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Planner's Report

To: Planning Board Members
Buena Vista Township

From: Randall Scheule, PP/AICP
Planning Board Planner

Date: November 6, 2012

Zone: RDR-1 Residential Zone

Re: Imaje, LLC - "Norman & Hopkins Estates"
Block 1904, Lots 5-7; Block 2409, Lots 2-4; Block 2501, Lot 1; Block 2503, Lot 11;
Block 2504, Lots 1, 9-11; Block 3302, Lots 3, 7.08; Block 3303, Lot 1
Public Hearing - Preliminary Major Subdivision

Introduction - This report is provided to assist the Planning Board's deliberations relative to the above referenced application. The comments and recommendations contained herein are based on my review of the development application, the Buena Vista Township Master Plan, the Zoning and Development Code and such other sources as may be noted below.

Plans and Documents - The following plans and documents constituting the above development application have been reviewed and provide the basis for the comments and recommendations which follow.

- ◆ Buena Vista Township Comprehensive Application Form (completed by applicant) with Attachments A-F
- ◆ Geometry Plan, Robert J. Monson (7 sheets), August 12, 2010
- ◆ Plan of Survey, Robert J. Monson (1 sheet), October 7, 2011, last revised September 7, 2012
- ◆ Major Subdivision Plan (44 sheets), Swiderski Associates, March 8, 2010, last revised August 22, 2012
- ◆ "Fiscal Impact Analysis," William D. Crane, PP, AICP, July, 2010
- ◆ "Traffic Impact Report," Litwornia Associates, LLC, June 28, 2010
- ◆ "Certificate of Filing" NJ Pinelands Commission, July 7, 2010
- ◆ Cover letter (3 pages), Swiderski Associates, February 21, 2011

Imaje, LLC - "Norman & Hopkins Estates"
Preliminary Major Subdivision
B u e n a V i s t a T o w n s h i p

- ◆ Plan of Survey, Robert J. Monson (2 sheets), July 14, 2008, last revised September 7, 2012
- ◆ Transmittal letter (1 page), Swiderski Associates, June 20, 2012
- ◆ Norman & Hopkins Estates, Attachment "D," July 31, 2012, last revised June 20, 2012
- ◆ Threatened and Endangered Species Surveys, Herpetological Associates, January 30, 2009
- ◆ Transmittal letter (2 pages), Swiderski Associates, September 12, 2012
- ◆ Response to Engineer's review letter (5 pages), Swiderski Associates, September 12, 2012
- ◆ Response to Engineer's review letter (29 pages), Litwornia Associates, June 28, 2012

Development Proposal - Applicant proposes a residential cluster subdivision of the above 260.57 acre tract into 103 lots with development to occur in six phases. Of the 103 proposed lots, 97 lots will contain single-family dwellings (two existing dwellings and 95 new dwellings), and six lots will contain stormwater infiltration basins. The proposed new development is proposed to be served by individual on-site septic systems and private wells.

This application proposes improvements to Norman Road, Ninth Street and Tenth Street. The proposed new roads are to be constructed per the requirements of the *Residential Site Improvement Standards*. Completion of the off-tract improvements will be guaranteed by the applicant via bond and/or letter of credit. All development, including septic systems, clearing and land disturbance is required to maintain a 300 foot buffer to wetlands located on and within 300 feet of the subject parcel.

Approvals Required - This development proposal requires the following approvals from the Buena Vista Township Planning Board:

1. Preliminary and Final Major Subdivision
2. Bulk (c) variances:
 - a. Lot Width - proposed Block 3302, Lot 3.07
 - b. Lot Width - proposed Block 1904, Lot 6.11
 - c. Lot Width - proposed Block 2504, Lot 11.18
 - d. Side Yard - proposed Block 3302, Lot 3.01(existing dwelling)
3. Design Waivers:
 - a. Curb and sidewalk - all streets
 - b. Cartway width - to permit 24' and 28' widths
 - c. Street trees
 - d. Stormwater basin fencing
 - e. Stormwater basin perimeter landscaping

Development Context - The subject tract is located in the southwest area of the Township. According to the submitted plans, with the exception of two existing homes that are being

retained, the site is devoid of any buildings or structures. The Pinelands Commission has noted the presence of wetlands on and within 300 feet of the parcel. These wetlands are located at the northern end of the parcel adjacent to Norman Road. The remainder of the site appears to be forest covered.

The subject parcel and the majority of adjoining properties are located within the Township's RDR-1 Residential District. The Master Plan recognizes this land use classification as an area where medium density residential growth is appropriate. In addition to single-family homes, the RDR-1 zone permits farms, recreational facilities, churches, schools and other compatible uses.

Zoning Conformance - The following table denotes conformance of the development proposal with the Buena Vista Township RDR-1 Residential zone (cluster provisions).

RDR-1 Residential Zone¹

Zone Standard	Zoning Requirement	Proposed Condition	Variance Required?
Use	Residential	Residential	No
Lot Area	3.2 Acres 1.0 Acres	1.0 Acres	No
Lot Width	130 FT	<130 FT	YES (3 lots)
Cluster Density	1 unit/3.2 acres = 81	1 unit/3.2 acres = 81	No
Density Bonus ²	20% bonus = 16	20% bonus = 16	No
Total Units	97 units	97 units	No
Lot Depth	130 FT	130 FT	No
Front Setback	40 FT	40 FT	No
Side Setback	20 FT	9.2 FT	YES (1 lot)
Rear Setback	30 FT	30 FT	No
Building Height	30 FT	30 FT	No
Lot Coverage	10%	10%	No

¹ Lot Area, Lot Width, Lot Depth, Front, Side and Rear Yards adjusted pursuant to the Cluster Development provisions (§49-106)

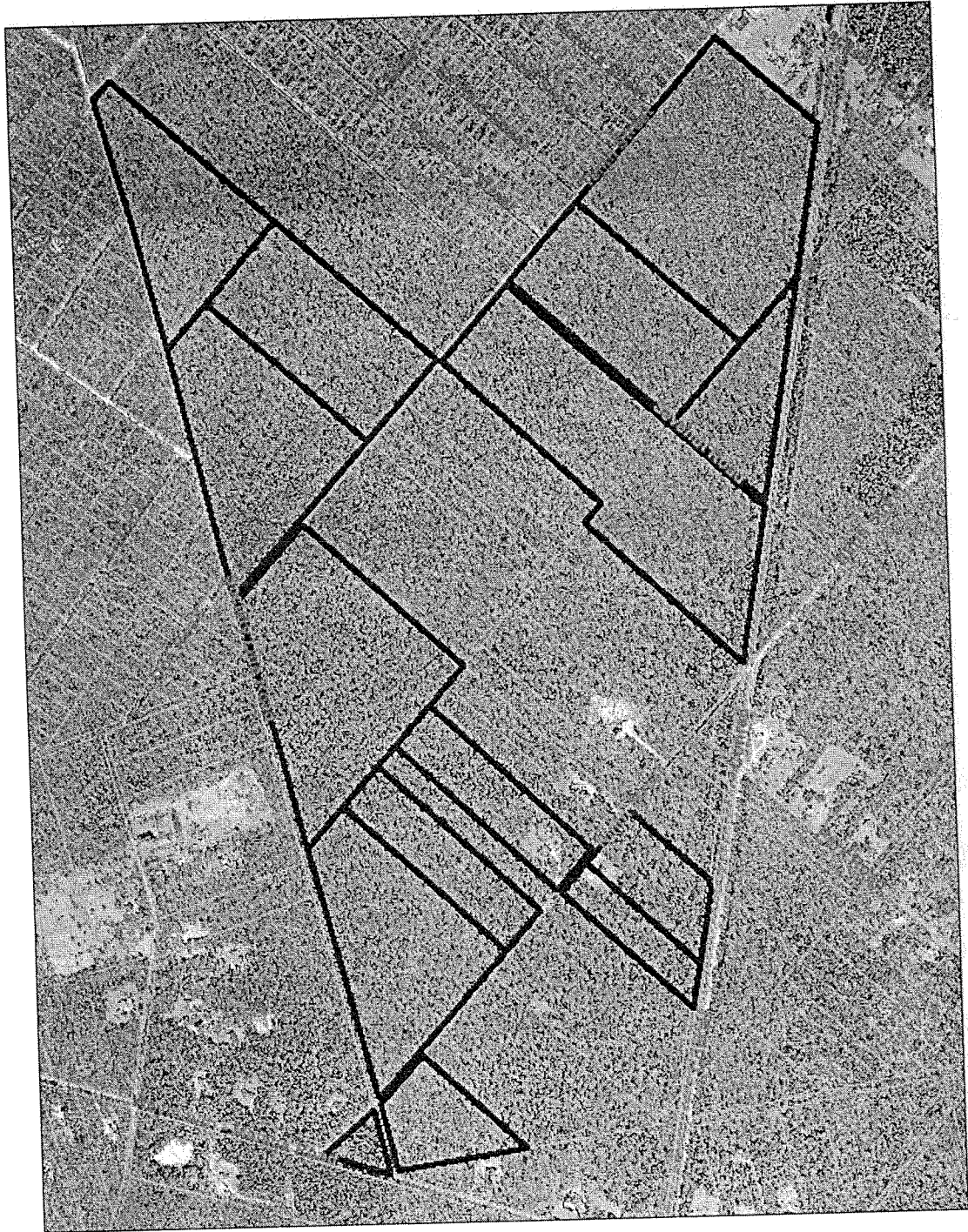
² Twenty percent density bonus permitted by §49-59.1A of the Township Code

Summary of Variances and Design Waivers - Based on the plans submitted, Applicant requires approval of the following variances and design waivers, and including any that may be cited in the Township Engineer's report:

1. Lot Width - The Zoning Ordinance requires a minimum lot width of 130 feet. Nonconforming lot width is proposed for the following new lots:
 - a. Block 2504, Lot 6.11
 - b. Block 2504, Lot 11.18
 - c. Block 3302, Lot 3.07
2. Side Yard - The Zoning Ordinance requires a minimum side yard of 20 feet. Existing Block 3302, Lot 3 consists of 8.55 acres and contains a single-family residence constructed in 1967. The plans indicate that this proposed Lot 3.01 will be reduced to 1.1 acres and will retain the residence located within 9.2 feet of the southerly side property line. This nonconforming side yard will be unaffected by the proposed subdivision.
3. Streets, Curb and Sidewalk - Township Code requires curb and sidewalk on both sides of all new streets. Applicant proposes curb at intersections only, and sidewalk is proposed on only one side of the streets. The proposed design in terms of streets, shoulders, curbs and sidewalks is consistent with the "Residential Site Improvement Standards" (RSIS).
4. Street Trees - Applicant proposes the use of on-site deciduous trees with a minimum 3-inch caliper. In those areas where native the trees are not sufficient, we recommend nursery-grown Grade "A" trees appropriate to the area installed per the American Association of Nurserymen standards at regular intervals, at least two per lot along both sides of all streets.
5. Stormwater Basin Fence - Applicant does not propose to install fence around the basins.
6. Stormwater Basin Landscaping - Applicant does not propose any landscaping around the perimeter of the stormwater basins.

Applicant is required to address all requests for waivers, variances or other adjustments as required by Section 98-54 of the Township Code and the MLUL as appropriate.

Aerial Image



Proposed development parcels outlined in black -

Technical Comments - Applicant shall indicate the plan's conformance to the following comments.

General -

1. Applicant proposes a major subdivision pursuant to the Township's cluster development provisions contained in §49-59.1 and §49-106 of the development regulations. The proposed development will result in 97 residential lots, and six lots to be utilized for stormwater facilities and open space.
2. The development tract consists of fifteen separate lots comprising 260.56 acres. The development tract contains two existing dwellings that are to be retained.
3. The bulk and area requirements applicable to this application are noted in the above Zoning Conformance section. Cluster development is permitted in the Rural Development Residential-1 district subject to the following regulations:
 - a. The residential cluster shall be located on the parcel such that the development:
 - i. Is located proximate to existing roads;
 - ii. Is located proximate to existing developed sites on adjacent or nearby parcels;
 - iii. Is or will be appropriately buffered from adjoining or nearby non-residential land uses; and
 - iv. Conforms to the minimum standards of Article VIII of the Township Code.
 - b. Development within the residential cluster shall be designed as follows:
 - i. Residential lots shall be one acre in size but may be larger if dictated by unusual site conditions. In no case shall the average size of residential lots within a cluster exceed 1.1 acres;
 - ii. All residential lots shall meet the following minimum requirements:
 - a) Minimum lot width: 130 feet;
 - b) Minimum lot depth: 130 feet;
 - c) Minimum side yards: 20 feet;
 - d) Minimum front yard: 40 feet; and
 - e) Minimum rear yard: 30 feet.
 - iii. Individual on-site septic waste water treatment systems which are not intended to reduce the level of nitrate/nitrogen in the waste that comply with the standards of §49-51B(4) may serve the lots within the cluster development area. However, in the event that existing agricultural uses will continue on the parcel in accordance with (c)(iii) below, individual on-

- site septic waste water treatment systems shall comply with the standards of §49-51B(5) or (7). Community on-site waste water treatment systems serving two or more residential dwelling units which meet the standards of §49-51B(5) or (7) shall also be permitted;
- iv. The residential cluster development area shall include such land and facilities as are necessary to support the development, including wastewater facilities, stormwater management facilities and recreation amenities; and
 - v. Permitted recreation amenities may include playgrounds, tot lots, swimming pools, tennis courts and other such recreational facilities, which are solely for use by the residents of the cluster development. Recreational amenities shall not be limited to the foregoing so that the applicant may propose additional facilities. All such facilities shall be accessory to the residential cluster development. No advertising or commercial enterprise shall be permitted. In no case may such amenities occupy more than one-half acre of land or the equivalent of one acre of land for every 25 residential lots, whichever is greater.
- c. The balance of the parcel located outside of the residential cluster development shall be owned and managed by a duly constituted homeowners' association, a non-profit conservation organization, Buena Vista Township or incorporated as part of one of the lots within the cluster development area.
- i. All such land shall be permanently protected through recordation of a deed of conservation restriction. Such restriction shall be in favor of Buena Vista Township or another public agency or non-profit conservation organization. In all cases, such restriction shall be expressly enforceable by the Pinelands Commission. The deed restriction shall be in a form to be approved by the Township Attorney, the Zoning Officer and the Pinelands Commission; and
 - ii. Such deed of conservation restriction shall permit the land to be managed for low intensity recreation, ecological management and forestry, provided that no more than five (5) percent of the land may be cleared, no more than one (1) percent of the land may be covered with impervious surfaces and any such uses or activities are approved and conducted in accordance with the requirements of Chapter 49.
 - iii. Where agricultural use exists on a parcel proposed for cluster development, the following standards shall apply:
 - a) For those agricultural uses in existence as of April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses and the expansion of the area of agricultural use by up to 50 percent;
 - b) For those agricultural uses established after April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses,

- provided the agricultural use has been in existence for a period of at least five years prior to submission of an application for cluster development;
- c) For those agricultural uses established after April 6, 2009 which do not meet the standards of (c)(iii)b) above, the deed of restriction shall permit the land to be managed only in accordance with (c)(ii) above and shall not provide for continuation of any agricultural use on the parcel;
 - d) The deed of restriction to be recorded pursuant to (c)(iii)a) or b) above shall authorize agricultural uses and provide that impervious surface may not exceed that which currently exists or three percent, whichever is greater, unless a Resource Management System Plan has been prepared. Before these impervious surface limits may be exceeded, evidence of Pinelands Commission approval of the Resource Management System Plan shall be provided. If the deed of restriction is in favor of Atlantic County or the State Agricultural Development Committee, evidence of their approval shall also be provided; and
 - e) For parcels which meet the standards of (c)(iii)a) or b) above, a provision shall be recorded in the deed for each residential lot within the cluster development area which acknowledges agricultural use of the protected land outside the cluster development area and recognizes the legal protections afforded to that use through the deed of restriction and any applicable statutes.
4. The *Bonus Density* permitted by §49-59.1 of the Township Code shall not apply to parcels in common ownership as of April 6, 2009. In order to be eligible for the *Bonus Density*, an applicant must document the acquisition of additional vacant, contiguous land on or after April 6, 2009. Such land must be included in the application for cluster development and result in the preservation of a larger area of open space. Upon the acquisition of such lands, the *Bonus Density* set forth in §49-59.1(a) shall apply to the entire contiguous parcel which is the subject of the cluster development application.

Streets and Sidewalks -

- 5. Sight easements are required at all intersections, and are to be dedicated to the municipality per §49-29.B(10) of the Township Code.
- 6. The plans shall be revised as necessary to provide the required sight easements at all intersections.

7. Applicant is proposing bus stops at a number of locations within the proposed development. Applicant shall affirm that the proposed bus stop locations are acceptable to the Buena Vista Township School District.
8. Except as otherwise provided below, sidewalks shall be required along all streets. Applicant proposes sidewalks on only one side of the streets and does not propose internal open space walkways.
9. In those cases where a developer requests a waiver from the requirements for sidewalks as set forth in the ordinance, the municipal agency, in considering such waiver, shall take into account the following guidelines:
 - a. Sidewalks should be required in the case of any development or portion thereof lying in close proximity to school sites and other pedestrian movement generators, including but not limited to recreational facilities, churches, clubs, eating establishments and retail shopping centers.
 - b. In situations other than those listed in Comment 9.a (above), sidewalks along both sides of a street should be required when permitted gross residential densities are three or more dwelling units per acre and no internal open space walkway system is provided; along one side of a street only in cases where gross residential densities range between one dwelling unit and three dwelling units per acre and no internal open space walkway system is provided; and no sidewalk should be required in cases where permitted gross residential densities are less than one dwelling unit per acre or where adequate internal open space walkway systems are provided. In all cases, the municipal agency should take into account the nature and intensity of neighboring uses as well as the peculiar size, use and character of the development proposed.

Street Trees -

10. §49-36 of the Township Code requires that wherever possible, the developer shall endeavor to preserve existing trees. Such existing trees, when located in reasonable proximity to the street line, may substitute for required new street tree planting. In other cases, the developer shall consult with the Buena Vista Township Shade Tree Commission, if there is one; or if not, the Atlantic County Agricultural Extension Service and, on advice of such agency, propose a street tree planting scheme providing acceptable species of shade or ornamental trees at least 2-1/2 inches in diameter, measured three feet above the ground, located in a manner that will result in a minimum of damage to sidewalks or utilities. The species, size, spacing and locations shall be as specified by the municipal agency on the advice of the Township Engineer.

11. The applicant proposes to utilize existing on-site trees to satisfy the street tree requirement. Deciduous trees to be used for this purpose will have a 3-inch diameter, and be located at approximately 50-feet on-center. In the event the Township determines that on-site trees are not suitable as street trees, applicant shall be required to obtain and install nursery-grown stock.

Streetlighting -

12. §49-37 of the Township Code requires that adequate streetlighting be provided along all proposed new streets of a type and at intervals specified by the Township Engineer. At a minimum, such lighting shall be installed at any street intersection, at pedestrian crosswalks and at any private drive providing access to 10 or more parking spaces. Such lighting shall be installed according to a plan approved by appropriate Lighting District Commissioners and be subject to inspection by the Township Engineer.
13. The wooden streetlight poles should be replaced with either aluminum or fiberglass poles.

The detail on Sheet 41 has been revised to indicate that the streetlight poles will be either aluminum or fiberglass.

Vegetation and Landscaping -

14. §49-47 of the Township code requires:
 - a. All clearing and soil disturbance activities shall be limited to that which is necessary to accommodate an activity, use or structure which is permitted by the Township Code.
 - b. Where practical, all clearing and soil disturbance activities associated with an activity, use or structure, other than agriculture, forestry and resource extraction, shall:
 - i. Avoid wooded areas, including New Jersey's Record Trees as published by the New Jersey Department of Environmental Protection in 1991 and periodically updated.
 - ii. Revegetate or landscape areas temporarily cleared or disturbed during development activities. The applicant shall provide a plan that addresses this landscaping requirement.
15. All applications for major development shall contain a landscaping or revegetation plan which incorporates the elements set forth in Comment 16 below.

16. In order to conserve water, conserve natural features and reduce pollution from the use of fertilizers, pesticides and other soil supplements, all landscaping or revegetation plans shall incorporate the following elements:
- a. The limits of clearing shall be identified;
 - b. Existing vegetation, including New Jersey's Record Trees as published by the New Jersey Department of Environmental Protection in 1991 and periodically updated, shall be incorporated into the landscape design where practical.
 - c. Permanent lawn or turf areas shall be limited to those specifically intended for active human use, such as playfields, golf courses and lawns associated with a residence or other principal nonresidential use. Existing wooded areas shall not be cleared and converted to lawns except when directly associated with and adjacent to a proposed structure.
 - d. Shrubs and trees authorized by N.J.A.C. 7:50-6.25 shall be used for revegetation or landscaping purposes. Other shrubs and trees may be used in the following circumstances:
 - i. When the parcel to be developed or its environs contain a predominance of shrubs and tree species not authorized by N.J.A.C. 7:50-6.25;
 - ii. For limited ornamental purposes around buildings and other structures;
or
 - iii. When limited use of other shrubs or tree species is required for proper screening or buffering.

Stormwater Basins -

17. Due to the depths of the proposed stormwater basins perimeter fencing to prevent unauthorized access and protect public safety should be provided. Chain link fence is not acceptable at locations adjacent to, or where it will be highly visible from public streets or residential properties.
18. Landscaping that will provide a year-round screen should be provided around the perimeter of all basins, and to screen any outfall or other structural element of the basins. The plans do not demonstrate compliance with these basin screening requirements.

Fish and Wildlife -

19. Information provided by the applicant indicates that a portion of the development site is located within critical nesting habitat buffers for barred owls and coopers hawks. The applicant shall clarify what affect, if any, these buffers will have on the development as proposed.
20. §49-48 of the Township Code stipulates the following:
 - a. Protection of threatened or endangered wildlife. No development shall be carried out in the Pinelands Area unless it is designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of threatened or endangered animals designated by the Department of Environmental Protection pursuant to N.J.S.A. 23:2A-1 et seq.
 - b. Protection of wildlife habitat. All development or other authorized activity shall be carried out in the Pinelands Area in a manner which avoids disturbance of fish and wildlife habitats that are essential to the continued nesting, resting, breeding and feeding of significant populations of fish and wildlife in the Pinelands.

Recreation and Open Space -

21. No recreational facilities are proposed as part of this development. In lieu of providing recreational facilities, applicant has elected to offer a contribution to the Township for recreational purposes.
22. According to the information on Sheet 43 of the plan set, the development provides 61.5 acres of common open space with approximately ten (10) acres comprised of stormwater basins.
23. §49-54 of the Township Code requires that all recreation developments in the Pinelands Area conform to the following requirements:
 - a. Barrier-free design. All recreation areas and facilities shall be designed in accordance with the New Jersey Department of Environmental Protection publication, Administration Guidelines: Barrier-Free Design Standards for Parks and Recreational Facilities.
 - b. Bicycle ways. Improved bicycling facilities shall be provided only in conjunction with paved roads.
24. §75-2 of the Township Code stipulates that the area reserved for open space and recreation in meeting the purpose of this chapter shall only be used for open space and

recreation and shall not include rights-of-way, easements, stormwater management facilities, and other areas that may be deemed inappropriate to satisfy this requirement of the chapter by the Planning Board due to constraints on the area designated for open space and recreation which would prevent the use of the area by the majority of the public. Therefore, said open space and recreation shall also be accessible to the majority of the public. Said open space and recreation area shall also be accessible to the majority of residents and centrally located within the proposed development unless it can be demonstrated that another location is more suitable in satisfying the chapter requirements. Also, in selection and development of the area reserved for open space and recreation, full consideration shall be given to the preservation of natural features.

25. §75-3 requires that the method utilized to preserve the open space and recreation shall be by easement, deed restriction, dedication to the Township of Buena Vista, or other means as agreed upon by the Planning Board.

26. §75-4 provides standards for contributions in lieu of providing active recreation where the Planning Board, in its discretion, determines that the public interest is best served by waiving all or part of the active recreation facilities required by §75-5 of the ordinance.

a. Applicants for major subdivisions of land shall be required to pay \$2,500 per duly created lot prior to the signing of the deed or final plot plan by any Planning Board representative or providing the active recreational facilities as set forth in § 75-5 of the Township Code.

27. §75-5. Facilities required.

a. Subdivisions and residential developments that do not meet the requirements for a minor subdivision/development shall be required to provide the facilities depending on the number of lots/dwelling units, as follows:

<u>Total New Lots/Dwelling Units</u>			<u>Number of Facilities</u>	
<u>From</u>	<u>To</u>	<u>Tot-lot</u>	<u>Multi-purpose Field</u>	<u>Hard Court</u>
10	15	1	—	—
16	25	1	1	—
26	50	1	1	1

<u>Total New Lots/Dwelling Units</u>			<u>Number of Facilities</u>	
<u>From</u>	<u>To</u>	<u>Tot-lot</u>	<u>Multi-purpose Field</u>	<u>Hard Court</u>
51	75	2	1	1
76	100	2	1	2
101	150	2	2	2
151	200	3	3	3
201	250 plus	4	4	3

- b. The land area to be reserved for recreation shall be sufficient in size and character, inclusive of adequate frontage, upland, and meeting the conditions of the general requirement in §195-2 in order to contain the required improvements as well as provide sufficient area for access, pedestrian circulation and open space between and among facilities, and maintenance of facilities and grounds as determined by the Planning Board. The land area to be considered in providing the required recreation facilities shall be at least 5,000 square feet and shall provide at least 50 feet of frontage on an improved street meeting the minimum requirements for a street within the Town of Buena Vista.
- c. The requirements listed in Comment 27.a are minimum requirements and do not preclude an applicant from providing such additional recreation facilities and open spaces as voluntarily deemed appropriate and accepted by the Planning Board.
- d. Subdivisions/residential developments that require more than one tot-lot as referenced in Comment 27.a may elect to provide additional recreational facilities at one tot-lot location as agreed upon by the approving authority. For example, the required jungle gym, swingsets and benches within a tot-lot may be expanded by providing at one location additional accessories to the jungle gym, two swingsets or one swingset and one merry-go-round, and several benches.
- e. Subdivision/residential developments that require more than one hard court as listed in Comment 27.a shall incorporate a variety of recreational facilities in order to balance the recreational needs of the community. For

example, a development requiring two hard courts may elect to establish one basketball court and one tennis court. However, two basketball courts shall be prohibited unless the applicant can demonstrate a specific need to the satisfaction of the Planning Board.

28. §75-8. Contribution in-lieu of open space and recreation.

- a. The applicant may propose to substitute the provision of open space and recreation by providing a payment in-lieu of satisfying these requirements to a reserve for open space and recreation improvements maintained by the Township of Buena Vista specifically for the purpose of purchasing, leasing, acquiring and/or maintaining open space and recreation lands and improvements for the use of the residents of the Township. Payment of the contribution shall be made at the time of final approval and prior to signature of the final plan by the Chairperson and Secretary of the Planning Board. Any proposal to substitute a payment in lieu of satisfying these requirements shall be at the discretion of the Planning Board.
- b. The Township Engineer shall prepare an estimate of the costs of facilities required for the respective development under this chapter, inclusive of construction costs and the value of land, and forward a copy of the estimates to the Planning Board. Also, the Township Engineer shall update the estimate as may be required, considering construction costs and land values may change over time.
- c. In determining the acceptance of the proposed contribution or payment in-lieu, the Planning Board shall review the Township Engineer's estimate and shall consider the availability of alternative recreational facilities for the residents of the subdivision/residential development and the use to which such contribution may be placed for the residents of the development and the Township at-large.
- d. The Planning Board shall have the sole discretion, on a case-by-case basis to determine in which cases active recreation facilities are required and the payment of the contribution in-lieu of providing said facilities is permitted. The Planning Board may, at its sole discretion, decide whether all or part of an in-lieu contribution is acceptable.
- e. All funds collected from applicants, who make payments in-lieu of providing active recreation, shall be deposited by the Township Clerk

Administrator in a special reserve account designated as the Township's recreation account and shall not be used for any other purposes.

Fire Management -

29. The application shall be revised as necessary to address the requirements of § 49-53 Fire Management. The environmental report referred to in the Swiderski letter may include the information necessary to classify the fire hazard rating of the subject tract.

30. The following vegetation classifications shall be used in determining the fire hazard:

<u>Hazard</u>	<u>Vegetation Type</u>
Low	Atlantic White Cedar Hardwood swamps
Moderate	Non-Pine Barrens forest Prescribed burned areas
High	Pine Barrens forest, including mature forms of pine, pine-oak or oak-pine
Extreme	Immature or dwarf forms of pine-oak or oak-pine Pine scrub oak and pine lowlands (all size classes)

31. Fire hazard development restrictions. No development shall be carried out in the Pinelands Area in vegetated areas which are classified as moderate, high or extreme hazard under the fire hazard classification set out in Comment 30 above unless such development complies with the following standards:

- a. All proposed developments, or units or sections thereof, of 25 dwelling units or more will have two accessways of a width and surface composition sufficient to accommodate and support fire-fighting equipment.
- b. All dead-end roads will terminate in a manner which provides safe and efficient entry and exit for fire-fighting equipment.
- c. The rights-of-way of all roads will be maintained so that they provide an effective fire break.
- d. Except as provided in Comment 31.e below, a fire hazard fuel break shall be provided around structures proposed for human uses by the selective removal or thinning of trees, bushes, shrubs and ground cover as follows:

- i. In moderate fire hazard areas, a fuel break of 30 feet, measured outward from the structure, in which:
 - a) Shrubs, understory trees; bushes and ground cover are to be selectively removed, mowed or pruned on an annual basis.
 - b) All dead plant material is removed.
- ii. In high hazard areas, a fuel break of 75 feet, measured outward from the structure, in which:
 - a) Shrubs, understory trees, bushes and ground cover are to be selectively removed, mowed or pruned on an annual basis.
 - b) All dead plant material is removed.
- iii. In extreme high hazard areas, a fuel break of 100 feet, measured outward from the structure, in which:
 - a) Shrubs, understory trees and bushes and ground cover are to be selectively removed, mowed or pruned on an annual basis.
 - b) No pine trees (*Pinus* species) are closer than 25 feet to another pine tree.
 - c) All dead plant material is removed.
- e. All structures will meet the following specifications:
 - i. Roofs and exteriors will be constructed of fire-resistant materials such as asphalt rag roofing, tile, slate, asbestos-cement shingles, sheet iron, aluminum or brick. Fire retardant-treated wood shingle or shake-type roofs are prohibited in high or extreme fire hazard areas.
 - ii. All projections such as balconies, decks and roof gables shall be constructed of fire-resistant materials or materials treated with fire-retardant chemicals.
 - iii. Any openings in the roof, attic and the floor shall be screened.
 - iv. Chimneys and stovepipes which are designed to burn solid or liquid fuels shall be equipped with screens over the outlets.

- v. Flat roofs are prohibited in areas where vegetation is higher than the roof.
32. The subdivision plans shall be revised as necessary to comply with the fire hazard, fuel break and structural requirements stipulated in §49-53 of the Township Code.

Energy Conservation -

33. §49-57 of the Township Code requires all development to be carried out in a manner which promotes energy conservation. Such measures may include southern orientation of buildings, landscaping to permit solar access and the use of energy-conserving building materials. Applicant shall demonstrate compliance with this requirement.

Driveway Standards -

34. §49-91 of the Township Code stipulates that any driveway providing access from a public street or way to any permitted use or structure shall comply with the following requirements:
- a. Driveways shall enter the street or road right-of-way at an angle between 75° and 105°.
 - b. The portion of the roadway lying between the right-of-way line of the street and the driveway shall be suitably paved by the owner at the owner's expense as a driveway extension.
 - c. Any curb opening shall be properly reconstructed to the satisfaction of the Township Engineer. Where curbing does not exist and conditions warrant, an adequate drainage plan shall be provided for review, and required work shall be completed by the owner at the owner's expense prior to the issuance of a building permit on the abutting lot.
 - d. Driveway grades shall not exceed 10%.
 - e. Driveway widths at the street right-of-way line shall be a minimum of 40 feet and a maximum of 50 feet in connection with commercial and industrial uses; and a minimum of 15 feet and a maximum of 25 feet in connection with residential uses.
35. Applicant shall confirm that the proposed driveways comply, or that the plans will be revised to comply, with the requirements of §49-91 of the Township Code.

Fiscal Impact -

36. The Fiscal Impact report is dated July 2010 and is based on data from 2009 and 2010. This report projects an average home value for the Norman and Hopkins Estates of \$375,000. We have reviewed recent home sales and find the average home value used in the fiscal analysis to be unrealistic for Buena Vista Township. The revenues projected for the Norman and Hopkins Estates and the overall fiscal impact should be adjusted in recognition of housing values that are more representative of the Township's housing.

Development Fee (COAH) -

37. Residential development involving four (4) or more dwelling units shall pay a fee of one and a half (1.5) percent of the equalized assessed value for residential development provided no increased density is permitted.

38. The developer shall pay one hundred (100) percent of the calculated development fee amount prior to the municipal issuance of a final certificate of occupancy for the subject property.

Administrative Conditions -

39. Prior to final subdivision approval, applicant shall be required to address the following:
- a. Satisfy all conditions of preliminary subdivision approval
 - b. Provide letters from all utilities affirming service availability
 - c. Obtain permits and/or approvals from all agencies having jurisdiction
 - d. Rectify any and all financial obligations to Buena Vista Township including:
 - i. Professional fees related to review of the application
 - ii. An in-lieu recreation fee of \$2,500 per lot prior to the signing of the deed or final plot plan as set forth in § 75-8.
 - iii. COAH Development Fees of one-and-one-half (1.5) percent of the equalized assessed value of the dwelling units
 - e. Execute and record all deeds and easements, including those required to address open space, recreation, water quality, residential density, etc.
 - f. Establish a common open space ownership and management organization