

South Brunswick Township Checklist

Sec. 62-158. Final Approval of Subdivision Plat or Site Plan for

Planned Residential Development

(a) *Application requirements.* At least ten days and no more than 20 days prior to a regular meeting of the municipal agency, the applicant for final approval of a subdivision plat or a site plan for a planned residential development shall file the following documents with the secretary of the municipal agency:

(1) *Plat or site plan; soil erosion and sedimentation control plan; surface water management plan.* If the application for development is for final approval of a subdivision plat for a planned residential development, the applicant shall submit all documents set forth under section 62-154(a) pertaining to application requirements. If the application for development is for final approval of a site plan for a planned residential development, the applicant shall submit all documents set forth under section 62-156(b) pertaining to application requirements.

(2) *Application forms.* The applicant shall submit three complete copies of an application form, which form shall be obtained from the secretary of the municipal agency.

(3) *Environmental impact statement.* An environmental impact statement shall be submitted pursuant to the requirements of article V of this chapter.

(4) *Disclosure of ownership.* Disclosure of ownership shall be pursuant to section 62-2838(b).

(5) *Letter acknowledging review by state.* Application and proof of the application shall be made to the state department of environmental protection and energy for a letter of interpretation or an exemption letter, acknowledging review by this agency.

(b) *Application procedures.* Application procedures shall be as follows:

(1) *Copies of application; review.* The secretary of the municipal agency, within three days, shall forward one copy of the completed application to the township engineer, the township planner, the county planning board, the state division of state and regional planning and such other officials as the board may direct and shall request each to review the application and to file a written report of his findings and recommendations prior to the next regular meeting of the board, giving full consideration to all applicable standards and principles set forth in division 2 of this article.

(2) *Notice of hearing.* The applicant shall comply with the hearing and notice requirements of this chapter.

(3) *Copies of decision; publication.* The secretary shall mail a copy of the decision of the board to the applicant or his attorney and to all other persons who have requested it, within ten days after approval has been granted or denied. The secretary shall also file a copy of the decision with the township clerk and shall cause a brief notice of the decision to be published in the official newspaper of the township.

(4) *Signing of plan on approval.* If the application is approved, the approval shall be noted upon the final subdivision plat or the final site plan and shall be signed by the chairman and the secretary of the board within ten days of the date of final approval.

(c) *Time for approval of final subdivision plat or site plan for planned residential development.* The time in which the board shall act on an application for final approval of a subdivision plat for a planned residential development shall be the same as that set forth in section 62-154(c)(1) pertaining to the time for a decision. The time in which the board shall act on an application for final approval of a site plan for a planned residential development shall be the same as that set forth in section 62-156(d) pertaining to the time for approval or denial of the final site plan.

(d) *Effect of final approval of subdivision plat or preliminary site plan for planned residential development.* The effect of an approval of a final subdivision plat for a planned residential development shall be the same as that set forth in section 62-154(d) pertaining to the effect of final approval of major subdivision. The effect of an approval of a final site plan for a planned residential development shall be the same as that set forth in section 62-154(e) pertaining to expiration of the approval.

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(e) *Final approval of sections or stages of planned residential development.* Applications for final approval may be for the entire planned residential development or, to the extent set forth in the agreement for timing of the development between the developer, the board and the township council, for a section thereof. Applications shall be made within the time specified in the agreement for timing of the development.

(f) *Deviations from conditions of preliminary approval.* Deviations from the conditions of preliminary approval shall be in accordance with the following:

(1) *Change of conditions beyond control of developer.* The board may permit minimal deviations from the conditions of preliminary approval necessitated by change of conditions beyond the control of the developer, after the date of preliminary approval, without the developer being required to submit another application for development for preliminary approval.

(2) *Minimal deviation.* For purposes of this subsection, a minimal deviation shall be a deviation which does not:

- a. Vary the proposed residential density or intensity of use by more than five percent within the maximum permitted.
- b. Involve a reduction of the area set aside for common open space nor the substantial relocation of such area.
- c. Increase by more than ten percent the floor area proposed for nonresidential use.
- d. Increase by more than five percent the total ground area covered by buildings nor involve a substantial change in the height of buildings.

(3) *New application for change.* If the proposed change is not a minimal deviation, as defined in subsection (f)(2) of this section, the developer shall be required to submit another application for development for preliminary approval.

(4) *New application for preliminary approval.* If the developer is required to submit another application for development for preliminary approval because the requested changes are not minimal deviations and if the developer has entered into an approved agreement for timing of the development as part of his original application for preliminary approval, he may submit a new application for preliminary approval for the entire development or for one or more sections of that development.

(Code 1988, § 175-47)