

WARREN COUNTY DEVELOPMENT REVIEW REGULATIONS

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CHAPTER I

TITLE, APPLICABILITY, PURPOSE AND POLICY OBJECTIVES

TITLE

This Resolution shall be known and may be cited as the “Warren County Development Review Regulations,” hereinafter sometimes referred to as the “Regulations”.

APPLICABILITY

The regulations and standards established herein shall apply to all development of lands which directly or indirectly impact the county road system or county storm water facilities system under county jurisdiction, or which otherwise fall within county jurisdiction, except as specifically provided in these regulations.

PURPOSE AND POLICY OBJECTIVES

To provide rules, regulations and standards to guide land development that affects or involves county facilities pursuant to the New Jersey County Planning Act, N.J.S.A. 40:27-1 et seq., as supplemented by the regulations herein.

To provide regulations which ensure that land development within the county proceeds in accordance with the goals and objectives of the Warren County Master Plan and other adopted county plans, regulations and/or standards.

To establish standards and procedures for assessing developers for a proportionate share of improvements to county road systems and drainage facilities which are the direct result of or bear a rational nexus to the development.

APPROVING AGENCY STATUTORY AUTHORITY

The regulations and standards established herein shall be administered by the Warren County Planning Board, established pursuant to N.J.S.A. 40:27-1 et seq.

The County Planning Board has, by adoption of this Resolution, may vest its powers to review and approve subdivisions and site plans with the Development Review Committee comprised of the County Planning Director and a designated committee of members of said County Planning Board.

LANGUAGE

Words used in the singular shall include the plural and the plural shall include the singular; words used in the present tense shall include the future tense.

All references to "the County" herein refer to the County of Warren; all references to "the Board" refer to the Warren County Planning Board; and all references to the

Regulations" refer to this document, the Warren County Development Review Regulations.

REPEAL OF CONFLICTING REGULATIONS

The regulations established pursuant to this Resolution for land use and development are subject to the enabling authority of the State of New Jersey and are subject to compliance with all State and Federal statutes and regulations. If any provision of these Regulations is inconsistent with the statutes and/or regulations of the State of New Jersey or of the Federal Government, the State or Federal statutes and regulations shall prevail. Nothing in these Regulations shall be construed to supersede any applicable federal or state laws. All County Resolutions and Regulations or parts of Resolutions or Regulations contrary to or inconsistent with the provisions of these Regulations are hereby repealed to the extent of such conflict or inconsistency.

EFFECTIVE DATE

The Regulations shall take effect as provided by law.

SEVERABILITY

If any chapter, subchapter, section, subsection, provision, clause, or portion of these Regulations, or the application thereof to any person or circumstance shall, at any time, or to any extent, be determined invalid, illegal or unenforceable in any way, the remainder of these Regulations, including any other term, condition or provision, and the application of any such other term, condition or provision to persons or circumstances other than those to which the Regulations have been determined to be invalid, illegal or unenforceable, shall not be affected thereby, and each term, condition and provision of these Regulations shall be valid and enforced to the fullest extent permitted by law.

POWER TO AMEND AND MODIFY

The rules, regulation, and standards herein set forth are designed to achieve minimum requirements for uniformity in the interest of the safety and general welfare of Warren County, and the people of Warren County, with due regard to the valid interest of the municipalities in the Warren County.

The County understands that occasions may take place when the literal enforcement of one or more of these rules, regulations, or standards may be onerous, impracticable or impossible to perform or cause unnecessary hardship. In accordance with N.J.S.A. 40:27-6.2(e), this power and authority to waive, modify, or amend, shall be exercised to achieve substantial fairness to all parties concerned, and so long as such power shall not substantially or materially prejudice the rights of other parties or interested persons.

CHAPTER II

DEFINITIONS

Abutting County Road

Any existing or proposed county road, shown on the Warren County Highway Designation Map or the adopted County Master Plan or Official Map, which adjoins a lot or parcel of land submitted for approval under this resolution.

Acceleration Lane

An auxiliary speed change lane primarily for the acceleration of vehicles entering the through traffic lanes. The term acceleration lane applies broadly to the added pavement joining the traveled way of the county highway with that of the intersecting road or driveway. This auxiliary lane does not necessarily imply a definite lane of uniform width or length.

Adverse Drainage Condition

The absence of adequate drainage facilities or drainage easements in a drainage way leading to, along or through a county road or county drainage structure, either within or exterior to a proposed subdivision including:

- Drainage facilities of such location, size, design, construction or condition as may not provide adequately for storm drainage.
- Drainage conditions which may cause either flooding, erosion, silting or other damaging effect to a county road or county drainage structure.
- Drainage conditions which threaten to damage property because of storm drainage from a county road, along a county road or through a county road or from a county drainage structure.

Agricultural Purposes

Farming and related pursuits not including the erection, alteration, enlargement, occupancy or use of any building designed for or suitable for residential occupancy.

Agricultural Subdivision

The division of land found by the County Planning Board for agricultural purpose where all resulting parcels are 5 acres or larger in size and provided no new streets are created. An agricultural subdivision shall not be considered a subdivision pursuant to N.J.S.A. 40:27-6.1.

Amended Subdivision or Site Plan Application

An application to amend a subdivision or site plan after County Planning Board Approval.

To be considered as an amended plan, applications to amend approved projects must be submitted within twelve months of approval. Upon review, application may require a full review with appropriate fees.

Applicant

Any person or entity submitting an application for development.

Application Form

The form provided by the County Planning Board to an applicant seeking site plan or subdivision review or approval.

As-built Plans

Plans which reflect the exact horizontal and vertical location of improvements after construction.

Board or County Planning Board

Means a county planning board established by a county pursuant to R.S. 40:27-1 to exercise the duties set forth in such chapter, and means, in any county having adopted the revisions of the "Optional County Charter Law" (P.L. 1972, c.154; C.40:41A-1 et seq.) any department, division, board or agency established pursuant to the administrative code of such county to exercise such duties, but not to the degree and extent that the requirements specified in such chapter for county planning boards do not conflict with the organization and structure of such department, division, agency or board as set forth in the administrative code of such county.

Bridge

A structure having a clear span more than twenty (20) feet designed to convey vehicles and/or pedestrians over a water course, railroad or highway.

Building Permit

A permit required by or pursuant to law to be obtained from the appropriate official in a municipality before a building or structure may be erected or altered.

Completeness

A determination made by the County Planning Board, its authorized agency or designee that certifies material submitted as an application for development which satisfies criteria established by said Board to commence review.

Concept Plan

A concept map of a subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and in accordance with the concept plan requirements in these Regulations.

Conceptual Design

Preliminary design used for estimating quantities, costs and other related information for a land development proposal; usually does not include detailed construction design.

Conditional Approval

Conditional approvals can be considered for applications that have outstanding, easements, deeds, agreements, or applications in which no technical revisions are required. The Development Review Committee may vote to approve such application upon the condition that the applicant submit the required documentation before plans are signed by authorized County staff.

Construction Plan

Documentation which depicts all necessary improvements associated with a development in a way that is appropriate for construction of said improvements.

Construction Specifications

Those items specific to the installation of the improvements agreed to by the Development Review Committee, such as the type and size of materials; field changes in elevations of installed improvements not altering or affecting neighboring properties; modifications in techniques or methods of assembly; field changes in alignment not altering or affecting neighboring properties.

Contribution

Means an amount of money or services provided by the applicant to supply or furnish a share of an off-site improvement(s).

County Drainage Facility

Any structure or man-made system intended to control storm water drainage.

County Facility

Any roadway, bridge, culvert, storm water facility, traffic signal, land area, etc. whose maintenance responsibility falls within the County's jurisdiction.

County Master Plan or "Master Plan"

Means a composite of the master plan for the physical development of the county, with the accompanying maps, plats, charts and descriptive and explanatory matter adopted by the County Planning Board pursuant to N.J.S.A. 40:27-2.

Culvert

A structure designed to convey a water course under a driveway, road, railroad, or pedestrian walk, not incorporated in a closed drainage system and having a clear span of twenty (20) feet or less.

Deceleration Lane

An auxiliary speed change lane primarily for the deceleration of vehicles leaving the through traffic lanes. The term deceleration lane applies broadly to the added pavement adjoining the traveled way of the county highway with that of the intersecting road or driveway.

Dedication

An appropriation or transfer of property rights for some public use by the owner to the County and accepted for such use on behalf of the public.

Detention Basin

A basin or depression formed by the construction of a barrier or dam built at a suitable location to detain storm water runoff and discharge this water at a reduced rate.

Developer

The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development including the holder of an option or contract to purchase, or other person having an enforceable interest in such land.

Development

The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining excavation or landfill; and any use or change in the use of any building, or other structure, or land, or extension of use of land.

Development Application

Material submitted by the applicant to the County Planning Board which, by its submission, requests said Board or Development Review Committee to act within its legal jurisdiction to approve or disapprove a specified activity or activities to take place, or development to occur, upon a specific parcel of land.

Development Regulations

Means a zoning ordinance, subdivision ordinance, site plan ordinance, official map ordinance or other municipal or county regulation of the use and development of land, or amendment thereto adopted and filed pursuant to the Municipal Land Use Law.

Development Review Committee

A committee of the Warren County Planning Board which is vested via resolution in accordance with 40:27-6.8 to review and approve subdivisions and site plans.

Drainage Right-of-Way or Drainage Easement

The assignable rights and restrictions to the land required for the installation of an/or maintenance of storm water sewers, culverts, bridges, retention/detention areas, drainage ditches, swales or grassed waterways, or that which is required along a natural stream or watercourse for preserving the channel and providing for the flow therein, to safeguard the public against flood damage, sedimentation erosion, or for similar or related storm drainage purposes.

Drainage Watercourse

Any stream, brook or river which is the natural course of storm or running water through which water flows ordinarily and frequently but not necessarily continuously. This definition includes watercourses which have been artificially created, realigned or modified.

Driveway

Paved or unpaved area allowing access from a street to a building or other structure or facility used for ingress and egress of vehicles.

Driveway Permit

The permit issued by the County Engineer's Office for the connection of any driveway into any portion of the county road right-of-way.

Easement

A non-possessing interest held by one interested party in the land of another interested party whereby the first interested party is accorded partial use of such land for a specific purpose. An easement restricts but does not abridge the rights of the owner to the use and enjoyment of his land.

Easement for County Road Purposes

An easement to the County for the purpose of installation of utilities, construction, reconstruction, widening, or improving a county road, including the repair and maintenance of the county road, and the construction, reconstruction or alteration of facilities related to the safety, convenience or carrying capacity of the county road including drainage facilities and traffic control devices.

Farmland

A parcel of land used for agricultural activities.

Final Subdivision

The final map of all or a portion of a subdivision meeting all the standards and regulations of this resolution and meeting all of the conditions established by the Development Review Committee or County Planning Board which is presented for final approval.

Final Site Plan

The final map of a proposed site plan on a specific parcel or parcels of land, meeting all the standards and regulations of this Resolution, and meeting all of the conditions established by the Development Review Committee or County Planning Board which is presented for final approval.

Formal Review

Consideration by the Development Review Committee of an application for development which commences upon a determination of completeness and continues until such time as a final action is taken by said Committee or the project is withdrawn by the applicant.

Floodplain

Any land area susceptible to being inundated by water from any source as delineated by the most current "Flood Hazard Maps" by the Federal Emergency Management Administration Maps and/or United States Natural Resource Conservation Service Floodplain Maps.

General Development Plan

Means a comprehensive plan for the development of a planned development pursuant to N.J.S.A. 40:55D-45.1. This includes, but is not limited to, an overall plan for a general land use plan, a circulation plan, an open space plan, a utility plan, etc. as defined in NN.J.S.A. 40:55D-45.2.

Historic Site

Means any real property, man-made structure, natural object or configuration or any portion or group of the foregoing of historical, archeological, cultural, scenic or architectural significance as listed on the National or State Register of Historic Places.

Impervious Coverage

Any material which reduces or prevents absorption of storm water into previously undeveloped land. All parking areas and driveways shall be considered impervious. For the purposes of any county site plan review, solar panels shall not be included in any calculation of impervious surface or impervious cover.

Land Development

The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation, solid waste or recycling operation or landfill; and any use or change in the use of any building or other structure, or land or extension of use of land.

Land Development Application

The application made pursuant to this resolution for approval of a proposed land development.

Lot

Means a designated parcel, tract or area of land established by plan or otherwise as permitted by law and to be used, developed or built upon as a unit.

Lot Line Adjustment

A re-subdivision where changes are made to existing lot lines in which no additional lots are created.

Maintenance Bond

Any security that is acceptable to the County Counsel, and approved by the County Engineer and governing body, to assure the maintenance of approved installations by developers for a period of two (2) years after release of developer's performance guarantee with respect to such improvements.

Maintenance Guarantee

Any security which may be accepted by the County for the maintenance and/or analysis of any improvements required by the County Planning Act and these regulations, including but not limited to surety bonds, letters of credit or certified checks under the circumstances specified in N.J.S.A. 40:27-6 et seq.

Major Site Plan

Means any site plan not classified as a minor site plan as defined and classified by the effected municipal ordinance.

Major Subdivision

Means any subdivision not classified as a minor subdivision as defined and classified by the effected municipal ordinance.

Minor Site Plan

Means a development plan of one or more lots which (1) proposes new development within the scope of development specifically permitted by municipal ordinance as a minor site plan; (2) does not involve planned development, any new street or extension of any off-tract improvement which is to be prorated pursuant to section 30 of P.L. 1975, c. 291 (C.40:55D-42); and (3) contains the information reasonably required in order to make an informed determination as to whether the requirements established by ordinance for approval of a minor site plan have been met.

Minor Subdivision

Means a subdivision of land for the creation of a number of lots specifically permitted by ordinance as a minor subdivision; provided that such subdivision does not involve (1) a planned development, (2) any new street or (3) the extension of any off-tract improvement, the cost of which is to be prorated pursuant to section 30 of P.L. 1975, c. 291 (C. 40:55D42).

Morris Canal

A cultural resource placed on the State and National Register of Historic Places in 1974 that traverses Warren County and includes the land, structures, objects, and artifacts of historical importance.

Municipal Approving Authority

The local planning board or zoning board of adjustment to whom an application for development is submitted for approval under the Municipal Land Use Law, N.J.S.A. 40:55D et seq.

New Building Lot

Any lot being created by a subdivision upon which one or more principal buildings or structures could be erected under the provisions of the municipal zoning ordinance in the municipality in which said lot is located.

Nonprofit Institution

Means a not-for-profit organization, such as charitable, philanthropic, fraternal, and religious non-profit, as recognized by the United States Department of the Treasury Internal Revenue Service.

Official County Map

Means the map, with changes and additions thereto, adopted and established, from time to time, by resolution of the Board of County Commissioners of the County of Warren pursuant to N.J.S.A. 40:27-1, et seq.

Off-Site

Located outside the lot lines of the lot in question but within the property (of which the lot is a part) which is the subject of a development application or contiguous portion of a street or right-of-way.

Off-Tract

Not located on the property which is the subject of a development application, nor on a contiguous portion of a street or right-of-way.

Off-Tract Drainage Easement

A legally recordable instrument granting to the developer or his successors in interest the right to discharge collected waters upon lands exterior to the site being developed.

Off-Street Parking Area

An area providing vehicle parking spaces and aisles off the street or road right-of-way.

On-Site

Means located on the lot in question.

On-Site Storm Water Management Facility

A storm water management facility which controls or manages the storm water runoff from a single development site and which is located on the tract of land being developed.

On-Tract

Located on the property which is the subject of a development application or on a contiguous portion of a street or other right-of-way.

Open Space

Land or water areas to be retained in a largely natural or undeveloped state, for purpose of, among other things, providing parkland or green spaces, protecting ecologically sensitive areas, preserving flora and wildlife, or protecting and preserving areas of scenic, historic and cultural value, while at the same time

affording, whenever practicable, public outdoor recreational opportunities for the County's residents. (N.J.S.A. 40:12-16)

Owner

Any individual, firm, association, syndicate, co-partnership or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under a municipal subdivision ordinance and this resolution.

Performance Guarantee

Any security, which may be accepted by the County including, but not limited to surety bonds, letters of credit, certified checks and cash, under the circumstances specified in N.J.S.A. 40:27-6 et seq. Approval of a site plan or final approval of a subdivision may be made contingent upon a performance guarantee for required improvements.

Pre-application Review

An informal review of a development application for the purpose of discussing its key elements and to identify County concerns early in the development process.

Preliminary Subdivision Plan

The preliminary subdivision plan indicating the proposed layout of the subdivision showing or being accompanied by all of the information required pursuant to these regulations.

Preliminary Subdivision Plan Amended

Means a change to an existing approved preliminary subdivision that requires action by the Board.

Preliminary Site Plan

The development of a site plan of an existing lot or lots on which contains all the information required under the Preliminary Site Plan submission requirements herein.

Public Road

Any right-of-way over which the public has the right to travel.

Required Improvements

Improvements which are necessitated by a land development proposal and whose completion must be guaranteed prior to final County approval being granted.

Resubdivision

Means (1) the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law or (2) the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but does not include conveyances so as to combine existing lots by deed or other instrument.

Retention Basin

A basin or depression formed by the construction of a barrier or dam at a suitable location to retain storm water runoff and allow this water to percolate into the ground.

Reverse Frontage

The provision in the design of a land development allowing for lots contiguous to an abutting county road to front on an internal street and the lots shall not have direct access to said county road.

Right of Discharge

A legally recordable instrument granting to the developer or the County, the right to discharge collected water upon lands exterior to the development.

Right-of-Way

A strip of land occupied or intended to be occupied by a road, street, crosswalk, railroad, electric transmission line, oil or gas pipeline, waterline, sanitary or storm sewer, shade trees or for the provision of public facilities, transportation projects, infrastructure or other similar uses.

Road

Any street, avenue, boulevard, road, lane, parkway or freeway which is an existing state, county, or municipal roadway, or a street or way shown upon a plan heretofore approved pursuant to law and including the land between the right-of-way lines, whether improved or unimproved, and comprising all pavement, shoulders, gutters, curbs, sidewalks, parking areas and other improvements within the right-of-way lines.

Sight Easements

An area established in accordance with the requirements of this resolution, in which nothing shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision of traffic.

Siltation Basin

A temporary facility, designed in accordance with the standards of this resolution, to collect silt and eroded soil resulting from grading the area of a subdivision, for the purpose of limiting the deposit of silt and eroded soil in streams and brooks and on county roads.

Site Plan

Means a development plan of one or more lots on which is shown (1) the existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, floodplains, marshes and waterways, (2) the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting, screening devices, and (3) any other information that may be reasonably required in order to make an informed determination pursuant to an ordinance requiring review and approval of site plans by the planning board adopted pursuant to N.J.S.A. 40:55D-37 et seq.

Sketch Plan

Means a preliminary set of documents and maps of sufficient accuracy to be used for the purpose of discussion between the applicant and county staff.

Solar Panels

Means an elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy, or array.

Storm Water Facility

A structure and/or technique, which conveys, stores, and/or otherwise manages or controls storm water runoff. A storm water facility may be either a storm water management facility or a storm water conveyance or runoff flow facility, depending upon its purpose and function.

Storm Water Management Facility

A facility which attenuates, controls, or otherwise manages the quantity and/or enhances the quality of storm water runoff.

Storm Water Runoff

The portion of rainfall that floods at or near the ground surface and which affects the hydrologic and hydraulic design of storm water facilities.

Street

Means any street, avenue, boulevard, road, parkway, viaduct, drive or other way (1) which is an existing state, county or municipal roadway, or (2) which is shown upon a plan heretofore approved pursuant to law, or (3) which is approved by official action as provided by these regulations, or (4) which is shown on a plan duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board of the power to review plans; and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

Subdivider

Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under the provisions of a municipal subdivision ordinance and this resolution to effect a subdivision of land for himself or for another.

Subdivision

Means the division of a lot, tract, or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale or development. The following shall not be considered subdivisions within the meaning of these regulations, if no new streets are created: (1) divisions of land found by the planning board or subdivision committee thereof appointed by the chairman to be for agricultural purposes where all resulting parcels are 5 acres or larger in size, (2) divisions of property by testamentary or intestate provisions, (3) divisions of property upon court order, including but not limited to judgements of foreclosure, (4) consolidation of existing lots by deed or other recorded instrument and (5) the conveyance of one or more adjoining lots, tracts or parcels of land, owned by the same person or persons and all of which are found and certified by the administrative officer to conform to the requirements of the municipal development regulations and are shown and designated as separate lots, tracts or parcels on the tax map or atlas of the municipality. The term "subdivision" shall also include the term "resubdivision".

Subdivision Application

Means the application for approval of a subdivision pursuant to the "Municipal Land Use Law" (1975) (P.L. 1975, C. 291) (C. 40:55D-1 et. seq. as amended and supplemented).

Submission

Means a complete subdivision or site plan application as evidenced through a checklist, or other document prepared by the County Planning Board. For the purposes of a submission, "complete" shall mean an application containing all of the documents necessary for County Planning Board staff and Development Review Committee to make a decision on the application. A submission must be in electronic and paper format.

Traffic Impact Study

An analysis to determine how traffic generated by either new or replacement land use(s) will be served by an existing or future road network.

Water Course

Any natural swale, stream, brook or river which is the natural course of storm or running water through which water flows ordinarily and frequently but not necessarily continuously. This definition includes water courses which have been artificially constructed, realigned or improved.

NOTE: Please refer to the Municipal Land Use Law, County Planning Act, or Uniform Site Improvement Standards for the definition of any word not defined herein. To the extent the definitions herein conflict with definitions of the same or similar terms in any applicable statutes, or a word defined in applicable case law, the definitions in the statutes and/or case law control.

CHAPTER III

SUBMISSION AND REVIEW PROCEDURES

A) PLAN SUBMISSION

1. Pre-application Review and Conferences

- a) To expedite the review of applications and to promote compliance with County Land Use Regulations, the County Planning Board encourages a pre-application review of major development proposals. It is an opportunity for the developer and County agencies to discuss key elements of the plan and to identify issues of County concern early in the planning process.

Depending upon project scale, a team will be assembled consisting of planning and engineering staff members. A review will be scheduled to informally discuss key issues relevant to the project.

- b) A fee will not be charged for informal pre-application reviews, and all recommendations are non-binding upon the County and the applicant.
- c) A concept/sketch plan must be provided at least one week in advance of the pre-application conference drawn to scale with county right-of-way and structures accurately located.

2. Required Submissions

a) Subdivisions

All applications for subdivision of land within Warren County shall be submitted to the County Planning Department for review and for the approval by the Development Review Committee of those subdivisions affecting county road or drainage facilities as set forth in in the County's Development Review Regulations and Highway and Bridge Standards. Approval by the County Development Review Committee or County Planning Board must be issued prior to final approval by the appropriate municipal official or agency. Complete applications must be received 11 business days prior to the Development Review Committee's meeting date in order to be considered at that meeting or the following meeting.

The following subdivisions shall require approval from the Warren County Planning Board as set forth in N.J.S.A. 40:27-6.2:

- (1) subdivisions that abut either a county road or a county drainage facility;
- (2) subdivisions that will cause storm water to drain either directly or indirectly to a county road, or through any drainage way, structure, pipe, culvert or facility for which the county is responsible for the construction, maintenance or proper functioning;
- (3) subdivisions that will affect the safety and efficiency of a county road or drainage facility through an increase in traffic or storm water drainage; and
- (4) subdivisions that will affect buildings and/or lands owned or maintained by Warren County through an increase in traffic or storm water drainage.

b) Site Plans

All site plans for land development along a County road or roads or affecting County drainage facilities must be submitted to the Planning Department for review and/or approval by the Development Review

Committee excluding single family detached residential development. Review and/or approval is required from the Warren County Planning Board as set forth in N.J.S.A. 40:27-6.6: for proposed commercial, industrial, and multifamily structures of five (5) or more units; any other development/redevelopment requiring off street parking area; producing surface runoff in excess of standards set forth in these regulations prior to the issuance of a municipal building permit; any land development causing storm water to drain either directly or indirectly to county road or through a drainage way, structure, pipe, culvert or facility for which the County is responsible for the construction, maintenance or proper functioning; and any development generating an increase in traffic affecting a county road. The submission of a site plan may be required depending on the review of an application by a building permit official or Board of Adjustment involving land or structures fronting on an existing county road or a proposed county road shown on the Official County Map or on the County Master Plan, adjoining other county lands or within 200 feet of a municipal boundary.

Complete applications must be received 11 business days prior to the Development Review Committee's meeting date in order to be considered at that meeting or the following meeting.

Site plans for land development not along a county road that include less than one (1) acre of impervious surfaces are exempt from county site plan review. A site plan application not along a county road that increases the existing impervious surface coverage to one acre or more, or adds to existing impervious coverage of over one acre must be approved by the Development Review Committee or Planning Board, and subject to the appropriate review fees.

3. Submission Requirements

- a) Subdivision and site plan applications may be submitted to the County Planning Board by the municipal official designated to receive such applications on behalf of the local planning board, or be submitted by the applicant or representative to the County Planning Board for review or approval. If submission is by applicant or representative, verification of submission of these maps to the municipality is required.
- b) The following items shall be submitted with each development application:
 - (1) County Application Form (new applications only) [See Appendix C]
 - (2) Municipal Application Form (new applications only)
 - (3) Letter certifying the date plans were submitted to the municipality
 - (4) Highlands Council Notification – Preservation Area Only In accordance with Section 17.b of the Highlands Act, “every person submitting an application for development in the preservation area shall be required to provide a notice of the application to the [Highlands} council...” in accordance with the procedures established by the Highlands Council. A copy of the notice submitted to the Highlands Council must be provided.
 - (5) Review Fee [See Appendix A
 - (6) One digital submission of the entire application package including plans, traffic studies, storm water reports, application forms etc., through submission portal if operational, or via email or other acceptable file transfer mechanism.

- (7) One complete set of plans. Each sheet of map set must be signed and sealed. The set must be either 24" x 36" or 30" x 42" in size
 - (8) Completed Checklist [See Appendix B]
 - (9) Storm Water Management Report (1 copy) (v preliminary subdivision and site plan applications) [See Appendix E]
 - (10) Traffic Impact Study (1 copy) [See Appendix E]
 - (11) Prior to the unconditional approval of the final Major subdivision map, applicant must provide the latest revised subdivision map to the county in an AutoCAD format.
 - (12) Prior to the unconditional approval of a minor subdivision or Lot Line Adjustment the applicant must provide a PDF depicting the new lot lines.
 - (13) All plans and documents submitted or resubmitted for review must be signed and contain the raised seal or digitally signed and sealed in accordance with NJAC 13:40-8.1 of the appropriate licensed professional and submitted in digital format.
- c) Drawn at such a scale that the cover sheet depicts the entire project plus 200 ft. in all directions around property boundaries. The cover sheet for each set of plans must be labeled for only the application associated with the project.
- d) Staff inspects and photographs the location of every subdivision and site plan application for consistency with submitted material. By making application to the County Planning Board, staff of the County Planning Department and Engineers Office have the authority to inspect and photograph the subject property as part of the Board review.

B) CLASSIFICATION OF PLANS AND FEES

1. Classification of Plans

a) Concept/Sketch Plan

Staff will review a concept/sketch plan and offer verbal comments to the applicant and professionals. At a minimum the plan should depict accurate rights of way, location of county structures to including bridges and culverts, and easements, as well as the proposed development. If accessing a county roadway, sight lines must be shown in accordance with the Highway and Bridge Standards.

b) General Development Plan (GDP)

A GDP is a comprehensive plan for the development of a planned development. Any developer who submits a GDP to a municipality should submit the same plan to the County Planning Board to ensure compliance with all county highway and bridge standards. A GDP that has been approved by a municipality without county review may not meet county standards and may need to be revised at the municipal level.

c) Subdivisions

(1) Preliminary Non-County Road Major Subdivision

(2) Preliminary County Road Major Subdivision

(3) Amended Preliminary Major after County Planning Board Approval

An application for an amended subdivision will be considered for approval by the Development Review Committee if minor alterations are proposed from the original approved application and if applied for within 12 months of the original application approval. Minor revisions are those that do not affect county roads or county structures and do not increase the number of lots or square footage of the proposed development. If revisions are determined to be major in nature where county roads and facilities are affected then it will require a new application, fees, and studies as determined by the County Engineer's Office.

(4) Non-County Road Minor

Non-county road subdivisions shall be reviewed by the County Planning Director and County Engineer, and if the subdivision, affects existing or proposed county roads, drainage systems, or open space or Morris Canal properties, the plan will be considered for approval by the Development Review Committee's meeting.

(5) County Road Minor

(6) Lot Line Adjustment

(7) Amended Minor Subdivision after Development Review Committee Approval

(8) Final Major

(9) Non-County Road Minor Subdivision/ Lot Line Adjustment: A subdivision does not affect county roadways or county drainage systems.

Non-county road minor subdivisions/ Lot Line Adjustment shall be reviewed by the County Planning Director and County Engineer, and if it does not affect county roads or drainage systems or the Morris Canal, notice of that review shall be forwarded to the municipal approving authority and the applicant and a report of all non-County road subdivisions that were reviewed will be made to the Development Review Committee at its regular meeting.

d) Site Plans

- (1) Residential Non-County Road
- (2) Residential County Road
- (3) Non-Residential Non-County Road
- (4) Non-Residential County Road
- (5) Final

If municipality requires final site plans, they require the full approval of the Development Review Committee.

- (6) Amended after Development Review Committee Approval. An application for an amended site plan will be considered for approval by the Development Review Committee if minor alterations are proposed from the original approved application and if applied for within 12 months of the original application approval. Minor revisions are those that do not affect county roads or county structures. If revisions are determined to be major in nature where county roads and facilities are affected then it will require a new application, fees, and studies as determined by the County Engineer's Office.
- (7) Minor Site Plan
- (8) Exempt

Site Plan: Site plans not located along a county road that include a total of less than one (1) acre of existing and proposed impervious coverage are exempt, except if a site uses an easement or non-public road from a county road to access the site or is within 200' of a county bridge, or other county facility may be subject to review.

- e) Combined Subdivision/Site Plan
- f) Exempt After Review

2. Review Fee Schedule

- a) Fees will be charged for the review of subdivisions and site plans submitted to the County Planning Board. Cash and credit cards are not accepted at this time. Checks shall be accepted and made payable to the "County of Warren". The appropriate fee will be in accordance with the fee schedule (see Appendix A) as adopted by the County Commissioners.

- b) If a plan has received county approval and is subsequently revised, it may require a resubmittal fee based on the extent of the revision.
- c) Fees will be waived for applications submitted by municipalities, county agencies or Boards of Education.

3. Escrow Fees for External Review of Traffic Impacts from Major Developments

Traffic studies for development projects that will generate 250 or more passenger equivalent trips per day for projects along county roads and 500 or more passenger equivalent trips per day for projects not along county roads may be reviewed by a traffic engineering consultant on retainer by the County at the applicant's expense. The applicant shall submit escrow fees to cover the costs of the consultant. The amount of the initial escrow fee shall not exceed \$10,000.

Escrow fees shall be paid by separate check and shall be deposited in an interest-bearing account set up solely to accommodate these fees. The County Planning Board staff shall administer the escrow account and provide the applicant an accounting of expenses drawn from the account. The County shall retain 5% of the escrow amount to cover the costs of administering the account. Should the engineering consultant exhaust the funds initially submitted, the applicant may be required to submit additional funds in order to complete the review so that action may be taken on the application. Any unspent funds in the escrow account shall be returned to the applicant, along with any accrued interest, at the completion of County Planning Board review and unconditional approval.

4. Change in Classification

- a) Any application submitted to the county (minor or major) that is reclassified by the municipality becomes null and void. A new county application with the correct municipal classification must be submitted and the fees adjusted appropriately.

C. REVIEW AND APPROVAL PROCEDURES

1. Completeness

- a) All applications must be received 11 business days prior to the Warren County Planning Board's Development Review Committee (DRC) advertised meeting date and deemed complete in order to be considered for that meeting or the following meeting.
- b) Each development application submitted to the DRC for review and/or approval under the Warren County Development Review Regulations shall not be deemed complete for purposes of commencing the time period for action until the items required by Appendix B and Appendix C are submitted.
- c) If the submission is found to be incomplete, County Planning staff will email a letter to the applicant and the appropriate local authority. The report will identify the deficient items that need to be submitted for a complete application.
- d) If the applicant fails to submit the missing required items within ninety (90) days, the Planning Department reserves the option to close the file thus voiding the application. The applicant will forfeit the base application fee submitted and will be refunded the balance. This will not prejudice the County's right to future review of a complete development application or the right to require the applicant to mitigate those impacts to county facilities which will result from the development. The applicant may

send a letter/email to the Planning Department asking for a 90 day extension and the reasons why an extension is needed.

2. Departmental and Agency Review

a) Planning Department

- (1) Staff inspects and photographs the location of every site plan application for consistency with submitted material. By making application to the County Planning Board, staff of the County Planning Department and Engineers Office have the authority to inspect and photograph the subject property as part of the Board review.
- (2) The County Planning Department staff may review and comment on plans for consistency with the County Master Plan and its elements. The report will be completed in accordance with the provisions contained in Chapter IV.
- (3) The Department will provide the full County Planning Board, notice of the Development Review Committee meeting and Agenda of applications being considered at that meeting.

b) County Engineer

- (1) Once an application has been deemed complete and reviewed by the County Planning Department, the plans, along with all supporting documents and reports, will be transmitted to the Office of the Warren County Engineer for an engineering evaluation in accordance with the standards and criteria established in the Warren County Development Review Regulations and the Highway and Bridge Standards.
- (2) Following their review, the County Engineer's Office will issue a engineering report which details requirements and/or recommendations for consideration by the Development Review Committee. The report, along with a recommended County action, is then taken under consideration by the Development Review Committee for formal action. A monthly report of the DRC actions will be included with the agenda for the Planning Board.

c) Development Review Committee

Per N.J.S.A 40:27-6.8 the Development Review Committee has been vested power to review and approve subdivisions and site plan applications. The DRC meets at least twice per month and reviews and takes action on the engineering report and planning reports prepared by the County Engineer and Planning Department. Action taken by the DRC will be transmitted to the applicant, municipal approving authority, and the applicant's professionals.

d) Planning Board

- (1) At each scheduled Board meeting the Board will review and accept the reports of the DRC meetings held prior.
- (2) The applicant may appeal an action taken by the Development Review Committee to the full Planning Board. The Applicant must file an appeal to the Planning Board via certified mail within ten (10) days of the said action.

- (3) The County Planning Board shall consider the appeal at a regular or special public meeting within forty-five (45) days from the date of its filing. Notice of the hearing shall be made by certified mail at least ten (10) days prior to the hearing to the applicant and to municipal clerk, municipal planning board/land use board/board of adjustment, building inspector, zoning officer, Board of County Commissioners, as deemed appropriate. The Board shall render a decision within thirty (30) days from the date of the hearing.

e) Board of County Commissioners

- (1) Any person aggrieved by the action of the County Planning Board in regard to subdivision or site plan review and approval may file an appeal by certified mail to the Board of County Commissioners within ten (10) days of said action.
- (2) The Board of County Commissioners shall consider the appeal at a regular or special public meeting within forty-five (45) days from the date of its filing. Notice of the hearing shall be made by certified mail at least ten (10) days prior to the hearing to the applicant and to municipal clerk, municipal planning board/land use board/board of adjustment, building inspector, zoning officer, County Planning Board as deemed appropriate. The Board of County Commissioners shall render a decision within thirty (30) days from the date of the hearing.

f) Shade Tree Commission

- (1) Any application for subdivision or site plan review, which is located on a county road and includes trees eight (8) inches or more in diameter in the County Right-of-Way, shall submit a plan to the Warren County Shade Tree Commission for their review and approval. The Shade Tree Commission issues a separate, independent report.

g) Morris Canal Committee

- (1) Any application for subdivision or site plan review, which is located within or adjacent to the Morris Canal, shall make note of this on the County's application form. Subdivision and site plan developments containing or adjacent to the Morris Canal must delineate and meet the design requirements in Appendix (D). Any towpath, canal prism, weir or remnant structure of the canal must be depicted on all subdivision and site plans. The subdivision and or site plan will be presented to the Warren County Morris Canal Committee for review and comment. The Committee's comments will be taken under consideration by the Development Review Committee.

3. Appearance Before County Planning Board

Any applicant with a development application currently under review by the County Planning Board has a right to appear before the Board or its Development Review Committee. Applicants can appear in person or can be represented by an attorney or other appropriate licensed professional. If an applicant intends to appear before the Planning Board or Development Review Committee, they must notify the Planning Department in writing or email 10 business days prior to the meeting. Attendance can be remote or in person.

4. Time to Act

The Development Review Committee or the County Planning Board as the case may be, shall report to the appropriate local authority, and others as determined in section 7 of this chapter, within thirty (30) days of receipt of a complete site plan or subdivision application. If the Board fails to report to the municipal approving authority within the thirty (30) day period, said application shall be deemed to have been approved by the Board unless, by mutual agreement between the Board, and the municipal approving authority and with approval of the applicant, the thirty (30) day period shall be extended for an additional thirty (30) day period or other agreed upon length of time.

5. Types of Action Taken

Upon reviewing an application seeking Board approval, the Board may take one of the following three (3) actions:

a) Approval

Approve the application if it satisfies the requirements of the Board with minor comments that can be addressed after the application is approved.

b) Conditional Approval

Approve the application with conditions if:

- (1) The application is subject to specified conditions that must be fulfilled before the approval becomes effective. Conditional approvals can be considered for applications that have outstanding, easements, deeds, agreements, or applications in which no technical revisions are required.
- (2) Conditional Approvals will be granted for 180 calendar days. Should the applicant not submit any revisions by the 180th day, the application's conditional approval status shall expire. The conditional approval and the application will be deemed disapproved for any previous and/or new reasons. The applicant may request an extension and the time period needed to meet the conditions. The request may be in person at the DRC meeting through written request received prior to the cutoff date of the DRC. Extensions will be granted if the applicant demonstrates that he has made forthright attempts to address the conditions or demonstrates that he was unable to address the conditions because of reasons beyond his control. Extensions may be granted for a period of up to 60 calendar days. Upon disapproval, the application will then come under all requirements set forth in Chapter III C.5.c of the County Development Review Standards.

c) Disapproval

Disapprove the application if it does not meet all requirements and standards for approval and requires revisions and/or additional information. The report issued by the Development Review Committee shall state the reasons for disapproval.

6. Resubmittal Procedures

- a) The applicant has one (1) year from the disapproval date to resubmit for the reasons of disapproval. Any resubmission received more than one year from the date of disapproval shall be treated as a new application requiring the submission of a new application with applicable fees.

- b) A written response and a map with revisions highlighted must accompany the application resubmission that explains how each reason for conditional approval or disapproval is addressed. Applications submitted that do not contain the written response and highlighted map may not be reviewed and will be returned to the applicant.
- c) A resubmittal that substantially changes the application that is not a result of the Development Review Committee's reasons for disapproval or conditional approval may be treated as a new application and new fee charged.

7. Notification of County Action

Action taken by the Development Review Committee on all development applications shall be set forth in writing via email or in hard copy. Copies of said report shall be emailed, mailed or delivered to:

- a) The local agency having jurisdiction.
- b) The municipal engineer.
- c) The applicant (via email).
- d) The applicant's professional agents as provided by the applicant on the application form when submitted or amended.
- e) Objectors to an application who are present or submitted written comments at the Development Review Committee meeting that action was taken (via email).
- f) Adjacent municipality if the application will result in 200 or more passenger equivalent trips per day on a roadway within the boundary of the municipality and/or the County Engineer identifies potential storm water impacts effecting municipal infrastructure or property.

8. Local Approval Prior to County Action or Approval

- a) Each land development application shall be submitted to the Planning Department for review and, where required, submitted simultaneously with the filing of its application with the local municipal approving authority which shall take one of the following actions:
 - (1) Defer taking final action on a development application until receipt of the Development Review Committee's report thereon.
 - (2) Approve the development application subject to its timely receipt of a favorable report thereon from the Development Review Committee. The municipal or other local agency or individual with authority to approve a land development plan or to issue a building permit shall defer action on any application requiring County approval pursuant to these regulations until the same shall have been submitted to the Board for its approval of the plan.
- b) If a development application is approved by the local approving authority prior to final approval, the powers of the Development Review Committee are not diminished. The Planning Board and the County Engineer's Office have ultimate jurisdiction over any conditions contained within the municipally approved resolution which impact County road systems and storm water facilities or which otherwise fall within county review jurisdiction pursuant to all current statutes, regulations or ordinances.
- c) Municipal Action.
 - (1) All subdivision applications to a municipality must be conditioned upon receiving approval from the County Planning Board. Site plans located on a County Road or over 1 acre of impervious

surface located anywhere in the County shall also be conditioned upon County Planning Board approval.

- (2) The municipal agency or official authorized to issue building permits shall not issue such permits for structures resulting from a subdivision or site plan requiring Warren County Planning Board approval until said subdivision or site plan has received final Warren County Planning Board approval.

- d) Construction without a Permit.

No building shall be erected along the right-of-way of any County roadway unless approved by the Warren County Planning Board and a permit is issued by the County Engineer. Whoever shall construct or begin the construction of such a building without a permit shall forfeit and pay a penalty of not more than one hundred dollars (\$100.00) for each day that work on such structure continues. Warren County may bring the action to enjoin such construction and may also recover the penalty by a civil action in any court of competent jurisdiction. A \$100.00 per day fine shall commence from the date the notice is brought by the County Planning Board or its duly authorized representative. The County Planning Board or its duly authorized shall issue a "Notice of Violation" to the municipal construction code official and copy shall be sent by certified mail to the property owner.

9. Simultaneous Review of Multiple Submissions

- a) The Development Review Committee shall have the power to review, approve, withhold action or disapprove site plans and subdivisions simultaneously.

10. Review and Approval of Phased Development Applications

- a) The Development Review Committee shall have the power to act on a specific phase of a development based on previous county action on previous phases of the same development. The Development Review Committee shall be assured that previous phases have met all requirements of these regulations if necessary. The Development Review Committee may not act on or may disapprove future phases until all previous conditions have been fulfilled unless a determination is made that there will not be an impact on any county facility.

11. Changes to Plans After Approval

- a) All preliminary and/or final approvals issued by the Development Review Committee in conjunction with the County Engineer's Office are based upon the facts as presented in the plans and supportive documents submitted at the time of application. Any modification of the aforesaid facts may alter, modify and/or affect the basis of the approval previously granted.

Therefore, any changes made to plans or documents after the date of county approval must be submitted to the DRC for affirmation of the prior approval.

The failure to submit revised plans as required will result in the DRC's approval being voided and will require that such application be reapproved by the Development Review Committee.

- b) At times changes are made to approve maps that may be considered insignificant. Insignificant changes may be additional notes, labeling, or other very minor changes that do not affect the basis for plan approval. These plans will be reviewed by county planning and engineering staff, stamped and signed. For final subdivisions, these changes should be presented to the County Planning Dept. for action prior to certification for filing with the County Clerk as described in section 13.
- c) It is acknowledged that, on occasion, due to unforeseen site conditions, minor deviations to the approved plans are necessary. However, all deviations as they affect improvements under county review jurisdiction must be reviewed by the licensed professional representing the applicant and having design responsibility. If it is determined that said deviations are of a nature which would warrant further county review, revised plans are to be submitted to the Planning Department for review and approval by the DRC. All other deviations to approved plans under county review shall be itemized in correspondence from the applicant's engineer to the Board.
- d) If during construction, deviations to plans for improvements under county review, which have not been approved or accepted by the County Engineer, including "field changes", will void any previous county approval.

12. Effect of County Approval and Extensions

- a) When action is taken by the Development Review Committee, the general terms and conditions of approval shall be valid for the same period of time as the municipal plan approval in accordance with the Municipal Land Use Law 40:55D-49. However, all rights conferred by this action shall expire if, in the case of a subdivision, the plan has not been duly recorded in accordance with procedures established in N.J.S.A. 46:26A, 26B, and 26C.

13. Certification of Final Subdivision for Filing with County Clerk

- a) The Warren County Clerk shall not accept for filing any subdivision plat or subdivision by deed unless it bears certification of either approval or of review of the authorized county planning board officer or staff member indicating compliance with the County Planning Act and the Warren County Development Review Regulations. The applicant should contact the County Clerk to determine how many and what type of maps are required for filing. The County Planning Department will require one original paper print for the file. All maps must be signed by the municipal officials before the County Planning staff will stamp and sign the maps for filing with the County Clerk.
- b) It is the responsibility of the applicant or designee to contact the Warren County Planning Department in advance to arrange for an appointment with the appropriate personnel for final map signing. Planning Department personnel shall have the discretion to refuse or delay signing of the maps on that specific day.
- c) Maps and plans and any proposed land developments shall be in accordance with the N.J.S.A. 46:26A, 26B, and 26C.

- d) All information presented on the map for filing must be identical to the final subdivision map approved by the Development Review Committee of the County Planning Board. The Director of the Warren County Planning Department or staff will review maps and verify for compliance with the approved final subdivision. If maps are not identical to approved final submission, maps will not be signed unless the differences are minor. Minor changes from the final approved plan may be accepted if the changes are the result of the municipal engineer correcting or adjusting map details, provided the changes do not alter storm water drainage or occur within the county right-of-way.
- e) Once maps are signed, the applicant or their designee shall be responsible for properly filing maps with the Warren County Clerk's Office.

D. SANCTIONS FOR NONCOMPLIANCE

- 1. Failure to comply with any of the conditions of county subdivision or site plan approval may be grounds for any or all the following actions:
 - a) Refusal of the County to issue other county permits for said subdivision or site development.
 - b) A request to the local building inspector to revoke or to withhold the local building permit and/or certificate of occupancy.
 - c) Appropriate court action initiated by the County Planning Board.
- 2. A written notice of non-compliance shall be forwarded, by certified mail, to the local approving agency, the local building permit officer and the applicant. Said notice shall contain a statement regarding the applicant's lack of compliance and that such failure to comply may result in the County taking any or all of the actions enumerated above. Said notice shall also inform the applicant that immediate compliance is required.

E. WAIVERS AND APPEALS

- 1. The rules, regulations and standards set forth herein are designed to meet the necessary requirements of public safety and welfare of the citizens of Warren County. In the event that compliance with the rules, regulations and standards results in a unique hardship to the applicant, the applicant may seek a waiver. Requests for waivers must be made either electronically or in writing and will be considered by the Planning Director, County Engineer, DRC and/or County Planning Board as appropriate.
- 2. Any person, aggrieved by the action of the Development Review Committee or Planning Board, may file an appeal in writing to the Planning Board within ten (10) days after the date of notice by certified mail to said action. The Board of County Commissioners shall consider such appeal at a regular or special public meeting within forty-five (45) days from the date of its filing. Notice of said hearing shall be made by certified mail to the applicant and to such other officials as set forth in N.J.S.A. 40:27-6.9 at least ten (10) days prior to the hearing. The Board of County Commissioners shall render a decision within thirty (30) days from the date of the hearing.
- 3. Any application submitted for site plan or subdivision approval to the county planning board that is located adjacent to a county road, facility or structure and affects an historic feature, or property, or is located within an historic district that is deemed eligible for or designated on the National and/or State Registers of Historic Places according to the NJ State Historic Preservation Office, or is located within the municipal jurisdiction of Alpha, Belvidere, Hackettstown, Phillipsburg, and Washington Borough, the applicant may

seek a waiver or relief from the rules, regulations and standards set forth herein provided that the waiver will not compromise public safety or welfare. Requests for waivers or relief may be made electronically or in writing and will be considered by the Planning Director, County Engineer, and/or Development Review Committee, or Planning Board as appropriate. The municipal governing body and municipal planning or land use board must be copied on all waiver requests. The road and bridge standards may be waived or relieved by the County Engineer or Development Review Committee only if it can be demonstrated by the applicant that public safety and welfare is not compromised.

4. At a developer's request, and for good cause shown, the Planning Director, County Engineer, and/or County Planning Board, as appropriate, shall have the discretion, after the Board has granted preliminary or final approval, to grant minor "field changes" to address unanticipated conditions arising at the time of actual construction to the extent that the "field changes" do not compromise the public safety and welfare.

CHAPTER IV

DEVELOPMENT DESIGN REQUIREMENTS

A. WARREN COUNTY HIGHWAY AND BRIDGE STANDARDS

The Warren County Highway and Bridge Standards were developed as a separate document (included in appendix E) to be used in conjunction with the Development Review Regulations.

The current Warren County Highway and Bridge Standards as well as all future revisions, are hereby made a part of these regulations and shall be followed for all development review by the County of Warren.

B. PERFORMANCE GUARANTEES, MAINTENANCE BONDS AND OTHER PAYMENTS

a) General

- (1) Prior to final approval of a subdivision or site plan, the developer shall have posted adequate performance guarantees to assure the installation of required improvements.
- (2) All performance and maintenance guarantees shall be in the form approved by County Counsel, and shall be in an amount determined by the Development Review Committee or Planning Board.
- (3) In cases where improvements to or those affecting County roads or drainage facilities are covered by performance and/or maintenance guarantees made to the municipality, the County shall not require any additional bonds or guarantees for the same improvements, providing said improvements are to be installed in accordance with County standards and specifications and provided further that the County is named co-obligee on said bond or guarantee. A copy of bonds or guarantees required by the municipality for improvements to or affecting County roads or drainage facilities shall be submitted to the County Planning Board with itemized specifications of the required improvements.
- (4) At the request of the applicant, performance and/ or maintenance guarantees may be established by subdivision and site plan sections and approvals granted accordingly, if upon findings of the County Planning Director and the County Engineer, the incremental development of the subdivision or site plan will not adversely affect a County road or drainage facility.
- (5) When the County Engineer determines that off-tract/off-tract improvements are necessary, the developer of any subdivision or site plan on a County road shall be required to provide a performance guarantee, cash payment, performance bond, or maintenance bond to the County. The amount of the bond shall be determined by the County Engineer for the installation and maintenance of said improvements.
- (6) Where the DRC determines that a post development review of the traffic conditions may be required, the applicant shall post a traffic performance guarantee to cover the cost of designing and constructing the traffic mitigation improvements that may include but not limited to traffic signals, road widenings, signage, etc. This performance guarantee shall be separate from other performance guarantees posted by the developer and shall remain in effect for five (5) years from the date of final approval.

b) Posting of Performance Bonds after Two (2) Years

If a performance guarantee has not been posted with the County Planning Board within two (2) years of establishing an amount or if the installation of the required improvements has not commenced within two (2) years of the posting of a performance guarantee for required improvements, the amount of said performance guarantee may be recalculated by the County Engineer's office in order to reflect current material and construction costs.

c) Release of Performance Guarantees

The County Engineer or his or her representative shall inspect all improvements required by the County Planning Board for which a performance guarantee has been posted. The County Engineer shall certify whether or not the improvements have been satisfactorily constructed and that any required maintenance bond has been posted.

d) Release of Maintenance Bond

The County Engineer or his or her representative shall inspect all County facilities covered by a maintenance bond thirty (30) days prior to the expiration of the bond. The County Engineer shall certify whether or not the facilities are in satisfactory condition.

C. DEVELOPER AGREEMENTS

a) A Developer agreement shall be required when one or more of the following conditions exists as determined by the DRC/ County Planning Board in consultation with the County Engineer:

- (1) Improvements to County facilities are to be provided which differ from or not contained in the adopted Standards.
- (2) Monetary contributions are required in lieu of construction improvements.
- (3) Pro rata, off-tract improvement obligations are determined.
- (4) Multiple developers jointly fund and/or construct improvements.
- (5) Improvement obligations are reallocated to address immediate, higher priority needs.
- (6) Other miscellaneous studies, monitoring, activities that may need to take place after final approval is given.

b) Provisions contained within the development agreement shall include the following general categories according to the requirements upon which an agreement is based: a. Parties to the Agreement and Site Demarcation.

- (1) Objectives and Responsibilities
- (2) Construction of Improvements
- (3) Pro Rata and In Lieu Contributions
- (4) Easements and Dedications
- (5) Performance and Maintenance Guarantees
- (6) Issuance and Conditions of Permits and Approvals (Municipal, County, State and other)
- (7) Enumeration of Approved Plans
- (8) Inspection, Completion and Approval Procedures and Standards
- (9) Reporting Mechanisms

- (10) Assignment and Transfer
 - (11) Duration
 - (12) Other terms and Conditions
 - (13) Construction Phasing
 - (14) Attachment of approval resolutions, both municipal and County
 - (15) Other items and conditions
- c) Such agreement shall be retained until all improvements have been completed to the satisfaction of the County Engineer and the Planning Department.
 - d) In instances when the provisions of these Regulations allow or require a cash contribution to the County to cover a share of the cost of all improvement, the approval of a subdivision or site plan shall be further conditioned on the receipt of such contributions in the form of a certified check made payable to the County of Warren, and deposited in an account reserved for such improvements.

D. DEEDS, DEDICATIONS AND EASEMENTS

- a) a. Required deeds of dedication, deeds of rights-of-way and or deeds of easement, along with a title search and a legal description and plan of metes and bounds signed by a licensed professional land surveyor, shall be submitted for review and acceptance as a condition of DRC or Board approval of the development application and prior to the recording of such legal documents at the County Clerk's Office.
- b) The deeds shall be prepared in a form approved by County Counsel and shall bear all necessary signatures prior to recording. The County Planning Department will forward a copy of the proposed deed to the Board Attorney and the County Engineer for review and approval of the legal description and verification of verification of compliance with the development application. Upon confirmation of the approval, the Developer shall submit the deed to the County Clerk's Office for recording.
- c) All such deeds shall contain the following notation:

The recording of this dedication shall not be construed to be an acceptance of the roadway or improvements located therein. Nor shall any such acceptance in any way obligate the County of Warren to maintain or exercise jurisdiction over such roadway until said road/improvements have been accepted by the County. Additionally, it is acknowledged that Warren County shall not be responsible for the maintenance of any sidewalk improvements.

E. COORDINATION WITH MUNICIPAL STANDARDS

County recommendations are not intended to supersede local regulations in areas which are totally municipal jurisdiction. Every effort will be made to assist the applicant in the coordination of county and municipal requirements so that a development plan that is mutually beneficial to all parties involved and to the citizens of Warren County.

F. STATE OF NEW JERSEY REGULATIONS

It is the applicant's responsibility to obtain all required state approvals for their project. The County may advise the applicant of the need for state permits when applicable. The County may request a copy of State approvals when appropriate.

G. MORRIS CANAL PRESERVATION STANDARDS

The Warren County Morris Canal Historic District Zone Ordinance (included in appendix D) was developed by the County as a guide for municipalities to review and adopt into their development regulations. By creating this ordinance, all municipalities along the canal will have a common guide to development to protect this historic resource.

H. TRUCK ROUTE MAP

The Warren County Planning Board adopted a Transportation Master Plan and an Amendment in 2023. Development Applications that will generate truck traffic will be required to abide by the Truck Routing as provided in the map.

CHAPTER V

CONSISTENCY WITH OTHER COUNTY PLANS, PROGRAMS AND POLICIES

A. WARREN COUNTY MASTER PLAN

Pursuant to the New Jersey County Planning Act, N.J.S.A. 40:27-2 et seq, the Warren County Planning Board has adopted the Warren County Master Plan. The Master Plan is a compendium of elements consisting of, but not limited to, the general development plan, strategic growth plan, the transportation plan and open space plan. The master plan is designed to provide a frame of reference for all county and local activities so that the county develops economically, aesthetically and in an environmentally sensitive fashion in accordance with sound planning and land use principles.

Proposed land developments in the county should be in conformance with the goals, objectives, adopted maps and recommendations in the master plan. The County Planning Board may outline areas of inconsistencies in the county's development review report, or a separate report, for consideration by the municipality and the applicant.

B. OUTSIDE AGENCY REVIEW

All applications are reviewed to determine if any elements thereof can possibly be within the jurisdiction of outside review agencies. Such agencies include, but are not limited to, the New Jersey Department of Environmental Protection, the New Jersey Department of Transportation, and the Warren County Soil Conservation District.

In the event that one or more of these agencies does have review jurisdiction, the County Planning Board may exercise an option to withhold final action until such time as the application has been found in compliance with all statutory and regulatory requirements.

Copies of the County Planning Board reviews will be transmitted to all concerned agencies. Timely comments resulting from outside agency reviews will be considered in County Planning Board actions.

APPENDIX A

Subdivision and Site Plan Fee Schedule

GENERAL PROCEDURE

Every application subject to approval by the Warren County Development Review Committee and the provisions of the development review standards shall not be deemed complete unless and until the fees as hereinafter enumerated have been paid. If it should be determined that the initial fee paid by an applicant is not in accordance with this fee schedule, the Development Review Committee may withhold final approval unless and until such fees are paid in full. All monies paid on account of fees pursuant to this schedule shall be paid to the County Treasurer. Proof of payment of the fees shall be appended to the application prior to its review by the Development Review Committee. Unless the Development Review Committee determines that the fee has been incorrectly calculated, no additional fee for an original application shall be required for a period of one (1) year beginning with the date of payment of same. There shall be no fee for review of development applications of any political subdivision of the State of New Jersey.

Fee Schedule

Type	Fee	Escrow
<i>Subdivision</i>		
Non-County Road Minor	\$50	
Minor	\$100	None
Major	\$600 + \$50 per lot	\$1,500
Final	\$250	
<i>Site Plan</i>		
Minor	\$250	None
Major	\$500 + \$0.15/SF Non-residential and \$20 per DU + \$20 per Parking Space/Trailer space/dock	\$1,500
Final	\$250	
<i>Other</i>		
Total trips exceed 250/day on County Road or 500 Non-County Road		\$10,000
Waiver/ LOI	\$100	
Sign Plats	\$150	
Insignificant Change or Amended Review	\$200	

APPENDIX B

Development Review Regulations Checklist for Development Applications

APPENDIX C

Warren County Planning Department Application Form

APPENDIX D

MORRIS CANAL HISTORIC PRESERVATION REQUIREMENTS

PURPOSE:

The preservation, protection and enhancement of the Morris Canal is required because:

- (1) The Morris Canal is recognized as a cultural resource of National importance by its inclusion on the State and National Register of Historic Places, and
- (2) The Morris Canal was (and is) of great significance to the social and economic development of Warren County and the individual municipalities through which it passes and is so recognized by its inclusion in Warren County's Open Space Plan, and
- (3) The Morris Canal is of environmental importance as a drainage way, water retention basin and, in many cases, as part of a valuable natural area watersheds.
- (4) Temporary restoration easements may be necessary as part of the buffer areas or in place of the buffer areas.

DELINEATION REQUIREMENTS OF CANAL CORRIDOR AND BUFFER:

The delineation of the Morris Canal corridor on all subdivision and site plan maps must include:

- (1) The Canal right-of-way, levels, prism, basins, locks and inclined planes.
- (2) Adjacent features, sites and structures, such as boat yards, of primary importance to the operation of the Canal.
- (3) Areas of special sensitivity within the zone, including but not necessarily limited to special features, such as the inclined planes, locks, boat basins and yards, shall be designated.
- (4) A one-hundred (100) foot buffer along both sides of the Canal corridor measured from the outside toe of the prism bank, basin, lock or inclined plane, as the case may be, to facilitate the establishment of the Canal greenway, to minimize the impact of encroachments on the Canal, and to minimize potential conflicts between the public using the Canal and private landowners.

PROVISIONS FOR DRIVEWAYS, UNDERGROUND UTILITIES, SANITARY AND STORM WATER SEWERS, STREETS, ETC:

The crossing of and/or excavation within the Canal corridor for any of the above mentioned purposes shall be permitted if there is no feasible and prudent alternative and such crossing and/or excavation is clearly in the public interest. Provisions for such crossing/excavation shall include:

- (1) For utilities and sewers. Work to be completed in such a manner as to minimize the disturbance and/or destruction of significant features both above and below ground. Any such features disturbed and/or destroyed shall be restored to their preexisting condition as closely as is feasibly possible.
- (2) For driveways, work to be completed with minimum disturbance and/or destruction of significant features, both above and below ground; with restoration of destroyed or disturbed significant features, and completed to insure proper drainage flow.

- (3) For minor and major subdivision application, and for individual applications, where multiple driveways would normally be permitted, only one common driveway crossing the Canal corridor shall be permitted. The provision of more than one driveway may be permitted if the applicant can demonstrate that a single common driveway is not feasible.
- (4) For major subdivisions where one or more streets are proposed to cross the Canal corridor, a bridge shall be provided to carry the roadway over the Canal prism. The same shall be required of a minor subdivision if deemed by the Planning Board to be appropriate and in the public interest.

ACQUISITION PROCEDURES

- (1) The value of Morris Canal properties, easements, and buffers shall be established using NJDEP Green Acres procedures and requirements.
- (2) The County prefers fee title ownership of the canal property and buffers as part of a linear historic park corridor and trail system.
- (3) Donations of canal property and easements may be considered to offset other impact fees and responsibilities on a case by case basis.
- (4) Morris Canal Public Access Easements must be clearly labeled on all plans and must be delineated in all deeds by a metes and bounds description.

CONSERVATION EASEMENTS/PUBLIC ACCESS EASEMENTS:

- (1) Owners of property within the delineated Canal corridor shall be encouraged to donate conservation easements to the County.
- (2) Major and minor subdivision and site plan applicants shall be requested to designate conservation easements of the Canal corridor on the plans for the property being developed and to donate such easements to the County. Where practical, public access should also be granted
- (3) Applicants for subdivision and site plan approval shall also consider the sale of the Canal corridor and buffer as defined in Section B, to the County.

REVIEW PROCEDURES:

The Planning Board shall review and comments in regard to the compliance with the provisions of this section.

CONSERVATION EASEMENT

THIS INDENTURE, made this ____ (day) of _____ (month) ____ (year), BETWEEN, _____ (owner/corporation) a corporation of the State of _____ (hereinafter referred to as the Grantor), AND the COUNTY OF WARREN, a public corporation of the State of New Jersey (hereinafter referred to as the County);

WHEREAS, the Grantor is the owner of lands in the (Town/Boro/Twp) of _____ (hereinafter referred to as the (Town/Boro/Twp) _____ which are the subject of approval for a _____ (subdivision/siteplan) by the Planning Board of the _____. Block ____, Lot(s) ____ on the Tax Assessment Map of the _____ (Town/Boro/Twp); and

WHEREAS, one abandoned canal bed and other environmentally sensitive areas are located on said lands adjacent to or near said lands; and

WHEREAS, the Grantor and the County wish to protect the natural conditions of said abandoned canal and said stream or streams and other areas and the quality of the waters of said canals or said streams from adverse effects from the future development of the property.

WITNESSETH

In consideration of One Dollar (\$1.00) paid to the Grantor by the County at or before the delivery of this grant of easement, the receipt of which is hereby acknowledged, the Grantor hereby grants, bargains, sells and conveys to the County forever a conservation easement over that tract, parcel or lot of land in the (Town/Boro/Twp) of _____, County of Warren and State of New Jersey, more particularly described on Schedule A annexed hereto in the location described on Schedule B annexed hereto, on the following terms and conditions:

There shall be no residential structures or accessory structures thereto in the area designated as conservation easement, except for drainage purposes, agricultural or farming structures.

Notwithstanding anything to the contrary contained in this instrument, there shall be allowed, subject to federal and state law or regulation, drainage facilities and any related structures and access ways.

No trees or shrubs shall be removed or destroyed except for:

The purposes allowed herein.

Diseased or storm damaged trees or shrubs needed to be removed in accordance with accepted horticulture or silvaculture practices.

No topsoil, sand, gravel, loam, rock or other material shall be excavated, dredged or removed from the easement area except for the purposes allowed herein or except with the written approval

of the County acting through the governing body or such other body or official as the governing body may designate.

No filling of land shall be allowed except for purposes allowed herein or as allowed by the Corps, and no dumping or placing of trash, waste or unsightly or offensive material, for disposal or otherwise shall be permitted within the easement area.

No solid or liquid materials which might pollute or otherwise adversely affect the flow or quality of the water in any watercourse within the easement area shall be kept or stored within the easement area or placed in or discharged into any watercourse traversing the easement area.

No activities shall be permitted within the easement area which might be detrimental to drainage, flood control, springs, water, conservation, water quantity or quality protection, erosion control, or soil conservation.

Notwithstanding the foregoing, this agreement may be modified by mutual consent of the Grantor and or the Grantor's assigns and the County of Warren.

The provisions of this Indenture shall be binding upon and shall inure to the benefits of the parties and their respective heirs, successors and assigns.

IN WITNESS WHEREOF, the Grantor has duly executed this Indenture as of the date first above written.

WITNESS:

_____ (owner)

_____ (name)

_____ (title)

STATE OF NEW JERSEY: COUNTY OF WARREN: SS.

I CERTIFY that on this ____ (day) of _____ (month), _____ (year), _____ (name) personally, came before me and this person acknowledged under oath, to my satisfaction that (a) this person is the _____ (title) of _____ (corporation), he corporation named in this document; (b) this person is the attesting witness to the signing of this document by the proper corporate officer who is _____ (name), _____ (title); (c) this document was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of Directors; (d) this person knows the proper seal of the corporation which was affixed to this document; (e) this person signed this proof to attest to the truth of these facts.

Subscribed and Sworn to:

Before me this ____ (day) of _____ (month) _____ (year):

Notary Public

CONSERVATION EASEMENT
(with right to public access)

THIS INDENTURE, made this ____ (day) _____ (month) ____ (year), BETWEEN, _____(owner/corporation) a corporation of the State of _____ (hereinafter referred to as the Grantor), AND the COUNTY OF WARREN, a public corporation of the State of New Jersey (hereinafter referred to as the County);

WHEREAS, the Grantor is the owner of lands in the (Town/Boro/Twp) of _____ (hereinafter referred to as the (Town/Boro/Twp) which are the subject of approval for a _____ (subdivision/siteplan) by the Planning Board of the _____. Block ____, Lot(s) ____ on the Tax Assessment Map of the _____ (Town/Boro/Twp); and

WHEREAS, one abandoned canal bed and other environmentally sensitive areas are located on said lands adjacent to or near said lands; and

WHEREAS, one abandoned canal bed and other environmentally sensitive areas are located on said lands adjacent to or near said lands; and

WHEREAS, the Grantor and the County wish to protect the natural conditions of said abandoned canal and said stream or streams and other areas and the quality of the waters of said canals or said streams from adverse effects from the future development of the property.

WITNESSETH

In consideration of One Dollar (\$1.00) paid to the Grantor by the County at or before the delivery of this grant of easement, the receipt of which is hereby acknowledged, the Grantor hereby grants, bargains, sells and conveys to the County forever a conservation easement over

that tract, parcel or lot of land in the (Town/Boro/Twp) of _____, County of Warren and State of New Jersey, more particularly described on Schedule A annexed hereto in the location described on Schedule B annexed hereto, on the following terms and conditions:

1. There shall be no residential structures or accessory structures thereto in the area designated as conservation easement, except for drainage purposes, agricultural or farming structures.
2. Notwithstanding anything to the contrary contained in this instrument, there shall be allowed, subject to federal and state law or regulation, drainage facilities and any related structures and access ways.
3. No trees or shrubs shall be removed or destroyed except for:

The purposes allowed herein.

Diseased or storm damaged trees or shrubs needed to be removed in accordance with accepted horticulture or silviculture practices.

4. No topsoil, sand, gravel, loam, rock or other material shall be excavated, dredged or removed from the easement area except for the purposes allowed herein or except with the written approval of the County acting through the governing body or such other body or official as the governing body may designate.

5. No filling of land shall be allowed except for purposes allowed herein or as allowed by the Corps, and no dumping or placing of trash, waste or unsightly or offensive material, for disposal or otherwise shall be permitted within the easement area.

6. No solid or liquid materials which might pollute or otherwise adversely affect the flow or quality of the water in any watercourse within the easement area shall be kept or stored within the easement area or placed in or discharged into any watercourse traversing the easement area.

No activities shall be permitted within the easement area which might be detrimental to drainage, flood control, springs, water, conservation, water quantity or quality protection, erosion control, or soil conservation.

Except for unusual and unforeseen emergencies, the easement area shall be open to the public all year during designated hours. The opening and closing hours shall be posted at the entrance to the easement area for public information and shall be determined from time to time by resolution of the Board of County Commissioners of the County of Warren or designated agency.

The County reserves the right to create and maintain a footpath along the course of the easement including, where necessary, the removal of trees and other vegetation that impede the footpath course.

Public access to the easement area shall only occur once a park program has been established by the County to oversee the usage of the easement area by the public.

Notwithstanding the foregoing, this agreement may be modified by mutual consent of the Grantor and or the Grantor's assigns and the County of Warren.

The provisions of this Indenture shall be binding upon and shall inure to the benefits of the parties and their respective heirs, successors and assigns.

IN WITNESS WHEREOF, the Grantor has duly executed this Indenture as of the date first above written.

WITNESS:

_____ (owner)

_____ (name)

_____ (title)

STATE OF NEW JERSEY: COUNTY OF WARREN: SS.

I CERTIFY that on this ____ (day) of _____ (month), ____ (year), _____ (name) personally, came before me and this person acknowledged under oath, to my satisfaction that (a) this person is the _____ (title) of _____ (corporation),

he corporation named in this document; (b) this person is the attesting witness to the signing of this document by the proper corporate officer who is _____ (name), _____ (title); (c) this document was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of Directors; (d) this person knows the proper seal of the corporation which was affixed to this document; (e) this person signed this proof to attest to the truth of these facts.

Subscribed and Sworn to:
Before me this _____ (day) of _____ (month) _____ (year):

Notary Public

