which attenuates, controls, or otherwise manages the quantity and/or enhances the quality of storm water runoff.

Storm Water Runoff

The portion of rainfall that floods at or near the ground surface and which affects the hydrologic and hydraulic design of storm water facilities.

Street

Means any street, avenue, boulevard, road, parkway, viaduct, drive or other way (1) which is an existing state, county or municipal roadway, or (2) which is shown upon a plan heretofore approved pursuant to law, or (3) which is approved by official action as provided by these regulations, or (4) which is shown on a plan duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board of the power to review plans; and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

Subdivider

Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under the provisions of a municipal subdivision ordinance and this resolution to effect a subdivision of land for himself or for another.

Subdivision

Means the division of a lot, tract, or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale or development. The following shall not be considered subdivisions within the meaning of these regulations, if no new streets are created: (1) divisions of land found by the planning board or subdivision committee thereof appointed by the chairman to be for agricultural purposes where all resulting parcels are 5 acres or larger in size, (2) divisions of property by testamentary or intestate provisions, (3) divisions of property upon county order, including but not limited to judgements of foreclosure, (4) consolidation of existing lots by deed or other recorded instrument and (5) the conveyance of one or more adjoining lots, tracts or parcels of land, owned by the same person or persons and all of which are found and certified by the administrative officer to conform to the requirements of the municipal development regulations and are shown and designated as separate lots, tracts or parcels on the tax map or atlas of the municipality. The term "subdivision" shall also include the term "resubdivision".

Subdivision Application

Means the application for approval of a subdivision pursuant to the "Municipal Land Use Law" (1975) (P.L. 1975, C. 291) (C. 40:55D-1 et. seq. as amended and supplemented).

Traffic Impact Study

An analysis to determine how traffic generated by either new or replacement land use(s) will be served by an existing or future road network.

Water Course

Any natural swale, stream, brook or river which is the natural course of storm or running water through which water flows ordinarily and frequently but not necessarily continuously. This definition includes water courses which have been artificially constructed, realigned or improved.

Any word not defined in this section, please refer to the Municipal Land Use Law, the County Planning Act or the Uniform Site Improvement Standards.

**CHAPTER III
SUBMISSION AND REVIEW PROCEDURES**

A. PLAN SUBMISSION

1. Preapplication Review and Conferences

- a. To expedite the review of applications and to promote compliance with County Land Use Regulations, the County Planning Board encourages a preapplication review of major development proposals. It is an opportunity for the developer and County agencies to discuss key elements of the plan and to identify issues of County concern early in the planning process.

Depending upon project scale, a team will be assembled consisting of planning and engineering staff members. A review will be scheduled to informally discuss key issues relevant to the project.

- b. A fee will not be charged for informal preapplication reviews, and all recommendations are non-binding upon the County and the applicant.

2. Required Submissions

a. Subdivisions

All applications for subdivision of land within Warren County shall be submitted to the County Planning Board for review and/or approval prior to final approval by the appropriate municipal official or agency. Complete applications must be received two (2) weeks prior to the Warren County Planning Board's advertised meeting date in order to be considered at that month's meeting.

b. Site Plans

All site plans for land development, building foundations or change of use permits, must be submitted to the County Planning Board for review and/or approval excluding single family, detached, residential development. Review and/or approval is required for proposed commercial, industrial, and multi-family structures of five (5) or more units, or any other development requiring off street parking area producing surface runoff in excess of standards set forth in these regulations prior to the issuance of a municipal building permit.

The submission of a site plan may be required depending on the review of an application by a Board of Adjustment involving land fronting on existing county road or a proposed road shown on the Official County Map or on the County

Master Plan, adjoining other county lands or within 200 feet of a municipal boundary.

Complete applications must be received two (2) weeks prior to the Warren County Planning Board's advertised meeting date in order to be considered at that month's meeting.

Site plans for land development not along a county road that include less than one (1) acre of impervious surfaces are exempt from county site plan review. A site plan application not along a county road that increases the existing impervious surface coverage to one acre or more must be approved by the Planning Board, and subject to the appropriate review fees.

3. Submission Requirements

- a. Subdivision and site plan applications shall be submitted to the County Planning Board by the municipal official designated to receive such applications on behalf of the local planning board, or they may be submitted by the applicant or their representative to the County Planning Board for review or approval. If submission is by applicant or representative, verification of submission of these maps to the municipality is required.
- b. The following items shall be submitted with each development application:
 - (1) County Application Form (new applications only) [See Appendix C]
 - (2) Municipal Application Form (new applications only)
 - (3) Letter certifying the date plans were submitted to the municipality
 - (4) Review Fee [See Appendix A]
 - (5) Plans: 3 complete sets and, if applicable, 1 additional set of plans for the Morris Canal Committee (only plan sheets necessary for County Planning Board approval need to be submitted). Each sheet of map set must be signed and sealed.
 - (6) Completed Checklist [See Appendix B]
 - (7) Storm Water Management Report (2 copies) (All preliminary subdivision and site plan applications) [See Appendix E]
 - (8) Traffic Impact Study (2 copies) [See Appendix E]

- (9) Computer disk of Final plat and road and bridge improvements in AutoCAD format showing the approved final subdivision, in New Jersey State Plane Coordinates dated 1983 or as thereafter amended.
4. Drawn at such a scale that the cover sheet depicts the entire project plus 200 ft. in all directions around property boundaries. The cover sheet for each set of plans must be labeled for only the application associated with the project. No cover sheet will be accepted if it indicates subdivision and site plan. Each application must stand on its own without sharing plans or documents with other applications.

B. CLASSIFICATION OF PLAN AND LEVEL OF REVIEW AND APPROVAL

1. The County Planning Department shall review the plan for completeness and classify it into one of the following categories to apply the applicable review fee and level of review and approval.

a. Non-Binding Review

1. Pre-Application Review

2. General Development Plan:

The GDP shall be reviewed by the county planning director and county engineer, and a non-binding report shall be prepared by the department that discusses the key issues of county concern.

3. Sketch/Concept Plan

Sketch/concept subdivisions shall be reviewed by the County Planning Director, County Engineer and the Planning Board and a non-binding report shall be prepared by the County Planning Department that discusses the key issues of county concern. The review includes the general location of proposed driveways and roads in relation to county roads and county infrastructure, general drainage into county structures and the impacts on existing county owned open space properties, and consistency with the County Master Plan and its elements.

b. Full Planning Board Approval

1. Subdivisions

a. Subdivision: Preliminary Non-County Road Major

b. Subdivision: Preliminary County Road Major

- c. Subdivision: Amended Preliminary Major
- d. Subdivision: Non-County Road Minor

Non-county road subdivisions shall be reviewed by the County Planning Director and County Engineer, and if the subdivision, affects existing or proposed county roads, drainage systems, or open space or Morris Canal properties, the plan will be considered for approval by the County Planning Board at its regular meeting.

- e. Subdivision: County Road Minor
- f. Subdivision: Final Major

2. Site Plans

- a. Site Plan: Residential Non-County Road
- b. Site Plan: Residential County Road
- c. Site Plan: Non-Residential Non-County Road
- d. Site Plan: Non-Residential County Road
- e. Site Plan: Final

If municipality requires final site plans, they require the full approval of the County Planning Board.

- f. Site Plan: Amended

c. Review by Staff

- 1. Non-County Road Minor Subdivision: A subdivision does not affect county roadways or county drainage systems.

Non-county road minor subdivisions shall be reviewed by the County Planning Director and County Engineer, and if the subdivision does not affect county roads or drainage systems, notice of that review shall be forwarded to the municipal approving authority and the applicant and a report of those subdivisions reviewed will be made to the County Planning Board at its regular meeting.

d. Exempt After Review

1. Site Plan: Site plans not located along a county road that includes less than one (1) acre of impervious coverage are exempt. Any site that uses an easement or non public road from a county road to access the site is not exempt. A site plan application not along a county road that increases the existing impervious surface coverage to one acre or more must be approved by the Planning Board, and subject to the appropriate review fees.

2. Review Fee Schedule

- a. Fees will be charged for the review of subdivisions and site plans submitted to the County Planning Board. Cash will not be accepted. Checks shall be accepted and made payable to the “County of Warren”. The appropriate fee will be in accordance with the fee schedule (see Appendix A) as adopted by the County Board of Chosen Freeholders.
- b. If a plan has received county approval and is subsequently revised, it may require a resubmittal fee based on the new proposed development.
- c. Fees will be waived for political subdivisions.

3. Change in Classification

- a. Any application submitted to the county (minor or major) that is reclassified by the municipality becomes null and void. A new county application with the correct municipal classification must be submitted and the fees adjusted appropriately.

C. REVIEW AND APPROVAL PROCEDURES

1. Completeness

- a. All applications must be received two (2) weeks prior to the Warren County Planning Board’s advertised meeting date and deemed complete in order to be considered for that month’s meeting.
- b. Each development application submitted to the Warren County Planning Board for review and/or approval under the Warren County Development Review Regulations shall not be deemed complete for purposes of commencing the time period for action until all information required in the Development Submission Checklist located in the appendix has been provided and deemed complete by the County Planning Department.

- c. If the submission is found to be incomplete, a letter will be issued within ten (10) business days to the applicant and the appropriate local authority. The report will identify those items required for the submission to be determined complete.
- d. If the applicant fails to submit the missing required items within thirty (30) days, the Board reserves the option to return all submission materials, thus voiding the application. This will not prejudice the County's right to future review of the development nor the right to require the applicant to mitigate those impacts to county facilities which will result from the development.
- e. Upon receipt of those items identified, the submission will be deemed "complete for review."
- f. The application shall include the required number of plan sets of the subdivision or site plan, the applicable review fee in accordance with the County Land Development Review Fee Schedule and all supporting documentation.

2. Departmental and Agency Review

a. Planning Department

The County Planning Department staff may review and comment on plans for consistency with the County Master Plan and its elements. The report will be completed in accordance with the provisions contained in Chapter IV.

b. County Engineer

- (1) Once an application has been deemed complete and reviewed by the County Planning Department, the plans, along with all supporting documents and reports, will be transmitted to the Office of the Warren County Engineer for an engineering evaluation in accordance with the standards and criteria established in the Warren County Development Review Regulations and the Road & Bridge Design Manual.
- (2) Following their review, the County Engineer's Office will issue a report which details requirements and/or recommendations to be included with the Planning Board's report. A comprehensive report, along with a recommended County action, is then taken under consideration by the Development Review Committee. Once the Committee has agreed to the requirements, recommendations and actions, the report is placed on the Planning Board's agenda for the full Board to act on at its regular monthly meeting. The review process will then continue until all issues of county

concern have been adequately addressed.

c. Shade Tree Commission

Any application for subdivision or site plan review, which is located on a county road and includes trees eight (8) inches or more in diameter, shall submit a plan to the Warren County Shade Tree Commission for their review and approval. The Shade Tree Commission issues a separate, independent report.

d. Morris Canal Committee

Any application for subdivision or site plan review, which is located within or adjacent to the Morris Canal, shall make note of this on the County's application form. Subdivision and site plan developments containing or adjacent to the Morris Canal must delineate and meet the design requirements in Appendix (D). Any towpath, canal prism, weir or remnant structure of the canal must be depicted on all subdivision and site plans. One additional copy of development plans shall be submitted for review and comment by the Warren County Morris Canal Committee. The Committee's comments will be taken under consideration by the Development Review Committee. If the Committee agrees with the Morris Canal Committee's comments and recommendations, they will be included in the report to the Planning Board for action at its regular monthly meeting.

3. Appearance Before County Planning Board

- a. Any applicant with a development application currently under review by the County Planning Board has a right to appear before the Board or its Development Review Committee. Applicants can appear in person or can be represented by an attorney or other appropriate licensed professional.

4. Time to Act

The County Planning Board shall report to the appropriate local authority, and others as determined in section 7 of this chapter, within thirty (30) days of receipt of a complete site plan or subdivision application. If the Board fails to report to the municipal approving authority within the thirty (30) day period, said application shall be deemed to have been approved by the Board unless, by mutual agreement between the Board, and the municipal approving authority and with approval of the applicant, the thirty (30) day period shall be extended for an additional thirty (30) day period or other agreed upon length of time.

5. Types of Action Taken

Upon reviewing an application seeking Board approval, the Board may take one of the following three (3) actions:

- a. Approve the application if it satisfies the requirements of the Board and all required easements, deeds, and improvements are accurately depicted on the site plan or subdivision, and bonds are properly submitted.
- b. Approve the application with conditions if:
 - (1) The application is subject to specified conditions that must be fulfilled before the approval becomes effective. Typically conditional approvals are given if the applicant has not submitted the proper easements, deeds, etc., and/or the application needs revisions and the Board finds the revisions to be minor.

The applicant shall have until the cutoff date of the third Planning Board meeting following the Planning Board's action of conditional approval to submit all revisions needed. The cutoff date is 14 calendar days before the next planning board meeting. Should all revisions not be approved by the Planning Board meeting date, the conditional approval will expire and the application will be deemed disapproved for any previous and/or new reasons. Upon disapproval, the application will then come under all requirements set forth in Chapter III C.5.c of the County Development Review Standards. Extensions may be requested by the applicant in person at the Planning Board meeting or through written request for extension via certified mail that is postmarked by the cutoff date.

- c. The applicant will be considered disapproved if the Board determines the proposed storm water and/or road facility(s) to be inadequate or if the application requires major revisions.

6. Resubmittal Procedures

- a. The applicant has one (1) year from the disapproval date to resubmit for the reasons of disapproval. Any resubmission received more than one year from the date of disapproval shall be treated as a new application requiring the submission of a new application with applicable fees.
- b. Applications submitted that do not address all of the reasons for conditional approval or disapproval will not be reviewed and will be returned to the applicant. A written response must accompany the resubmission that explains how each reason for conditional approval or disapproval is addressed.
- c. A resubmittal that substantially changes the drainage, access, impervious cover,

or number of proposed lots that are not a result of the County Planning Board's reason for disapproval or conditional approval will be treated as a new application and new fee charged.

7. Notification of County Action

Action taken by the Planning Board on all development applications shall be set forth in writing. Copies of said report shall be mailed or delivered to:

- a. The local agency having jurisdiction.
- b. The municipal engineer.
- c. The applicant (via certified mail).
- d. The applicant's professional agents as provided by the applicant on the application form when submitted or amended.
- e. The local building permit officer.
- f. County Soil Conservation District.
- g. Objectors to an application who are present or submitted written comments at the Planning Board meeting that action was taken (via certified mail).

8. Local Approval Prior to County Action or Approval

- a. Each land development application shall be submitted to the County Planning Board for review and, where required, submitted simultaneously with the filing of its application with the local municipal approving authority which shall take one of the following actions:
 - (1) Defer taking final action on a subdivision application until receipt of the County Planning Board's report thereon.
 - (2) Approve the subdivision application subject to its timely receipt of a favorable report thereon from the County Planning Board. The municipal or other local agency or individual with authority to approve a land development plan or to issue a building permit shall defer action on any application requiring County approval pursuant to these regulations until the same shall have been submitted to the Board for its approval of the plan.
- b. If a development application is approved by the local approving authority prior

to final Board approval, the powers of the Board are not diminished. The Board and the County Engineer's Office have ultimate jurisdiction over any conditions contained within the municipally approved resolution which impact County road systems and storm water facilities or which otherwise fall within county review jurisdiction pursuant to all current statutes, regulations or ordinances.

9. Simultaneous Review of Multiple Submissions

- a. The County Planning Board shall have the power to review, approve, withhold action or disapprove site plans and subdivisions simultaneously.

However, the Board requires that a separate application and plans be submitted showing:

- (1) The proposed subdivision – Only the plan sheets necessary for the subdivision of the property will be accepted.
 - (2) The proposed site plan – Only the plan sheets necessary for the site plan of the property will be accepted.
- b. The County Planning Board will not accept combination subdivision and site plan applications. Each application must be submitted independent of the other application.

10. Review and Approval of Phased Development Applications

- a. The Board shall have the power to act on a specific phase of a development based on previous county action on previous phases of the same development. The Board shall be assured that previous phases have met all requirements of these regulations if necessary. The Board may not act on or may disapprove future phases until all previous conditions have been fulfilled, unless a determination is made that there will not be an impact on any county facility.

11. Changes to Plans After Approval

- a. All preliminary and/or final approvals issued by the County Planning Board in conjunction with the County Engineer's Office are based upon the facts as presented in the plans and supportive documents submitted at the time of application. Any modification of the aforesaid facts may alter, modify and/or affect the basis of the approval previously granted.

Therefore, any changes made to plans or documents after the date of county approval must be submitted to the Board for affirmation of the prior approval.

The failure to submit revised plans as required will result in the Board's approval being voided and will require that such application be reapproved by the County Planning Board.

- b. At times changes are made to approved maps that may be considered insignificant. Insignificant changes may be additional notes, labeling, or other very minor changes that do not affect the basis for plan approval. These plans will be reviewed by county planning and engineering staff, stamped and signed. For final subdivisions, these changes should be presented to the County Planning Dept. for action prior to certification for filing with the County Clerk as described in section 13.
- c. It is acknowledged that, on occasion, due to unforeseen site conditions, minor deviations to the approved plans are necessary. However, all deviations as they affect improvements under county review jurisdiction must be reviewed by the licensed professional representing the applicant and having design responsibility. If it is determined that said deviations are of a nature which would warrant further county review, revised plans are to be submitted to the Board for review and approval. All other deviations to approved plans under county review shall be itemized in correspondence from the applicant's engineer to the Board.
- d. If during construction, deviations to plans for improvements under county review, which have not been approved or accepted by the County Engineer, will void any previous county approval.

12. Effect of County Approval and Extensions

- a. When action is taken by the County Planning Board, the general terms and conditions of approval shall be valid for the same period of time as the municipal plan approval in accordance with the Municipal Land Use Law 40:55D et seq. However, all rights conferred by this action shall expire if, in the case of a subdivision, the plan has not been duly recorded in accordance with procedures established in N.J.S.A. 46-23 et seq.
- b. To be consistent with the Municipal Land Use Law 40:55D-52a, the developer may thereafter apply for, and the County Planning Board may thereafter grant, an extension for final approval for one (1) year increments, not to exceed three (3) extensions in total.

13. Certification of Final Subdivision for Filing with County Clerk

- a. The Warren County Clerk shall not accept for filing any subdivision plan unless it bears certification of either approval or of review of the County Planning Director indicating compliance with the County Planning Act and the Warren

County Development Review Regulations. The County Clerk requires 3 original mylars or 1 mylar, 1 linen, and 1 paper for their records. All maps must have original signatures before the County Planning staff will stamp and sign the maps for filing with the County Clerk. Staff will only sign those maps going to the County Clerk's Office.

- b. It is the responsibility of the applicant or designee to contact the Warren County Planning Department in advance to arrange for an appointment with the appropriate personnel for final map signing. Planning Department personnel shall have the discretion to refuse or delay signing of the maps on that specific day.
- c. Maps and plans and any proposed land developments shall be in accordance with the "New Jersey Map Filing Act" N.J.S.A. 46:23-et seq.
- d. All information presented on the map for filing must be identical to the final subdivision map approved by the County Planning Board. The Director of the Warren County Planning Department or staff representatives will review maps and verify for compliance with the approved final submissions. If maps are not identical to approved final submission, maps will not be signed. Minor changes from the final approved plan may be accepted if the changes are the result of the municipal engineer correcting or adjusting map details, provided the changes do not alter stormwater drainage or occur within the county right-of-way.
- e. Once maps are signed, the applicant or their designee shall be responsible for properly filing maps with the Warren County Clerk's Office.

D. SANCTIONS FOR NONCOMPLIANCE

- 1. Failure to comply with any of the conditions of county subdivision or site plan approval may be grounds for any or all of the following actions:
 - a. Refusal of the County to issue other county permits for said subdivision or site development.
 - b. A request to the local building inspector to revoke or to withhold the local building permit and/or certificate of occupancy.
 - c. Appropriate court action initiated by the County Planning Board.
- 2. A written notice of non-compliance shall be forwarded, by certified mail, to the local approving agency, the local building permit officer and the applicant. Said notice shall contain a statement regarding the applicant's lack of compliance and that such failure to comply may result in the County taking any or all of the actions enumerated above.

Said notice shall also inform the applicant that immediate compliance is required.

E. WAIVERS AND APPEALS

1. The rules, regulations and standards set forth herein are designed to meet the minimum requirements of public safety and welfare of the citizens of Warren County. In the event, however, the Planning Director, committee of the Board, or the full County Planning Board, during the review of a development application, results in a unique hardship to the applicant, the applicant may, by right, seek administrative relief.
2. Any person, aggrieved by the action of the County Planning Board, may file an appeal in writing to the Board of Chosen Freeholders within ten (10) days after the date of notice by certified mail to said action. The Board of Chosen Freeholders shall consider such appeal at a regular or special public meeting within forty-five (45) days from the date of its filing. Notice of said hearing shall be made by certified mail to the applicant and to such other officials as set forth in R.S. 40:27-6.9 at least ten (10) days prior to the hearing. The Board shall render a decision within thirty (30) days from the date of the hearing.
3. The standards for adjusting or waiving requirements are as follows:
 - a. Any application which includes a site containing less than three hundred (300) feet of frontage on a county road and which, in the opinion of the County Engineer would result in a hazardous traffic condition due to the limited improvement to that county road, may make payment to the County of Warren an amount equivalent to the cost of improvements required under this resolution and as calculated by the County Engineer and based on the standards and specifications for improvements contained in this resolution and the County Road Standards.
 - b. In cases where, due to any of the preceding conditions, the County Engineer has determined that strict adherence to county development standards would represent a hazardous and/or otherwise undesirable hindrance to a county facility, provisions may be made for an interim improvement of said facility. Interim improvements will be acceptable only until such time as the County Engineer has determined that conditions warrant the permanent improvements required in this resolution. The extent and nature of said interim improvements shall be at the discretion of the County Engineer.

**CHAPTER IV
DEVELOPMENT DESIGN REQUIREMENTS**

A. WARREN COUNTY HIGHWAY AND BRIDGE STANDARDS

The Warren County Highway and Bridge Standards were developed as a separate document (included in appendix E) to be used in conjunction with the Development Review Regulations.

The current Warren County Highway and Bridge Standards as well as all future revisions, are hereby made a part of these regulations and shall be followed for all development review by the County of Warren.

B. COORDINATION WITH MUNICIPAL STANDARDS

County recommendations are not intended to supercede local regulations in areas which are totally municipal jurisdiction. Every effort will be made to assist the applicant in the coordination of county and municipal requirements so that a development plan that is mutually beneficial to all parties involved and to the citizens of Warren County.

C. STATE OF NEW JERSEY REGULATIONS

It is the applicant's responsibility to obtain all required state approvals for their project. The County may advise the applicant of the need for state permits when applicable. The County may request a copy of State approvals when appropriate.

D. MORRIS CANAL PRESERVATION STANDARDS

The Warren County Morris Canal Historic District Zone Ordinance (included in appendix D) was developed by the County as a guide for municipalities to review and adopt into their development regulations. By creating this ordinance, all municipalities along the canal would have a common guide to development so as to protect this historic resource.

CHAPTER V
CONSISTENCY WITH OTHER COUNTY PLANS, PROGRAMS AND POLICIES

A. WARREN COUNTY MASTER PLAN

Pursuant to Section 40:27-2 of the New Jersey County Planning Act, the Warren County Planning Board has adopted the Warren County Master Plan. The Master Plan is a compendium of elements consisting of, but not limited to, the general development plan, the transportation plan and open space plan. The master plan is designed to provide a frame of reference for all county and local activities so that the county develops economically, aesthetically and in an environmentally sensitive fashion in accordance with sound planning and land use principles.

Proposed land developments in the county should be in conformance with the policies in the master plan. The County Planning Board may outline areas of inconsistencies in the county's development review report, or a separate report, for consideration by the municipality and the applicant.

B. HISTORIC IMPACT REVIEW

The *New Jersey Register of Historic Places* is the official list of New Jersey's Cultural Resources. The Register was created by the New Jersey Register of Historic Places Act of 1970 (NJSA 13:1B-15.128 et seq.). The Act prohibits any state, county or municipal activity which encroaches upon a site or district on the Register without application and prior written authorization of the Commissioner of the New Jersey Department of Environmental Protection.

Therefore, applicants of projects which require road and/or drainage improvements which impact sites on the *New Jersey Register of Historic Places* under jurisdiction of the County and in conjunction with land development proposals submitted pursuant to these regulations, shall submit an application to the State Historic Preservation Office (SHPO) for project authorization under the Act.

If the project is approved as outlined in the project application by the SHPO or Historic Site Council, the construction of improvements under county jurisdiction may commence provided all County Planning Board and municipal requirements have been fulfilled.

C. OUTSIDE AGENCY REVIEW

All applications are reviewed to determine if any elements thereof can possibly be within the jurisdiction of outside review agencies. Such agencies include, but are not limited to, the New Jersey Department of Environmental Protection, the New Jersey Department of Transportation, and the Warren County Soil Conservation District.

In the event that one or more of these agencies does have review jurisdiction, the County Planning Board may exercise an option to withhold final action until such time as the application has been found in compliance with all statutory and regulatory requirements.

Copies of the County Planning Board reviews will be transmitted to all concerned agencies. Timely comments resulting from outside agency reviews will be considered in County Planning Board actions.

APPENDIX A

Subdivision and Site Plan Fee Schedule

General Procedure

Every application subject to approval by the Warren County Planning Board and the provisions of the development review standards shall not be deemed complete unless and until the fees as hereinafter enumerated have been paid. In the event that it should be determined that the initial fee paid by an applicant is not in accordance with this fee schedule, the Planning Board may withhold final approval unless and until such fees are paid in full. All monies paid on account of fees pursuant to this schedule shall be paid to the County Treasurer. Proof of payment of the fees shall be appended to the application prior to its review by the Warren County Planning Board. Unless the Planning Board determines that the fee has been incorrectly calculated, no additional fee for an original application shall be required for a period of one (1) year beginning with the date of payment of same. There shall be no fee for review of development applications of any political subdivision of the State of New Jersey.

Fee Schedule

Non-Binding Review

Pre-application Review	No Review Fee
General Development Review	No Review Fee
Sketch Concept Major	No Review Fee

Full Planning Board Approval

Subdivisions

Preliminary Non-County Road Major	\$250.00 + \$10.00 per lot
Preliminary/Final NCR Major	\$350.00 + \$10.00 per lot
Preliminary County Road Major	\$250.00 + \$20.00 per lot
Preliminary/Final CR Major	\$350.00 + \$20.00 per lot
Amended Preliminary Major	\$100.00

Non-County Road Minor	\$50.00
Minor Lot Line Adjustment	\$25.00
County Road Minor	\$100.00
Final Major	\$100.00

Site Plan

Residential Non-County Road (Preliminary)	\$250.00 + \$10.00 per new Dwelling Unit
Residential Non-County Road (P/F)	\$500.00 + \$10.00 per new Dwelling Unit
Residential County Road (Preliminary)	\$250.00 + \$20.00 per new Dwelling Unit
Residential County Road (P/F)	\$500.00 + \$20.00 per new Dwelling Unit
Non-Residential Non-County Road (Prelim)	\$250.00 + \$3.00 per new parking space or \$200.00 per acre of new impervious area (whichever is greater)*
Non-Residential Non-County Road (P/F)	\$500.00 + \$3.00 per new parking space or \$250.00 + \$200.00 per acre of new impervious area (whichever is greater)*
Non-Residential County Road (Preliminary)	\$250.00 + \$5.00 per new parking space or \$200.00 per acre of new impervious area (whichever is greater)*
Non-Residential County Road (P/F)	\$500.00 + \$5.00 per new parking space or \$250.00 + \$200.00 per acre of new impervious area (whichever is greater)*
Final	\$250.00
Amended Site Plan after Planning Board Approval	\$100.00 + adjusted parking space fee or impervious area fee (whichever is greater)*
Exempt after Review	No review fee

* All impervious area calculations will be rounded up to the next full acre when determining fees.

APPENDIX B

Development Review Regulations Checklist for Development Applications

APPENDIX C

Warren County Planning Department Application Form

APPENDIX D

Morris Canal

Appendix D

MORRIS CANAL HISTORIC PRESERVATION REQUIREMENTS

- A. Purpose: The preservation, protection and enhancement of the Morris Canal is required because:
1. The Morris Canal is recognized as a cultural resource of National importance by its inclusion on the State and National Register of Historic Places, and
 2. The Morris Canal was (and is) of great significance to the social and economic development of Warren County and the individual municipalities through which it passes and is so recognized by its inclusion in Warren County's Open Space Plan, and
 3. The Morris Canal is of environmental importance as a drainage way, water retention basin and, in many cases, as part of a valuable natural area watersheds.
 4. Temporary restoration easements may be necessary as part of the buffer areas or in place of the buffer areas.
- B. Delineation Requirements of Canal Corridor and Buffer: The delineation of the Morris Canal corridor on all subdivision and site plan maps must include:
1. The Canal right-of-way, levels, prism, basins, locks and inclined planes.
 2. Adjacent features, sites and structures, such as boat yards, of primary importance to the operation of the Canal.
 3. Areas of special sensitivity within the zone, including but not necessarily limited to special features, such as the inclined planes, locks, boat basins and yards, shall be designated.
 4. A one-hundred (100) foot buffer along both sides of the Canal corridor measured from the outside toe of the prism bank, basin, lock or inclined plane, as the case may be, to facilitate the establishment of the Canal greenway, to minimize the impact of encroachments on the Canal, and to minimize potential conflicts between the public using the Canal and private landowners.
- C. Provisions for Driveways, Underground Utilities, Sanitary and Storm Water Sewers, Streets, Etc:

The crossing of and/or excavation within the Canal corridor for any of the above mentioned purposes shall be permitted if there is no feasible and prudent alternative and such crossing and/or

excavation is clearly in the public interest. Provisions for such crossing/excavation shall include:

1. For utilities and sewers. Work to be completed in such a manner as to minimize the disturbance and/or destruction of significant features both above and below ground. Any such features disturbed and/or destroyed shall be restored to their preexisting condition as closely as is feasibly possible.
2. For driveways, work to be completed with minimum disturbance and/or destruction of significant features, both above and below ground; with restoration of destroyed or disturbed significant features, and completed to insure proper drainage flow.
3. For minor and major subdivision application, and for individual applications, where multiple driveways would normally be permitted, only one common driveway crossing the Canal corridor shall be permitted. The provision of more than one driveway may be permitted if the applicant can demonstrate that a single common driveway is not feasible.
4. For major subdivisions where one or more streets are proposed to cross the Canal corridor, a bridge shall be provided to carry the roadway over the Canal prism. The same shall be required of a minor subdivision if deemed by the Planning Board to be appropriate and in the public interest.

D. Acquisition Procedures

1. The value of Morris Canal properties, easements, and buffers shall be established using NJDEP Green Acres procedures and requirements.
2. The County prefers fee title ownership of the canal property and buffers as part of a linear historic park corridor and trail system.
3. Donations of canal property and easements may be considered to offset other impact fees and responsibilities on a case by case basis.
4. Morris Canal Public Access Easements must be clearly labeled on all plans and must be delineated in all deeds by a metes and bounds description.

E. Conservation Easements/Public Access Easements:

1. Owners of property within the delineated Canal corridor shall be encouraged to donate conservation easements to the County.
2. Major and minor subdivision and site plan applicants shall be requested to designate conservation easements of the Canal corridor on the plans for the property being developed and to donate such easements to the County. Where practical, public access should also be granted.

3. Applicants for subdivision and site plan approval shall also consider the sale of the Canal corridor and buffer as defined in Section B, to the County.

F. Review Procedures:

The Planning Board shall review and comments in regard to the compliance with the provisions of this section.

CONSERVATION EASEMENT

THIS INDENTURE, made this ____ (day) _____ day of ____ (month) _____, ____ (year) _____, BETWEEN, ____ (owner/corporation) _____, a corporation of the State of _____ (hereinafter referred to as the Grantor), AND the COUNTY OF WARREN, a public corporation of the State of New Jersey (hereinafter referred to as the County);

WHEREAS, the Grantor is the owner of lands in the ____ (Twn., Boro, Twp.) _____ of _____ (hereinafter referred to as the ____ (Twn., Boro, Twp.) _____) which are the subject of approval for a ____ (subdivision/site plan) _____ by the Planning Board of the ____ (Twn., Boro, Twp.) _____, Block _____, Lot(s) _____ on the Tax Assessment Map of the ____ (Twn., Boro, Twp.) _____; and

WHEREAS, one abandoned canal bed and other environmentally sensitive areas are located on said lands adjacent to or near said lands; and

WHEREAS, the Grantor and the County wish to protect the natural conditions of said abandoned canal and said stream or streams and other areas and the quality of the waters of said canals or said streams from adverse effects from the future development of the property.

WITNESSETH

In consideration of One Dollar (\$1.00) paid to the Grantor by the County at or before the delivery of this grant of easement, the receipt of which is hereby acknowledged, the Grantor hereby grants, bargains, sells and conveys to the County forever a conservation easement over that tract, parcel or lot of land in the ____ (Twn., Boro, Twp.) _____ of _____, County of Warren and State of New Jersey, more particularly described on Schedule A annexed hereto in

the location described on Schedule B annexed hereto, on the following terms and conditions:

1. There shall be no residential structures or accessory structures thereto in the area designated as conservation easement, except for drainage purposes, agricultural or farming structures.
2. Notwithstanding anything to the contrary contained in this instrument, there shall be allowed, subject to federal and state law or regulation, drainage facilities and any related structures and accessways.
3. No trees or shrubs shall be removed or destroyed except for:
 - (a) The purposes allowed herein.
 - (b) Diseased or storm damaged trees or shrubs needed to be removed in accordance with accepted horticulture or silvaculture practices.
4. No topsoil, sand, gravel, loam, rock or other material shall be excavated, dredged or removed from the easement area except for the purposes allowed herein or except with the written approval of the County acting through the governing body or such other body or official as the governing body may designate.
5. No filling of land shall be allowed except for purposes allowed herein or as allowed by the Corps, and no dumping or placing of trash, waste or unsightly or offensive material, for disposal or otherwise shall be permitted within the easement area.
6. No solid or liquid materials which might pollute or otherwise adversely affect the flow or quality of the water in any watercourse within the easement area shall be kept or stored within the easement area or placed in or discharged into any

watercourse traversing the easement area.

- 7. No activities shall be permitted within the easement area which might be detrimental to drainage, flood control, springs, water, conservation, water quantity or quality protection, erosion control, or soil conservation.
- 8. Notwithstanding the foregoing, this agreement may be modified by mutual consent of the Grantor and or the Grantor's assigns and the County of Warren.
- 9. The provisions of this Indenture shall be binding upon and shall inure to the benefits of the parties and their respective heirs, successors and assigns.

IN WITNESS WHEREOF, the Grantor has duly executed this Indenture as of the date first above written.

WITNESS: _____ (Owner) _____

_____(name)_____, ____ (title) _____ _____(name)_____, ____ (title) _____

STATE OF _____: COUNTY OF _____: SS. _____

I CERTIFY that on this __ (day) _____ day of __ (month)_____, __ (year)_____,
____ (name) _____ personally came before me and this person acknowledged under oath, to my satisfaction that (a) this person is the __ (title) _____ of __ (owner/corporation) _____, the corporation named in this document; (b) this person is the attesting witness to the signing of this document by the proper corporate officer who is __ (name) _____, __ (title) _____; (c) this document was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of Directors; (d) this person knows the proper seal of the corporation which was affixed to this document; (e) this person signed this proof to attest to the truth of these facts.

__(name)_____, __(title)_____

Subscribed and Sworn to:
Before me this __(date)__ day
of __(month)____, __(year)____:

__(notary public)_____

CONSERVATION EASEMENT
(with right to public access)

THIS INDENTURE, made this _____(day)_____ day of ___(month)_____,
____(year)_____, BETWEEN, ___(owner/corporation)____, a corporation of the State of
_____ (hereinafter referred to as the Grantor), AND the COUNTY OF
WARREN, a public corporation of the State of New Jersey (hereinafter referred to as the
County);

WHEREAS, the Grantor is the owner of lands in the ___(Twn., Boro, Twp)____ of
_____ (hereinafter referred to as the ___(Twn., Boro, Twp.)____) which are the subject
of approval for a ___(subdivision/site plan)____ by the Planning Board of the ___(Twn., Boro,
Twp.)____, Block _____, Lot(s) _____ on the Tax Assessment Map of the
___(Twn., Boro, Twp.)____; and

WHEREAS, one abandoned canal bed and other environmentally sensitive areas are
located on said lands adjacent to or near said lands; and

WHEREAS, the Grantor and the County wish to protect the natural conditions of said
abandoned canal and said stream or streams and other areas and the quality of the waters of said
canals or said streams from adverse effects from the future development of the property.

WITNESSETH

In consideration of One Dollar (\$1.00) paid to the Grantor by the County at or before the
delivery of this grant of easement, the receipt of which is hereby acknowledged, the Grantor
hereby grants, bargains, sells and conveys to the County forever a conservation easement over
that tract, parcel or lot of land in the ___(Twn., Boro, Twp.)____ of _____, County of

Warren and State of New Jersey, more particularly described on Schedule A annexed hereto in the location described on Schedule B annexed hereto, on the following terms and conditions:

1. There shall be no residential structures or accessory structures thereto in the area designated as conservation easement, except for drainage purposes, agricultural or farming structures.
2. Notwithstanding anything to the contrary contained in this instrument, there shall be allowed, subject to federal and state law or regulation, drainage facilities and any related structures and accessways.
3. No trees or shrubs shall be removed or destroyed except for:
 - (c) The purposes allowed herein.
 - (d) Diseased or storm damaged trees or shrubs needed to be removed in accordance with accepted horticulture or silvaculture practices.
4. No topsoil, sand, gravel, loam, rock or other material shall be excavated, dredged or removed from the easement area except for the purposes allowed herein or except with the written approval of the County acting through the governing body or such other body or official as the governing body may designate.
5. No filling of land shall be allowed except for purposes allowed herein or as allowed by the Corps, and no dumping or placing of trash, waste or unsightly or offensive material, for disposal or otherwise shall be permitted within the easement area.
6. No solid or liquid materials which might pollute or otherwise adversely affect the flow or quality of the water in any watercourse within the easement area shall be kept or stored within the easement area or placed in or discharged into any watercourse

- traversing the easement area.
7. No activities shall be permitted within the easement area which might be detrimental to drainage, flood control, springs, water, conservation, water quantity or quality protection, erosion control, or soil conservation.
 8. Except for unusual and unforeseen emergencies, the easement area shall be open to the public all year during designated hours. The opening and closing hours shall be posted at the entrance to the easement area for public information and shall be determined from time to time by resolution of the Warren County Board of Chosen Freeholders or designated agency.
 9. The County reserves the right to create and maintain a footpath along the course of the easement including, where necessary, the removal of trees and other vegetation that impede the footpath course.
 10. Public access to the easement area shall only occur once a park program has been established by the County in order to oversee the usage of the easement area by the public.
 11. Notwithstanding the foregoing, this agreement may be modified by mutual consent of the Grantor and or the Grantor's assigns and the County of Warren.
 12. The provisions of this Indenture shall be binding upon and shall inure to the benefits of the parties and their respective heirs, successors and assigns.

IN WITNESS WHEREOF, the Grantor has duly executed this Indenture as of the date first above written.

WITNESS: _____ (Owner) _____

_____(name)_____, _____(title)_____, _____(name)_____, _____(title)_____

STATE OF _____: COUNTY OF _____: SS. _____

I CERTIFY that on this ___(day)_____ day of ___(month)_____, ___(year)_____,
_____(name)_____ personally came before me and this person acknowledged under oath, to
my satisfaction that (a) this person is the ___(title)_____ of ___(owner/corporation)_____,
the corporation named in this document; (b) this person is the attesting witness to the signing of
this document by the proper corporate officer who is ___(name)_____, ___(title)_____;
(c) this document was signed and delivered by the corporation as its voluntary act duly authorized
by a proper resolution of its Board of Directors; (d) this person knows the proper seal of the
corporation which was affixed to this document; (e) this person signed this proof to attest to the
truth of these facts.

_____(name)_____, _____(title)_____

Subscribed and Sworn to:
Before me this ___(date)___ day
of ___(month)____, ___(year)_____:

_____(notary public)_____

APPENDIX E

Warren County Highway and Bridge Standards