

TOWNSHIP OF MILLSTONE

Monmouth County, New Jersey

ORDINANCE 00 - 16

AMENDMENTS

To

CHAPTER XXXV

LAND USE AND DEVELOPMENT REGULATIONS

As adopted by Ordinance 00-016

Developable Area Requirements for Lots and Slope Buffer Regulations

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TOWNSHIP OF MILLSTONE
COUNTY OF MONMOUTH

VI

Article 2, Definitions, Section 2-2, Specific Definitions, "Usable Development Area", is hereby amended as follows:

Slope: A measurement of the rise or descent of the surface of land determined on a percentage basis where the vertical distance is divided by the horizontal distance. (Example: A rise of 5 feet over a horizontal distance of 100 feet would be 5 divided by 100 equals 0.05 or 5 %).

Usable Development Area: Usable development area or usable contiguous development area shall mean the area of a lot which is not encroached upon by any of the following features:

- a. An existing or proposed public right-of-way
- b. The one hundred (100) year floodplain
- c. Wetlands and any required wetlands transition area except where construction, fill or disturbance has been authorized pursuant to the New Jersey Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.)
- d. Slope areas where the inclination of the land's surface from the horizontal is fifteen (15) percent or greater.
- e. Lakes, ponds, or other open waters.

Where it is specified that the usable development area is to be located within the required setbacks, this shall be construed to mean that the usable development area shall be located within the envelope that is delineated by the required yards and buffers of the zone district for the placement of a principal building.

VII

Article 4, Regulations Applicable to All Zoning Districts, Section 4-4, Lot and Area Requirements, Section 4-4.7, Lot Area Requirements, is hereby amended as follows:

4-4.7 Lot Area Requirements. On any lot in any Zone, except for the R-20 Zone, in order to be considered for development, the lot must have a minimum usable development area equal to at least one (1) contiguous acre. The usable development area must lie outside freshwater wetlands and wetlands transition areas, areas which are within the one hundred (100) year flood plain and areas with slopes of fifteen (15) percent or greater. At least one-half of the required minimum usable contiguous development area shall be located within the required setbacks for locating a principal building and further provided that the portion of the usable contiguous development area within the principal building setbacks shall be of such dimensions that a circle of not less than one hundred (100) feet in the R-80 Zone, not less than one hundred twenty-five (125) feet in the R-130 Zone and not less than one hundred and fifty (150) feet in the R-170 Zone can be scribed within it. The residence or principal structure shall be located within the usable developable area. All site development shall be designed to minimize disturbance of wooded areas and environmentally sensitive features by locating development and site disturbance within the usable development area to the greatest extent practicable. (See Illustration of Improvable Area Requirement)

VIII

"9-3.6 Waivers. The approving authority upon recommendation of the Environmental Commission and Board Engineer may waive the requirements for a Statement of Environmental Impact and Assessment Report, in whole or in part, if sufficient evidence is submitted by an applicant to support a conclusion that the proposed project will have a negligible environmental impact or that a complete Statement of Environmental

Impact and Assessment need not be prepared in order to adequately evaluate the environmental impact. Notwithstanding, the aforesaid, waivers may not be granted for any project located in whole or in part in areas with environmental constraints in accordance with Section 9-5, including, but not limited to streams, ponds, lakes, floodways, wetlands, wetlands transition areas, slopes of fifteen (15) percent or greater, highly acid soils, highly eroded soils, areas with a seasonal high water table (forty-eight (48) inches or less), aquifer recharge areas, and mature stands of native and planted vegetation, should specify the type of criteria involved and the extent of similar areas within the development site which will not be affected. The contents of said statement of environmental impact and assessment report may be determined by the Township Environmental Commission."

IX

Article 9, Development Application Requirements, Section 9-5, Environmental Constraints On Development On Steep Slopes, Flood Plains And Poorly Drained Soils, Subsection 9-5.2 is hereby amended as follows:

"9-5.2 Development, including principal and accessory structures, lawns and other site disturbance, shall not be permitted on slopes of fifteen (15) percent or greater, lands that are delineated as freshwater wetlands or wetlands transitional areas or lands designated by the New Jersey Department of Environmental Protection as one-hundred (100) year "flood plain".

X

Article 9, Development Applications, is hereby amended to add the following new section, Section 9-6, Submission of Documents and Computerized Mapping:

"9-6 SUBMISSION OF DOCUMENTS AND COMPUTERIZED MAPPING. All plan documents shall be submitted in accordance with the requirements of the Map Filing Act and this Chapter. All final site plans and final subdivisions prepared in a computerized format (AutoCAD, GIS, etc.) shall be filed with the Township in a computer file. Subdivision plans prepared in a computer format that are filed with the Monmouth County Clerk shall be filed in computer format with the Township. Subdivision plans shall include streets, lot dimensions, freshwater wetlands, freshwater wetlands transition areas, conservation easements, sight triangle easements and other data required for incorporation into the Millstone Township Tax Maps."

XI

Article 11, Design and Performance Standards, Section 11-24, Slope Buffer Requirements, is hereby amended to read as follows:

11-24 Steep Slope Buffer Requirements.

"11-24.1. Any property which is the subject of a major subdivision application and which contains slope areas in excess of five (5) vertical feet in height, and fifteen (15) percent or greater, (hereafter "Steep Slopes"), shall comply with the provisions set forth below. Notwithstanding the provisions hereof, all development applications must observe sections 4-4.7, "Lot Area Requirements" and 9-5 "Environmental Constraints on Development on Steep Slopes, Flood Plains and Poorly Drained Soils."

11.24.2. The governing body finds that residential housing unit owners have experienced difficulty with maintaining Steep Slope areas adjacent to their homes, particularly where such Steep Slope areas are not naturally occurring and/or have recently been disturbed, thereby increasing the likelihood of erosion in periods of moderate or heavy rainfall. The purpose of these regulations is to create an adequate buffer area to minimize the adverse impact upon the homeowner of any inundation of eroded soil.

11.24.3. Existing and proposed lots with steep slopes shall be subject the provisions of Sections 4.4.7 and 9.5 and the following design standards:

a. Existing, wooded and well stabilized slopes:

1. Steep slopes shall not be disturbed and shall be contained in conservation easements.
2. A slope buffer area of fifty (50) feet shall be provided at the top and bottom of a steep slope area. The slope buffer area shall be contained in a conservation easement. (See Diagram A)

b. Previously disturbed, eroded and/or poorly stabilized steep slopes in excess of five (5) vertical feet:

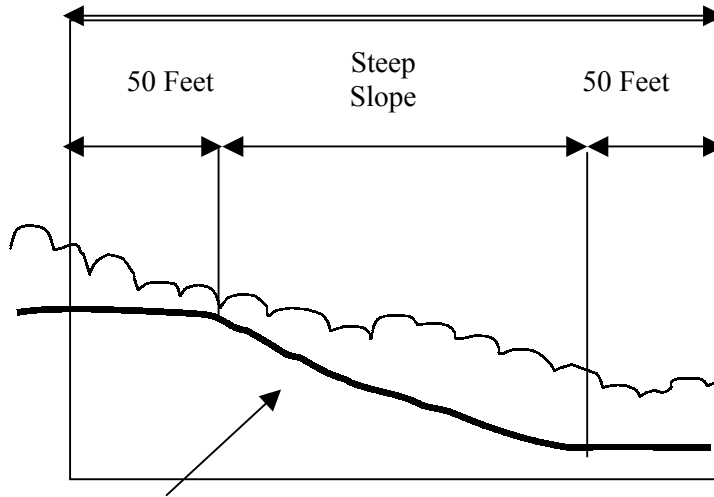
1. The Approval Board may require filling of the steep slope area with compacted clean fill to a maximum slope of twenty-five (25) percent and re-stabilization of the slope as described.
2. Stabilization of the steep slope area through application of topsoil, fertilization, seeding, ground cover and tree planting to promote reforestation based upon a reforestation plan approved by the Approval Board.
3. A slope buffer area of fifty (50) feet shall be provided at the top and bottom of all steep slopes. If the slope is in excess of twenty (25) percent, the lower slope shall be measured from a downward line at an angle of twenty-five (25) percent extended to intercept the existing grade; the area between the intersected existing grade and the existing top of slope shall comprise the buffer area, however, in no case shall the slope buffer be less than fifty (50) feet. (See Diagram B)
4. If retaining walls are used to stabilize existing steep slopes, all buffer area measurements will be calculated as if retaining walls were not used. Retaining walls of four (4) feet or greater shall be permitted only if their design is prepared and certified by a Professional Engineer licensed in New Jersey.
5. Steep slopes and steep slope buffer areas shall be contained in conservation easements.

11.24.4. Steep Slopes and Steep Slope Buffer Areas shall be maintained in an open space condition and:

- a. Shall not have any structures constructed within it;
- b. Areas within the slope buffer may be utilized for purposes of calculating the Lot Area.

DIAGRAM A

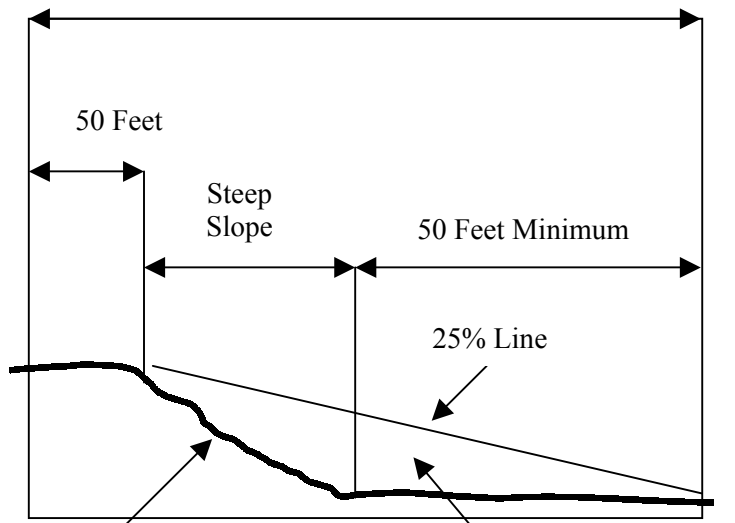
CONSERVATION AREA



Existing Well Stabilized Steep Slope

DIAGRAM B

CONSERVATION AREA



Previously Disturbed, Poorly Stabilized Steep Slope

Stabilizing Fill Area, If Required.