

FORM NO. 27

EXAMPLE OF PLANNING BOARD CONDITIONS ATTACHED TO PRELIMINARY SITE PLAN AND MINOR SUBDIVISION APPROVAL

The following are typical conditions attached to a preliminary approval. They were prepared by Robert T. Morgenstern, Esq. for an application before a township in Sussex County. They are furnished as illustrative only and do not indicate either approval or disapproval by the author or publisher.

CONDITIONS OF APPROVAL

1. Subject to the approval of the County Planning Board and compliance with all conditions of that approval.

2. Subject to the approval of the Board of Chosen Freeholders of the County of and the township committee of Eden with respect to the proposed relocation of a portion of Eden Road.

3. Subject to the establishment of wetlands transition zones by the Department of Environmental protection and approval of any proposed filling of wetlands.

4. No change of grade or filling of any wetlands or wetlands buffer zones shall be undertaken without the written approval of the Department of Environmental protection.

Metes and bounds descriptions of all wetlands shall be shown on the preliminary and final maps and the deeds for the affected lots. All such deeds shall contain the following provisions:

The lands designated herein are wetlands and wetland buffer areas. There shall be no fill, improvement or change of grade within the wetlands or wetlands buffer areas without written approval of the N.J. Department of Environmental Protection. This restrictive covenant shall run with the land and be binding upon the grantees, their heirs, successors and assigns.

5. Subject to the dedication by deed of the revised right-of-way for Eden Road, together with slopage and drainage rights to the Township of Eden and the acquisition of the small piece of Block 116, Lot 4, which will be a portion of the realigned right-of-way of Eden Road and shall also be deeded to Eden Township, after approval by the D.O.T., County, DEP and Township Committee.

6. Dedication of sight triangle easements to the Township of Eden at the proposed intersection of Eden and Paradise Roads as per report of the Board Engineer dated March 7, 2001, Item No. 3, a copy of which is attached hereto.

7. Dedication by deed of land to the County along Paradise Road as required by the County after approval by the Department of Environmental protection and Department of Transportation.

8. Vacation by the Township of Eden of the portion of old Eden Road as shown on Sheet 16 referred to hereinabove.

9. Cross-easements shall be provided for parking and access drives between proposed Lots 3.02 and 3.03, Block 116, and such proposed easements shall be submitted to the Board Attorney and Engineer for approval as to form at the time of final major subdivision approval.

10. Elimination of the existing billboard on Block 117, Lot 2 in accordance with a time frame to be established with the Board prior to final approval.

11. Subject to approval of proposed septic systems for the Township Board of Health and, if applicable, the DEP, prior to building permits being issued for the lots.

12. Execution of the developer's agreement between the developer, Township of Eden and County of Sussex as to the construction and realignment of the portion of Eden Road as shown in the plans submitted to this Board which agreement shall be submitted to the Board Attorney prior to execution for approval as to form.

13. Subject to the execution of a deed to the owner of Block 116, Lot 1 as shown on sheet 16 of the plans hereinabove referred to to give said lot full access to Oasis Road and the creation of Lot 1 as designated on said plans and to restore said lot to a minimum area of 43,560 square feet, at the time of final major subdivision approval.

14. The applicant shall deed 20,908 square feet lying to the north of the existing Block 117, Lot 3 to the owner of Block 117, Lot 3 so as to provide that lot with access to the relocated Eden Road, as a condition of final major subdivision approval.

15. The applicant shall deed 5,224 square feet to the owner of Block 117, Lot 4 in order to provide the owner of the lot with additional frontage on the realigned Eden Road, at the time of final major subdivision approval.

16. Applicant shall comply with all requirements set forth by the Board engineer in his letter of May 6, 2001, annexed hereto, to the extent that they have not already been complied with.

17. Block 117, Lot 2 shall be merged and become a part of Block 116, Lot 3.02, after the vacation' of the portion of Eden Road as shown on said plan and applicant shall include in any deed given for Block 116, Lot 3.02 a deed restriction to the effect that Block 117, Lot 2 shall be merged as aforesaid and further that no improvements shall be constructed on the premises now known as Block 117, Lot 2. Said proposed deed shall be submitted to the Board at time of submission of application for final approval.

18. A deed shall be executed and submitted to the Board in escrow conveying the lands and premises designated as intended to be conveyed to the owner of Lot 3, Block 117 on Sheet 15 of the plans submitted to this board and said conveyance shall be recorded upon vacation of old Eden Road and the completion of construction of the proposed realignment of Eden Road and upon the grant of final major subdivision by this Board.

19. Subject to the posting of all required performance guarantees and soil erosion and sediment control approval prior to any construction work being done by the applicant.

20. Applicant shall build a paved parking lot on the premises designated as Block 116, Lot 1 for the use and benefit of the owner of said property accessible from Paradise Road to contain a minimum of ___square feet and ___ parking spaces each 10' x 20' in size and this shall be done as part of Phase I construction and before a certificate of occupancy is issued on any building to be constructed on Block 116, Lot 3.03.

21. Payment of all taxes, fees, and required escrow deposits to the Township of Eden. Applicant shall pay any additional fees or escrow deposits which may be due and owing within thirty (30) days from the date of adoption of this resolution.

22. All utilities including electric shall be constructed underground. Applicant shall submit a utility plan prepared by the utility for approval of this board which shall review and approval the utility plan prior to the construction of the utilities.

23. Any restrictive covenant proposed to be included in deeds to purchasers shall be set forth in the final plat and a copy thereof shall be submitted to the Board for approval.

24. All sight triangle easements and slope and drainage rights as hereinabove required shall be conveyed to the Township of Eden and/or the County of Sussex at the time of final approval.

25. All documents required to be prepared by applicant by virtue of the terms or provisions of any conditions set forth in this resolution shall, before execution, be submitted to and approved by the Board Attorney and Board Engineer.

26. Applicant shall comply with all conditions of approval within 190 days and shall submit an affidavit of compliance showing the condition that each document satisfies.

27. If another governmental agency grants a waiver or variance of a regulation, then this Board shall have the right to review that issue as it relates to this approval granted by this Board and modify or amend same.

28. The applicant shall comply with all federal, state and local laws, rules and regulations and obtain other required governmental approvals in the implementation of this subdivision.