



**TOWNSHIP OF LONG HILL, MORRIS COUNTY, NJ  
TOWNSHIP COMMITTEE  
REGULAR SESSION AGENDA  
APRIL 11, 2018  
7:30 PM OPEN SESSION, Closed Session 6:45 PM**

*A draft of the Township Committee Regular Session Agenda is posted on the Township website at [www.longhillnj.us](http://www.longhillnj.us) on the Monday preceding the meeting.*

**STATEMENT OF ADEQUATE NOTICE**

“In compliance with the Open Public Meetings Law of New Jersey, adequate notice of this meeting was electronically sent to the Echoes Sentinel and the Courier News. Notice was also posted on the Township Website. The notice was posted on the bulletin board in the Municipal Building on January 3, 2018 and has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.”

**EXECUTIVE SESSION**

**RESOLUTION #18-117  
EXECUTIVE SESSION**

**BE IT RESOLVED**, pursuant to the Open Public Meetings Act, that the Township Committee of Long Hill Township meets in closed session to discuss the following matters:

Attorney Client Privilege

- Municipal Budget Appropriations for Volunteer Fire Companies & Fire Districts

Contract Negotiations:

- DPW

Land Acquisition

- Estate of Schiano

Personnel:

- Promotions & Enhancement Committee
- Tax Collector

**BE IT FURTHER RESOLVED** that the minutes of this executive session meeting will be released to the public in a timely fashion pursuant to the Open Public Records Act and other applicable laws and regulations.

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**MOVED** by: \_\_\_\_\_ of the Township Committee of the Township of Long Hill that Resolution #18-117 is hereby approved for Executive Session. **SECONDED** by:

**ROLL CALL VOTE:**

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**OPEN PUBLIC MEETING:**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Clerk will call the Roll

**SCHOOL BUDGET PRESENTATION:** Timothy Stys and Elizabeth Jewett

**LIAISON REPORTS:**

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**CONSENT AGENDA RESOLUTIONS:**

*The following items are considered to be routine by the Township Committee and will be acted upon in one motion. There will be no separate discussion of these items unless a Committee member so requests. In this event, the item will be removed from the Consent Agenda and considered in the normal sequence of the Agenda.*

**MOVED** by: \_\_\_\_\_ of the Township Committee of Long Hill Township, that Resolution #18-118 through #18-129 are hereby approved. **SECONDED** by: \_\_\_\_\_. **ROLL CALL VOTE:**

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**RESOLUTION 18-118  
APPROVING PAYMENT OF BILLS**

**BE IT RESOLVED**, that the Township Committee of the Township of Long Hill does hereby approve the payment of the bills as presented by the Chief Financial Officer.

**BE IT FURTHER RESOLVED**, that the bills list be appended to the official minutes.

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**RESOLUTION 18-119  
APPROVAL AND RELEASE OF MINUTES**

**BE IT RESOLVED**, that the Township Committee of the Township of Long Hill does hereby approve and release the Township Committee Minutes of the March 28, 2018 Township Committee Meeting.

**BE IT FURTHER RESOLVED** that the Township Committee hereby approves the March 28, 2018 Executive Session Meeting Minutes as redacted by the Township Attorney.

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**TOWNSHIP OF LONG HILL  
RESOLUTION 18-120**

**CERTIFYING ACTIVE MEMBERSHIP WITH MILLINGTON VOLUNTEER FIRE COMPANY FOR  
NEW JERSEY STATE FIREMEN’S ASSOCIATION ELIGIBILITY**

**BE IT RESOLVED**, that the Township Committee of the Township of Long Hill does hereby certify that Aram Kachidurian is an active member of the Millington Volunteer Fire Company and are eligible to be a member of the New Jersey State Firemen’s Association.

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**TOWNSHIP OF LONG HILL  
RESOLUTION 18-121  
APPROVING SPECIAL EVENT  
Millington Fire Company  
[Comedy Night]**

**BE IT RESOLVED**, by the Township Committee of the Township of Long Hill, in the County of Morris, State of New Jersey upon the advice of the Township Clerk, that all documents have been reviewed and are in good order, does hereby authorize the Township Clerk to approve and sign the application and approve the license S-18-06 for the “Sponsor” Millington Fire Co., for their Special Event to be held on April 28th, 2018 at the Millington Fire House from 7:00 PM – 11:00 PM.

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**TOWNSHIP OF LONG HILL  
RESOLUTION 18-122  
APPROVING SPECIAL EVENT  
The Jewish Federation of Greater MetroWest NJ  
[Tour de Summer Camps NJ Bike Race]**

**BE IT RESOLVED**, by the Township Committee of the Township of Long Hill, in the County of Morris, State of New Jersey upon the advice of the Township Clerk, that all documents have been reviewed and are in good order, does hereby authorize the Township Clerk to approve and sign the application and approve the license S-18-07 for the “Sponsor” The Jewish Federation of Greater MetroWest NJ, for their Special Event to be held on April 29th, 2018 through various roads in Gillette from 5:00 AM – 5:00 PM.

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**TOWNSHIP OF LONG HILL  
RESOLUTION 18-123  
APPROVING SPECIAL EVENT  
Long Hill Baseball and Softball Association  
[Championship Day and Twister Tournament]**

**BE IT RESOLVED**, by the Township Committee of the Township of Long Hill, in the County of Morris, State of New Jersey upon the advice of the Township Clerk, that all documents have been reviewed and are in good order, does hereby authorize the Township Clerk to approve and sign the application and approve the license S-18-08 for the “Sponsor” Long Hill Baseball

and Softball Association, for their Special Events to be held on June 9<sup>th</sup> (Championship Day) and June 22-24<sup>th</sup> (Twister Tournament), 2018 at the Little League Fields and Meyersville Field from 8:00 AM – 10:00 PM.

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**TOWNSHIP OF LONG HILL  
RESOLUTION 18-124  
Authorizing Redemption of Outside Lien - #16-0001**

**WHEREAS**, at the Municipal Tax Sale held on 11-18-2016, a lien was sold on Block 10504, Lot 5, also known as 117 Laurel Avenue for \$523.45; and,

**WHEREAS**, this lien, known as Tax Sale Certificate #16-0001, was sold to US Bank Cust for PC6 LLC Sterling National for \$523.45 and a \$4,800.00 premium; and

**WHEREAS**, Research Title Company on behalf of the owner has redeemed Certificate #16-0001 in the amount of \$1,872.07; and

**WHEREAS**, the Tax Collector has shown proof that the redemption calculation is correct, all subsequent payment affidavit, if any, has been filed, and redemption monies has been received for redemption refund;

**NOW, THEREFORE BE IT RESOLVED**, that the Chief Financial Officer be authorized to issue a check in the amount of \$1,872.07, payable to US Bank Cust for PC6 LLC Sterling National for the redemption of Tax Sale Certificate #16-0001

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer be authorized to issue a check in the amount of \$4,800.00 (premium) to the aforementioned lien holder.

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**TOWNSHIP OF LONG HILL  
RESOLUTION 18-125  
Authorizing Redemption of Outside Lien - #16-0021**

**WHEREAS**, at the Municipal Tax Sale held on 11-18-2016, a lien was sold on Block 12807, Lot 8, also known as 168 Bungalow Terrace for \$529.37; and,

**WHEREAS**, this lien, known as Tax Sale Certificate #16-0021, was sold to MTAG as Custodian for CAZ Creek NJ II LLC for \$529.37 and a \$2,200.00 premium; and

**WHEREAS**, Customers Bank on behalf of the owner has redeemed Certificate #16-0021 in the amount of \$2,511.50; and

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**WHEREAS**, the Tax Collector has shown proof that the redemption calculation is correct, all subsequent payment affidavit, if any, has been filed, and redemption monies has been received for redemption refund;

**NOW, THEREFORE BE IT RESOLVED**, that the Chief Financial Officer be authorized to issue a check in the amount of \$2,511.50, payable to MTAG as Custodian for CAZ Creek NJ II LLC for the redemption of Tax Sale Certificate #16-0021

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer be authorized to issue a check in the amount of \$2,200.00 (premium) to the aforementioned lien holder.

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**TOWNSHIP OF LONG HILL  
RESOLUTION 18-126**

**AUTHORIZING TOWNSHIP ENGINEER TO GO OUT TO BID ON THE LONG HILL  
ROAD DRAINAGE PROJECT**

**WHEREAS**, the drainage channel that runs off Long Hill Road in the vicinity of 721 Long Hill Road has suffered from severe erosion; and

**WHEREAS**, the pipe that used to convey road runoff has been undermined and several sections of that pipe have fallen into the eroded channel; and

**WHEREAS**, the Township Engineer has proposed a solution which involves the installation of a pipe down the steep slope and extending to Mountain Avenue; and

**WHEREAS**, the Township Engineer has prepared detailed design plans for the proposed project; and

**WHEREAS**, easements have been obtained from the affected property owners;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, that the Township Engineer is hereby authorized to go out to bid on the proposed Long Hill Road drainage project.

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**TOWNSHIP OF LONG HILL  
RESOLUTION 18-127**

**REQUESTING THE COURT TO REVIEW AND APPROVE UPDATED TOWNSHIP  
AFFORDABLE HOUSING TRUST FUND SPENDING PLAN**

**WHEREAS**, the New Jersey Supreme Court held in *In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015)*, that the COAH administrative process had become non-functioning and as a result, returned primary jurisdiction over affordable housing matters to the trial court; and

**WHEREAS**, in doing so, the Supreme Court established a transitional process for municipalities, like Long Hill Township, that participated in the administrative process before COAH to file a declaratory judgment action with the trial court seeking to declare their Housing Element and Fair Share Plans as being constitutionally compliant and seeking similar protections to those that the participating municipalities would have received if they had continued to proceed before the court; and

**WHEREAS**, Long Hill Township filed its declaratory judgment action in the Superior Court of New Jersey, Morris County, on July 6, 2015 at Docket No. MRS-L-1660-15; and

**WHEREAS**, the Township thereafter settled its declaratory judgment action with the Fair Share Housing Center (“FSHC”) and the terms of that settlement were memorialized in an agreement dated September 27, 2017; and

**WHEREAS**, at the conclusion of the Fairness Hearing held on December 15, 2017, the Honorable Michael E. Hubner, J.S.C., found that the settlement agreement between the Township and FSHC is fair and adequately protects the interests of low- and moderate-income

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persons within the Township’s housing region subject to the Court’s approval by way of a final compliance hearing which has been scheduled for June 15, 2018; and

**WHEREAS**, paragraph 17 of the settlement agreement with FSHC provides that the Township “shall file with the court and FSHC an updated spending plan (valid through 2025), which shall supersede the previously approved spending plan, and which shall incorporate all of the requirements of the within agreement (‘The 2017 Spending Plan’). The 2017 Spending Plan shall be substantially in a form approved by FSHC and shall be subject to the review and approval of the court and FSHC . . .”; and

**WHEREAS**, Township Planner Jessica C. Caldwell, P.P., A.I.C.P., L.E.E.D.G.A. prepared the Attached Spending Plan and recommended its adoption;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, as follows:

1. The Township Committee hereby approves the Spending Plan described in the preamble, subject to court approval.
2. The Township Attorney is hereby directed to submit the draft Spending Plan to the Court and seek the Court’s approval.

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**TOWNSHIP OF LONG HILL  
RESOLUTION 18-128  
APPOINTING PROBATIONARY POLICE OFFICER - McGuire**

**BE IT RESOLVED**, by the Township Committee of the Township of Long Hill upon the advice and recommendation of Acting Police Chief Ahmed Naga, that Brian McGuire is hereby appointed as a Probationary Police Officer at an annual salary of \$45,000.00, effective April 17, 2018;

**BE IT FURTHER RESOLVED**, that this advancement is consistent with the P.B.A. Association Collective Bargaining Agreement.

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**TOWNSHIP OF LONG HILL  
RESOLUTION 18-129  
GRADE ADVANCEMENT  
[Murray]**

**BE IT RESOLVED**, that the Township Committee of the Township of Long Hill, County of Morris, State of New Jersey, upon the advice and recommendation of Tom Sweeney, Director of Public Works, does hereby approve the advancement of Patrick Murray to Truck Driver/Laborer Class 3, retroactive to March 28th, 2018 at an hourly rate of \$22.11.

**BE IT FURTHER RESOLVED**, that this advancement is consistent with the Public Works Association Collective Bargaining Agreement

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**ORDINANCE:**

**FIRST READING/INTRODUCTION**

**TOWNSHIP OF LONG HILL  
ORDINANCE # 413 -18**

**ADOPTING ZONING REGULATIONS NECESSARY TO IMPLEMENT THE  
TOWNSHIP’S MT. LAUREL SETTLEMENT AGREEMENT WITH FAIR SHARE  
HOUSING CENTER AND SUPPLEMENTING AND AMENDING SECTION 122 OF  
THE TOWNSHIP LAND USE ORDINANCE ENTITLED  
“ZONE DISTRICTS AND USE REGULATIONS”**

**WHEREAS**, the New Jersey Supreme Court in *In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015)*, found that the COAH administrative process had become non-functioning and as a result, returned primary jurisdiction over affordable housing matters to the trial courts; and

**WHEREAS**, in doing so, the Supreme Court established a transitional process for municipalities, like Long Hill Township, that participated in the administrative process before COAH, to file a declaratory judgment action with the trial court seeking to declare their Housing Elements and Fair Share Plans as being constitutionally compliant and seeking similar



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protections to those that the participating municipalities would have received if they had continued to proceed before COAH; and

**WHEREAS**, Long Hill Township filed its declaratory judgment action in the Superior Court of New Jersey, Morris County, on July 6, 2015 at Docket No. MRS-L-1660-15; and

**WHEREAS**, the Township thereafter settled its declaratory judgment action with the Fair Share Housing Center (“FSHC”) and the terms of that settlement were memorialized in an agreement dated September 27, 2017; and

**WHEREAS**, at the conclusion of the Fairness Hearing held on December 15, 2017, the Honorable Michael E. Hubner, J.S.C., found that the settlement agreement between the Township and FSHC is fair and adequately protects the interests of low- and moderate-income

persons within the Township’s housing region; under Mt. Laurel IV, subject to the Court’s approval by way of a final compliance hearing which has been scheduled for June 15, 2018; and

**WHEREAS**, the settlement agreement with FSHC provides that:

- “13. The Township . . . shall propose and adopt any new or modified ordinances required to implement this agreement . . .
- “14. The Township as part of its HEFSP shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied.”; and

**WHEREAS**, in accordance with the terms of the settlement agreement, the Township Planning Board has prepared and submitted to the Township Committee for its consideration ordinances creating a new R-MF 4 - Multi Family Residential Zone 4, R-MF4 O Multi Family Residential 4 Overlay Zone, RAHO Redevelopment Affordable Housing Overlay Zone and MU-O Mixed Use Overlay Zone;

**NOW THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, that section 122 of the Township Land Use Ordinance entitled “Zone Districts and Use Regulations” be supplemented and amended as follows:

**Section 1.** There is hereby created a new section 122.3A entitled “R-MF 4 - Multi Family Residential Zone 4” which reads as follows:

**“122.3A R-MF 4 - Multi Family Residential Zone 4**

a. Purpose

The purpose of the R-MF 4 zone district is to provide zoning for affordable housing which allows a realistic opportunity for the construction of very low, low and moderate income housing.

3. Location

The location of the R-MF 4 zone applies to a lot on the south side of Valley Road, east of Mountain Avenue. This lot is known as Block 10801, Lot 3.

4. Permitted Uses

Multi-family dwelling units for the provision of inclusionary affordable housing pursuant to the “Low- and Moderate-Income Housing Requirements” below shall be permitted uses in the R-MF 4 zone district.

5. Low and Moderate Income Housing Requirements

1. This property shall be used for inclusionary affordable housing multi-family dwelling units.
2. The minimum lot area shall be not less than five (5) acres.
3. The maximum density for residential development shall not exceed twelve (12) dwelling units per acre.
4. Not less than fifteen (15%) percent of the total number of units shall be affordable to very low, low and moderate income households or twenty (20%) percent of any for sale units. Any computation resulting in a fraction of less than 0.5 shall be rounded down; any computation resulting in a fraction of more than or equal to 0.5 shall be rounded up.
5. The affordable units must meet the income and bedroom distribution requirements of N.J. Stat. § 52:27D-329.1 and N.J.A.C. 5:80-26.3.
6. These bulk standards shall apply to development in the R-MF 4 zone:
  - a. Minimum lot size: 5 acres.
  - b. Minimum lot width: 250 feet.
  - c. Maximum building height: 3 stories or 45 feet.
    1. Buildings facing Valley Road may not exceed 2.5 stories or 35 feet.
  - d. Minimum front yard: 50 feet.
  - e. Minimum side yard: 30 feet.

- f. Minimum rear yard: 50 feet.
- g. Maximum building coverage: 20%.
- h. Maximum lot coverage: 40%.
- i. Floor Area Ratio: 0.5.
- j. Buffer: 10 feet.”

**Section 2.** There is hereby created a new section 122.15 entitled “Affordable Housing Overlay Zones” which reads as follows:

**122.15 AFFORDABLE HOUSING OVERLAY ZONES**

**“122.15.1 R-MF 4 O Multi Family Residential 4 Overlay Zone**

a. Purpose

The purpose of the R-MF 4-O Multifamily Residential 4 Overlay Zone is to provide zoning for affordable housing which allows a realistic opportunity for the construction of very low, low and moderate income housing.

b. Location

The location of the R-MF 4-O zone applies to lots on the east side of Warren Avenue, between the PSEG/JCPL transmission Right of Way and Morris Street, consisting of Block 11501, Lots 1 and 4, and Block 11502, Lots 1, 2, and 14.

c. Permitted Uses

Multi-family dwelling units for the provision of inclusionary affordable housing pursuant to the “Low- and Moderate-Income Housing Requirements” below shall be permitted uses in the R-MF 4-O zone district in addition to those uses already permitted by the underlying zone district.

d. Zone Standards

- 1. The properties specified in this location shall be used for inclusionary affordable housing multi-family dwelling units.
- 2. The minimum lot area shall be not less than seven (7) acres.
- 3. The maximum density for residential development shall not exceed twelve (12) dwelling units per acre.

4. Not less than fifteen (15%) percent of the total number of units shall be affordable to low-and moderate-income households or twenty (20%) percent of any for sale units. Any computation resulting in a fraction of less than 0.5 shall be rounded down; any computation resulting in a fraction of more than or equal to 0.5 shall be rounded up.
5. The affordable units must meet the income and bedroom distribution requirements of N.J. Stat. § 52:27D-329.1 and N.J.A.C. 5:80-26.3.
6. These bulk standards shall apply to development in the R-MF 40 zone:
  - a. Minimum lot size: 7 acres.
  - b. Minimum lot width: 700 feet along Valley Road.
  - c. Maximum building height: 3 stories or 45 feet.
  - d. Minimum front yard: 50 feet.
  - e. Minimum side yard: 30 feet.
  - f. Minimum rear yard: 50 feet.
  - g. Maximum building coverage: 20%.
  - h. Maximum lot coverage: 40%.
  - i. Floor Area Ratio: 0.5.
  - j. Buffer: 10 feet.

#### **122.15.2 RAHO Redevelopment Affordable Housing Overlay Zone**

a. Purpose

The purpose of the RAHO Redevelopment Affordable Housing Overlay Zone is to provide zoning for affordable housing which provides for the realistic opportunity for the construction of very low, low and moderate-income housing in the Valley Road Redevelopment Area.

b. Location

The RAHO Zone applies to the Valley Road Redevelopment Area located along Valley Road east of Main Avenue and comprising of Block 10401, Lots 1-4 and Block 11514, Lots 6, 31-32.

c. Permitted Uses

Multi-family dwelling units for the provision of inclusionary affordable housing pursuant to the “Low- and Moderate-Income Housing Requirements” below shall be permitted uses in the RAHO zone district in addition to those uses already permitted by the underlying zone district.

- d. Low and Moderate-Income Housing Requirements:
  1. If redevelopment is undertaken in this zone, the proposed development shall include inclusionary affordable housing.
  2. The minimum lot area shall be not less than two (2) acres.
  3. The maximum density for residential development shall not exceed fifteen (15) dwelling units per acre.
  4. Not less than fifteen (15%) percent of the total number of units shall be affordable to very low, low and moderate-income households or twenty (20%) percent of any for sale units. Any computation resulting in a fraction of less than 0.5 shall be rounded down; any computation resulting in a fraction of more than or equal to 0.5 shall be rounded up.
  5. The affordable units must meet the income and bedroom distribution requirements of N.J. Stat. § 52:27D-329.1 and N.J.A.C. 5:80-26.3.
  6. These bulk standards shall apply to development in the RAHO zone:
    - a. Minimum lot size: 2 acres.
    - b. Minimum lot width: 350 feet along Valley Road.
    - c. Maximum building height: 3 stories or 45 feet.
    - d. Minimum front yard: 20 feet.
    - e. Minimum side yard: 15 feet.
    - f. Minimum rear yard: 20 feet.
    - g. Maximum building coverage: 40%.
    - h. Maximum lot coverage: 60%.
    - i. Floor Area Ratio: 0.6.
    - j. Buffer: 10 feet.

### **122.15.3 MU-O Mixed Use Overlay Zone**

- a. Purpose

The purpose of the MU-O Overlay zone district is to provide zoning for affordable housing which allows a realistic opportunity for the construction of very low, low and moderate income housing.

b. Location

The location of the MU-O zone is at the corner lot on the north side of Stone House Road and the west side of Division Avenue extending north to the NJ Transit railroad. This property is known as Block 12301, Lot 1.

c. Permitted Uses

Commercial uses consisting of retail, personal services, restaurants and offices and multi-family dwelling units for the provision of inclusionary affordable housing pursuant to the Zone Standards below shall be permitted uses in the MU-O zone district in addition to those uses already permitted by the underlying zone district.

d. Zone Standards

1. The properties specified in this location shall be used for inclusionary affordable housing multi-family dwelling units.
2. A maximum of 10,000 SF of commercial space for retail, personal service, restaurant and office uses is allowed.
3. The minimum lot area shall be not less than eleven (11) acres.
4. The maximum density for residential development shall not exceed twelve (12) dwelling units per acre.
5. Not less than fifteen (15%) percent of the total number of units shall be affordable to very low, low and moderate income households or twenty (20%) percent of any for sale units. Any computation resulting in a fraction of less than 0.5 shall be rounded down; any computation resulting in a fraction of more than or equal to 0.5 shall be rounded up.
6. The affordable units must meet the income and bedroom distribution requirements of N.J. Stat. § 52:27D-329.1 and N.J.A.C. 5:80-26.3.
7. Commercial buildings may only face Division Avenue of the NJ Transit railroad right of way.
8. These bulk standards shall apply to development in the MU-O zone:
  - a. Minimum lot size: 11 acres.
  - b. Minimum lot width: 500 feet.
  - c. Maximum building height:

1. 2.5 stories or 35 feet for buildings facing Division Avenue (east boundary line) or the NJ Transit Railroad tracks (north boundary line).
  2. Maximum 3 stories or 45 feet for buildings facing Stone House Road (south boundary line) and in the interior of the property.
- d. Minimum front yard:
1. 50 feet on Division Avenue.
  2. Commercial buildings facing Division Avenue shall have a 20 foot front yard setback.
  3. 30 feet on Stone House Road.
- e. Minimum side yard: 30 feet.
- f. Minimum rear yard: 50 feet.
- g. Maximum building coverage: 20%.
- h. Maximum lot coverage: 40%.
- i. Floor Area Ratio: 0.5.
- j. Buffer: 10 feet.”

**Section 3.** Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

**Section 4.** In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**Section 5.** This ordinance shall take effect immediately upon final passage and publication as required by law.

#### **NOTICE**

The foregoing ordinance having been introduced and passed on first reading by the Township Committee of the Township of Long Hill, in the County of Morris on Wednesday, April 11, 2018 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:00 p.m. on Wednesday, May 9, 2018 at the Municipal Building, 915 Valley Road, Gillette, New Jersey, when and where or at such time and place to which said



meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

**MOVED** by: \_\_\_\_\_, that Ordinance #413-18 be introduced on first reading and advertised for second reading which is scheduled for the May 9th, 2018 Meeting.

**SECONDED** by: \_\_\_\_\_, **ROLL CALL VOTE**

**TOWNSHIP OF LONG HILL  
ORDINANCE #414-18**

**CONCERNING AFFORDABLE HOUSING DEVELOPMENT FEES AND AMENDING  
SECTION 185 OF THE TOWNSHIP LAND USE ORDINANCE  
ENTITLED “DEVELOPMENT FEES”**

**WHEREAS**, the COAH rules permit the collection of affordable housing development fees from residential developers in an amount equal to 1½% of the equalized assessed value for residential developments and 2½% for commercial developments; and

**WHEREAS**, COAH approved the attached ordinance by resolution adopted May 14, 2013;

**NOW THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, as follows:

**Section 1.** Section 185 of the Township Land Use Ordinance entitled “Development Fees” is hereby amended in its entirety as shown on Exhibit “A” which is attached hereto and incorporated herein by reference.

**Section 2.** Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

**Section 3.** In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section

or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**Section 4.** This ordinance shall take effect immediately upon final passage and publication as required by law.

### NOTICE

The foregoing ordinance having been introduced and passed on first reading by the Township Committee of the Township of Long Hill, in the County of Morris on Wednesday, April 11, 2018 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:00 p.m. on Wednesday, May 9, 2018 at the Municipal Building, 915 Valley Road, Gillette, New Jersey, when and where or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

**EXHIBIT A – see attached**

**MOVED** by: \_\_\_\_\_, that Ordinance #414-18 be introduced on first reading and advertised for second reading which is scheduled for the May 9th, 2018 Meeting.

**SECONDED** by: \_\_\_\_\_, **ROLL CALL VOTE**

### **TOWNSHIP OF LONG HILL**

#### **ORDINANCE #415-18**

**BOND ORDINANCE APPROPRIATING \$641,182, AND AUTHORIZING THE ISSUANCE OF \$593,232 BONDS OR NOTES OF THE TOWNSHIP, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF LONG HILL, IN THE COUNTY OF MORRIS, NEW JERSEY.**

**BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LONG HILL, IN THE COUNTY OF MORRIS, NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

The several improvements described in Section 3 and Section 9 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by The Township of Long Hill, in the County of Morris, New Jersey. For the said several

improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$641,182 including the aggregate sum of \$47,950 as the down payment for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

For the financing of said improvements or purposes and to meet the part of said \$641,182 appropriations not provided for by application hereunder of said down payments, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$593,232 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$593,232 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

The improvements hereby authorized by this Section 3 and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</u>
(a) Improvement of various roads and locations in and by the Township, including, without limitation, Morristown Road, Valley Road, Church Road, Highland Avenue, Hilltop Road, Home Street, Midvale Avenue, Lower Overlook, Passaic Street, Riverview Drive, Skyline Drive and Stonehouse Road by the reconstruction, surfacing or resurfacing thereof to provide roadway pavements at least equal in useful life or durability to a roadway pavement of Class B construction (as used or referred to in Section 40A:2-		

22 of said Local Bond Law), together with all traffic lights, studies, curbing, structures, storm water drainage improvements, catch basins, milling, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specification therefor on file or to be filed in the office of the Township Clerk and hereby approved	\$471,182	\$431,732
(b) Acquisition by purchase of new and additional equipment, including one (1) front end loader for use by the Department of Public Works of the Township, together with all attachments, appurtenances and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	<u>170,000</u>	<u>161,500</u>
Totals	<u>\$641,182</u>	<u>\$593,232</u>

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

The following additional matters are hereby determined, declared, recited and stated:

The said purposes described in Section 3 of this bond ordinance are not a current expenses and each is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

The average period of usefulness of said purposes described in Section 3 of this bond ordinance within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 11.36 years.

The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has

been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$593,232, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

Amounts not exceeding \$100,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements described in Section 3 of this bond ordinance and are included in the foregoing estimate thereof.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of Section 40A:2-8 of said Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale at not less than par and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is

made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

**MOVED** by: \_\_\_\_\_, that Ordinance #415-18 be introduced on first reading and advertised for second reading which is scheduled for the May 9th, 2018 Meeting.

**SECONDED** by: \_\_\_\_\_, **ROLL CALL VOTE**

**TOWNSHIP OF LONG HILL**  
**ORDINANCE #416-18**

**BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE SANITARY SEWERAGE SYSTEM IN AND BY THE TOWNSHIP OF LONG HILL, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$7,216,912 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$7,216,912 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING SUCH APPROPRIATION.**

**BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LONG HILL, IN THE COUNTY OF MORRIS, NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by The Township of Long Hill, in the County of Morris, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$7,216,912, said sum being inclusive of all appropriations heretofore made therefor.

For the financing of said improvement or purpose and to meet the said \$7,216,912 appropriation, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$7,216,912 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding \$7,216,912 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

a. The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the improvement of the sanitary sewerage system in and by the Township, including the upgrade of the sewer plant and collection system, improvements to the sewer lining and the upgrade of the pump stations, together with all structures, site work, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved.

The estimated maximum amount of bonds or notes to be issued for said purpose is \$7,216,912.

The estimated cost of said purpose is \$7,216,912.

The following additional matters are hereby determined, declared, recited and stated:

The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is forty (40) years.

The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the



gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$7,216,912, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

An aggregate amount not exceeding \$700,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement financed by this bond ordinance and is included in the foregoing estimate thereof.

This bond ordinance authorizes obligations of the Township solely for an environmental infrastructure project described in paragraph (c) of section 40A:2-11 of said Local Bond Law and, therefore, no down payment is required.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that, except as may be otherwise provided for and authorized by N.J.S.A. §58:11B-9(e) relating to interim loans from the New Jersey Infrastructure Bank, no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8 and N.J.S.A. §58:11B-9(e). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of

delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and, unless paid from the revenues of the sewer utility of the Township, the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

**MOVED** by: \_\_\_\_\_, that Ordinance #416-18 be introduced on first reading and advertised for second reading which is scheduled for the May 9th, 2018 Meeting.

**SECONDED** by: \_\_\_\_\_, **ROLL CALL VOTE**

**LONG HILL TOWNSHIP**  
**ORDINANCE #417-18**

**ORDINANCE PROVIDING FOR VARIOUS  
IMPROVEMENTS IN AND BY THE TOWNSHIP OF LONG**

**HILL, IN THE COUNTY OF MORRIS, NEW JERSEY, AND  
APPROPRIATING \$202,050 THEREFOR FROM VARIOUS  
FUNDS OF THE TOWNSHIP.**

**BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF LONG HILL, IN THE COUNTY OF MORRIS, NEW JERSEY, AS  
FOLLOWS:**

The improvements described in Section 2 of this ordinance are hereby authorized as general improvements to be made or acquired by The Township of Long Hill, in the County of Morris, New Jersey. For the said improvements or purposes stated in said Section 2, there is hereby appropriated therefor the sum of \$202,050, to the extent of \$30,000, from moneys available in the Open Space Trust Fund of the Township and, to the extent of \$172,050, from moneys available in the Capital Improvement Fund of the Township.

The improvements hereby authorized and the several purposes for the financing of which the appropriation is made as provided in Section 1 of this ordinance are as follows: (a) the acquisition by purchase of equipment, including self-contained breathing apparatus and communications equipment for use by the Stirling Fire Department, radar signs and mobile data terminals for use by the Police Department of the Township, and furnishings for use at the Municipal Building in the Township; and (b) the improvement of municipally-owned facilities and locations in and by the Township, including Meyersville Field by the installation of fencing thereat, the baseball and softball fields by the rehabilitation thereof, the Municipal Building by the renovation thereof, the upgrade of the heating, ventilation and air conditioning system, and the installation of new doors and a security system, and the Police Department headquarters by the upgrade of the heating, ventilation and air conditioning system, and improvements to the police range, together with, for all of the foregoing, all site work, appurtenant equipment,

accessories, attachments, work and materials, and all engineering, legal, advertising and other costs associated therewith, and all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved.

The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services are on file with the Township Clerk and are available for public inspection.

This ordinance shall take effect after publication after final adoption, as provided by law.

**MOVED** by: \_\_\_\_\_, that Ordinance #417-18 be introduced on first reading and advertised for second reading which is scheduled for the May 9th, 2018 Meeting.

**SECONDED** by: \_\_\_\_\_, **ROLL CALL VOTE**

**SECOND READING/ADOPTION**

**MOTION AMENDING PERFORMANCE GUARANTEE ORDINANCE NO. 410-18 AND CONTINUING THE PUBLIC HEARING O TO APRIL 25 ON THE ORDINANCE AS AMENDED**

**WHEREAS**, Ordinance #410-18 entitled “An Ordinance Concerning Performance and Maintenance Guarantees...” was introduced on March 14, 2018; and

**WHEREAS**, it was discovered subsequent to introduction that subsections 184.2 and 184.3 of the Township Land Use Code entitled “Performance Guarantee Required for Certain

Installations” and “Amount or Equivalent of Guaranty” are redundant and inconsistent with section 183 and should be repealed in their entirety; and

**IT IS THEREFORE MOVED** that Ordinance #410-18 be amended by adding a new section 2 and repealing Land Use Ordinance subsections 184.2 and 184.3 in their entirety, and that public hearing on the ordinance as amended is hereby continued to the April 25, 2018 Township Committee meeting.

**MOVED** by: \_\_\_\_\_, that Ordinance #410-18 be amended.

**SECONDED** by: \_\_\_\_\_, **ROLL CALL VOTE**

**TOWNSHIP OF LONG HILL  
ORDINANCE #410-18**

**AN ORDINANCE CONCERNING PERFORMANCE AND MAINTENANCE  
GUARANTEES AND AMENDING SECTION 183 OF THE TOWNSHIP LAND USE  
ORDINANCE ENTITLED “PERFORMANCE AND MAINTENANCE GUARANTEES,  
ENGINEERING INSPECTION FEES” AND REPEALING PARTS OF SECTION 184  
ENTITLED “IMPROVEMENTS”**

**WHEREAS**, Chapter 312 of the Laws of 2016, which became effective January 16, 2018, and which is codified as N.J.S.A. 40:55D-53, made significant changes to the performance and maintenance provisions of the Municipal Land Use Law (“MLUL”); and

**WHEREAS**, the Township Land Use Ordinance must be amended to reflect those changes;

**NOW THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, that Section 183 of the Township Land Use Ordinance (1996) and Section 184 entitled “Improvements” are amended as follows:

**Section 1.** Subsection 183.1 entitled “Performance Guarantees” is amended in its entirety as set forth on Exhibit “A”, which is attached hereto and incorporated herein by

reference.

**Section 2.** Subsection 184.2 entitled “Performance Guaranties Required for Certain Installations” and Subsection 184.3 entitled “Amount or Equivalent of Guaranty” are hereby repealed.

**Section 3.** Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

**Section 4.** In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**Section 4.** This ordinance shall take effect immediately upon final passage and publication as required by law.

### NOTICE

The foregoing ordinance having been introduced and passed on first reading by the Township Committee of the Township of Long Hill, in the County of Morris on Wednesday, March 14, 2018 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, April 11, 2018 at the Municipal Building, 915 Valley Road, Gillette, New Jersey, when and where or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

*1<sup>st</sup> Reading and Introduction:* March 14, 2018

*1<sup>st</sup> Publication:* March 19, 2018

*Referral to Planning Board:* March 15, 2018

*Notice to County Planning Board Prior to Adoption:* April 6, 2018

Notice to Clerks of Adjoining Municipalities (if required): April 6, 2018

2<sup>nd</sup> Reading and Adoption April 25, 2018

2<sup>nd</sup> Publication:

Filing with County Planning Board:

## APPENDIX A

### 183 PERFORMANCE AND MAINTENANCE GUARANTEES; ENGINEERING INSPECTION FEES

**183-1 Guarantees required; surety; release.** Before filing a final subdivision plat or recording a minor subdivision deed or as a condition of final site plan approval or as a condition to the issuance of a zoning permit pursuant to subsection d. of *N.J.S.A. 40:55D-65*, a developer shall furnish a performance guarantee, and provide for a maintenance guarantee in accordance with paragraphs (1) and (2) of this subsection.

(1)

(a) The developer shall furnish a performance guarantee in favor of the Township in an amount not to exceed 120% of the cost of installation of only those improvements required by an approval or developer's agreement, ordinance, or regulation to be dedicated to a public entity, and that have not yet been installed, which cost shall be determined by the Township Engineer, according to the method of calculation set forth in section 15 of [P.L.1991, c.256 \(C.40:55D-53.4\)](#), for the following improvements as shown on the approved plans or plat: streets, pavement, gutters, curbs, sidewalks, street lighting, street trees, surveyor's monuments, as shown on the final map and required by "the map filing law," P.L.1960, c.141 ([C.46:23-9.9](#) et seq.; repealed by section 2 of [P.L.2011, c.217](#)) or [N.J.S.46:26B-1](#) through [N.J.S.46:26B-8](#), water mains, sanitary sewers, community septic systems, drainage structures, public improvements of open space, and any grading necessitated by the preceding improvements.

A successor developer must furnish a replacement performance guarantee, as a condition to the approval of a permit update under the State Uniform Construction Code, for the purpose of updating the name and address of the owner of property on a construction permit,

The Township Engineer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the obligor.

(b) A performance guarantee shall include, within an approved phase or section of a development privately-owned perimeter buffer landscaping, as required by

Township ordinance or imposed as a condition of approval.

At the developer's option, a separate performance guarantee may be posted for the privately-owned perimeter buffer landscaping.

(c) In the event that the developer shall seek a temporary certificate of occupancy for a development, unit, lot, building, or phase of development, as a condition of the issuance thereof, the developer shall furnish a separate guarantee, referred to herein as a "temporary certificate of occupancy guarantee," in favor of the Township in an amount equal to 120% of the cost of installation of only those improvements or items which remain to be completed or installed under the terms of the temporary certificate of occupancy and which are required to be installed or completed as a condition precedent to the issuance of the permanent certificate of occupancy for the development, unit, lot, building or phase of development and which are not covered by an existing performance guarantee. Upon posting of a "temporary certificate of occupancy guarantee," all sums remaining under a performance guarantee, required pursuant to subparagraph (a) of this paragraph, which relate to the development, unit, lot, building, or phase of development for which the temporary certificate of occupancy is sought, shall be released. The scope and amount of the "temporary certificate of occupancy guarantee" shall be determined by the zoning officer, Township Engineer, or other municipal official designated by ordinance. At no time may the Township hold more than one guarantee or bond of any type with respect to the same line item. The "temporary certificate of occupancy guarantee" shall be released by the zoning officer, Township Engineer, or other municipal official designated by ordinance upon the issuance of a permanent certificate of occupancy with regard to the development, unit, lot, building, or phase as to which the temporary certificate of occupancy relates.

(d) A developer shall furnish to the Township a "safety and stabilization guarantee," in favor of the Township. At the developer's option, a "safety and stabilization guarantee" may be furnished either as a separate guarantee or as a line item of the performance guarantee. A "safety and stabilization guarantee" shall be available to the Township solely for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition, only in the circumstance that:

(i) site disturbance has commenced and, thereafter, all work on the development has ceased for a period of at least 60 consecutive days following such commencement for reasons other than force majeure, and

(ii) work has not recommenced within 30 days following the provision of written notice by the Township to the developer of the Township's intent to claim payment under the guarantee. The Township shall not provide notice of its intent to claim payment under a "safety and stabilization guarantee" until a period of at least 60 days has elapsed during which all work on the development has ceased for reasons other than force majeure. The Township



shall provide written notice to a developer by certified mail or other form of delivery providing evidence of receipt.

The amount of a “safety and stabilization guarantee” for a development with bonded improvements in an amount not exceeding \$100,000 shall be \$5,000.

The amount of a “safety and stabilization guarantee” for a development with bonded improvements exceeding \$100,000 shall be calculated as a percentage of the bonded improvement costs of the development or phase of development as follows:

\$5,000 for the first \$100,000 of bonded improvement costs, plus two and a half percent of bonded improvement costs in excess of \$100,000 up to \$1,000,000, plus one percent of bonded improvement costs in excess of \$1,000,000.

The Township shall release a separate “safety and stabilization guarantee” to a developer upon the developer’s furnishing of a performance guarantee which includes a line item for safety and stabilization in the amount required under this paragraph.

The Township shall release a “safety and stabilization guarantee” upon the Township Engineer’s determination that the development of the project site has reached a point that the improvements installed are adequate to avoid any potential threat to public safety.

(2)

(a) The developer shall post with the Township, prior to the release of a performance guarantee required pursuant to subparagraph (a), subparagraph (b), or both subparagraph (a) and subparagraph (b) of paragraph (1) of this subsection, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the improvements which are being released.

(b) If required, the developer shall post with the Township, upon the inspection and issuance of final approval of the following private site improvements by the Township Engineer, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the following private site improvements: stormwater management basins, in-flow and water quality structures within the basins, and the out-flow pipes and structures of the stormwater management system, if any, which cost shall be determined according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4).

(c) The term of the maintenance guarantee shall be for a period not to exceed two years and shall automatically expire at the end of the

established term.

**(3)** In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the Township for such utilities or improvements.

**b.** The time allowed for installation of the bonded improvements for which the performance guarantee has been provided may be extended by the governing body by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation, which cost shall be determined by the Township Engineer according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4) as of the time of the passage of the resolution.

**c.** If the required bonded improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the Township for the reasonable cost of the improvements not completed or corrected and the Township may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the “Local Public Contracts Law,” P.L.1971, c.198 (C.40A:11-1 et seq.).

**d.**

**(1)** Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the obligor may request of the governing body in writing, by certified mail addressed in care of the municipal clerk, that the Township Engineer prepare, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to subsection a. of this section, a list of all uncompleted or unsatisfactory completed bonded improvements. If such a request is made, the obligor shall send a copy of the request to the Township Engineer. The request shall indicate which bonded improvements have been completed and which bonded improvements remain uncompleted in the judgment of the obligor. Thereupon the Township Engineer shall inspect all bonded improvements covered by obligor’s request and shall file a detailed list and report, in writing, with the governing body, and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor’s request.

**(2)** The list prepared by the Township Engineer shall state, in detail, with respect to each bonded improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed bonded improvement determined to be unsatisfactory. The report prepared by the Township Engineer shall identify each bonded improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be

made in the performance guarantee relating to the completed and satisfactory bonded improvement, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to subsection a. of this section.

e.

(1) The governing body, by resolution, shall either approve the bonded improvements determined to be complete and satisfactory by the Township Engineer, or reject any or all of these bonded improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to subsection a. of this section. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the Township Engineer. Upon adoption of the resolution by the governing body, the obligor shall be released from all liability pursuant to its performance guarantee, with respect to those approved bonded improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that 30% of the amount of the total performance guarantee and “safety and stabilization guarantee” posted may be retained to ensure completion and acceptability of all improvements. The “safety and stabilization guarantee” shall be reduced by the same percentage as the performance guarantee is being reduced at the time of each performance guarantee reduction.

For the purpose of releasing the obligor from liability pursuant to its performance guarantee, the amount of the performance guarantee attributable to each approved bonded improvement shall be reduced by the total amount for each such improvement, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to subsection a. of this section, including any contingency factor applied to the cost of installation. If the sum of the approved bonded improvements would exceed 70 percent of the total amount of the performance guarantee, then the Township may retain 30 percent of the amount of the total performance guarantee and “safety and stabilization guarantee” to ensure completion and acceptability of bonded improvements, as provided above, except that any amount of the performance guarantee attributable to bonded improvements for which a “temporary certificate of occupancy guarantee” has been posted shall be released from the performance guarantee even if such release would reduce the amount held by the Township below 30 percent.

(2) If the Township Engineer fails to send or provide the list and report as requested by the obligor pursuant to subsection d. of this section within 45 days from receipt of the request, the obligor may apply to the court in a summary manner for an order compelling the Township Engineer to provide the list and report within a stated time and the cost of applying to the court, including reasonable attorney’s fees, may be awarded to the prevailing party.

If the governing body fails to approve or reject the bonded improvements determined by the Township Engineer to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within 45 days from the receipt of the Township Engineer's list and report, the obligor may apply to the court in a summary manner for an order compelling, within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to subsection a. of this section; and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

**(3)** In the event that the obligor has made a cash deposit with the Township or approving authority as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee, provided that if the developer has furnished a "safety and stabilization guarantee," the Township may retain cash equal to the amount of the remaining "safety and stabilization guarantee" .

**f.** If any portion of the required bonded improvements is rejected, the approving authority may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification, as set forth in this section shall be followed.

**g.** Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the governing body or the Township Engineer.

**h.**

**(1)** The obligor shall reimburse the Township for reasonable inspection fees paid to the Township Engineer for the foregoing inspection of improvements; which fees shall not exceed the sum of the amounts set forth in subparagraphs (a) and (b) of this paragraph. The Township may require the developer to post the inspection fees in escrow in an amount:

**(a)** not to exceed, except for extraordinary circumstances, the greater of \$500 or 5% of the cost of bonded improvements that are subject to a performance guarantee under subparagraph (a), subparagraph (b), or both subparagraph (a) and subparagraph (b) of paragraph (1) of subsection a. of this section; and

**(b)** not to exceed 5% of the cost of private site improvements that are not subject to a performance guarantee under subparagraph (a) of paragraph (1) of subsection a. of this section, which cost shall be determined pursuant to section 15 of P.L.1991, c.256 (C.40:55D-53.4).

**(2)** For those developments for which the inspection fees total less than \$10,000, fees may, at the option of the developer, be paid in two installments. The initial

amount deposited in escrow by a developer shall be 50% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Township Engineer for inspections, the developer shall deposit the remaining 50% of the inspection fees.

(3) For those developments for which the inspection fees total \$10,000 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited in escrow by a developer shall be 25% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Township Engineer for inspection, the developer shall make additional deposits of 25% of the inspection fees.

(4) If the Township determines that the amount in escrow for the payment of inspection fees, as calculated pursuant to subparagraphs (a) and (b) of paragraph (1) of this subsection, is insufficient to cover the cost of additional required inspections, the Township may require the developer to deposit additional funds in escrow provided that the Township delivers to the developer a written inspection escrow deposit request, signed by the Township Engineer, which: informs the developer of the need for additional inspections, details the items or undertakings that require inspection, estimates the time required for those inspections, and estimates the cost of performing those inspections.

I. In the event that final approval is by stages or sections of development pursuant to subsection a. of section 29 of P.L.1975, c.291 (C.40:55D-38), the provisions of this section shall be applied by stage or section.

j. To the extent that any of the improvements have been dedicated to the Township on the subdivision plat or site plan, the municipal governing body shall be deemed, upon the release of any performance guarantee required pursuant to subsection a. of this section, to accept dedication for public use of streets or roads and any other improvements made thereon according to site plans and subdivision plats approved by the approving authority, provided that such improvements have been inspected and have received final approval by the Township Engineer.

## 184 IMPROVEMENTS

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### 184.2—Performance Guaranties Required for Certain Installations Underground Utilities; Topsoil

~~—Prior to the granting of final approval of a major subdivision, the applicant shall have installed or shall have furnished performance guarantees in accordance with the provisions of this Section for the~~

ultimate installation of the following where deemed necessary or appropriate by the approving authority:

- ~~a. All improvements to be constructed in accordance with road, water and sewer ordinances in the Township.~~
- ~~b. Curbs and/or gutters are to be installed on both sides of all roads and shall conform to all Township ordinances as required by the approving authority. Sidewalks are to be provided for as specified by the approving authority.~~
- ~~c. Street signs shall match those in use throughout the Township.~~
- ~~d. The applicant shall install street lights, including fixtures. Street lights shall be installed so as to minimize future maintenance costs to the Township while still providing adequate lighting for purposes of traffic and safety. Street lights be installed in accordance with the standards of Section 153.2.~~
- ~~e. Shade trees to be located as directed by the Township Shade Tree Committee in accordance with the requirements set forth in Section 153.~~
- ~~f. Monuments, to be of the size and shape required by N.J.S.A. 47:23-9.9 et seq., as amended and supplemented, and to be placed in accordance with said statute.~~
- ~~g. Water mains, culverts and storm sewers shall be properly connected with an approved system and shall be adequate to handle all present and probable future development. All sewer connection fees for all lots shall be paid to the Township. All the above listed improvements shall be subject to inspection and approval of the Township Engineer, who shall be notified by the developer at least forty eight (48) hours prior to construction.~~
- ~~h. Public improvements of open space and, in the case of site plans only, other on-site improvements and landscaping.~~
- i. In all developments where underground installation of utilities is required, the developer shall arrange with the serving utility for the underground installation of the utility's local distribution service lines and service connections in accordance with the provisions of the applicable standard

terms and conditions incorporated as a part of its tariff as the same are then on file with the State of New Jersey Board of Regulatory Commissioners and shall submit to the approving authority prior to the granting of final approval, a written instrument from each serving utility which shall evidence full compliance with the provisions of this subsection; provided, however, that lots in such subdivisions which abut existing streets where overhead electric or telephone distribution supply lines have therefore been installed on any portion of the streets involved may be supplied with electric and telephone service from such overhead lines or extensions thereof, but the service connections from the utilities overhead lines shall be installed underground; provided, also, that telephone service pedestals, distribution transformers; switches and appurtenances may be above the ground. No underground installation should be covered until inspected and approved. No topsoil shall be removed from the site nor used as spoil unless approved by the Township Committee. ~~Topsoil moved during the course of construction shall be redistributed so as to provide at least six (6) inches of cover to all area of the subdivision and shall be stabilized by seeding or planting.~~

~~184.3 Amount or Equivalent of Guaranty~~

~~————— No final plats shall be approved by the approving authority until the completion of all such required improvements has been certified through the approving authority by the Township Engineer, unless the applicant shall have filed with the Township the performance guaranty and the engineering inspection escrow required by this Section and shall have executed a developer's agreement as required by Section 184.1. In addition, no final plat shall be approved until the required maintenance guaranty is filed for all completed improvements.~~

**MOVED** by \_\_\_\_\_ of the Township Committee of the Township of Long Hill, that Ordinance #410-18 is hereby adopted. **SECOND** by: \_\_\_\_\_. **ROLL CALL VOTE:**

**DISCUSSION:**

**OLD BUSINESS/NEW BUSINESS:**

**ANNOUNCEMENTS/CORRESPONDENCE:**

- JCP&L Life Support Equipment Notice
- Arbor Day is April 17<sup>th</sup>

- 2018 Challenge Grant in progress- 14 trees still available @ \$175/tree. Application available on line. Payment made at the Clerk's office.

**MEETING OPEN TO THE PUBLIC:**

- Remarks and Statements Pertaining to Any Matter
- Comments and remarks will be limited to 3 Minutes

**ADJOURNMENT**