

# **Master Plan Amendment Land Use, Open Space And Conservation Elements**



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**April 1, 2004**

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## **MASTER PLAN AMENDMENT LAND USE, OPEN SPACE AND CONSERVATION ELEMENTS**

### **Introduction**

Hainesport Township has experienced a rapid rate of residential growth over the past few years. In 1996, there were approximately 650 acres of farmland in southern Hainesport Township. This land area consisted of predominantly agriculture and single-family detached homes on lot sizes of 2 acres. Unfortunately land ownership has changed, resulting in the demise of some farming activity. Since 1987, the amount of productive farmland in Hainesport has decreased by over 30%. Hainesport Township continues to be an attractive place to live. The Township's primary goal and objective is to preserve the remaining rural and agricultural character of the southern portion of Hainesport Township.

A goal of the 1996 Master Plan is to encourage agriculture through the development of ordinances that encourage and promote cooperative efforts with adjacent Townships to maintain open space and encourage the retention of farmland as an agricultural business. The Master Plan Re-examination Report of 2002 identified land use problems included the failure to retain farmland as an agricultural business to the extent practical, the expansion of residential development at the expense of agricultural lands and the need to protect the rural atmosphere within the southern portions of the Township. Agricultural uses have historically provided habitats for natural vegetation and wildlife necessary to insure a balanced environment. Changes that destroy this balance are unacceptable to both present and future generations.

The decrease in agricultural land is directly proportionate to the increase in the Township's housing stock and population. According to the 1990 census data, the number of housing units in Hainesport totaled 1,209 units. By the year 2,000 the total number of units totaled 1,555, an increase of 22%. More startling is the increase in new housing construction since the year 2,000. As of July 2003, a total of 2,223 units were either built or being constructed in Hainesport, an increase of 30% since the time of the 2,000 census. In 2003, Hainesport ranked fourth in the County in the number of building permits issued for new residential construction with a total of 161 permits. Similarly, the population of Hainesport has risen dramatically. In 1990, Hainesport had a population of 3,249 persons. By the year 2,000, Hainesport's population had increased to 4,126, an increase of 21%. Given the rate of increase in the number of new housing starts since the time of the 2000 census, it is safe to assume that the current population of Hainesport exceeds 5,000 persons.

The southern portion of Hainesport is surrounded by Mount Laurel Township to the west and Lumberton Township to the south and east. The existing zoning in Mount Laurel adjacent to Hainesport is single-family residential on lot sizes of 20,000 square feet. Mount Laurel is a suburban community of 40,221 residents and provides housing and services on a regional scale. The existing zoning in Lumberton Township adjacent to Hainesport is single-family residential at a density of one lot per five acres.

Lumberton is community of varying land uses and promotes a very strong commitment to agriculture and farmland preservation. Hainesport Township is seeking to align itself with Lumberton Township in an attempt to preserve agriculture as a viable business within this region of Burlington County.

The 1996 Master Plan relied upon the continuation of agricultural practices within the southern portions of the Township as security that the rural character of this area would be maintained in perpetuity. The agricultural land use pattern was assumed to provide for a vast amount of open space and maintain the Township's pastoral setting. However, as recent history has shown, zoning for a particular use does not necessarily ensure the lands protection from other less desirable uses. In addition to farmland, the existing forested areas and wetlands that are pronounced throughout this region of Hainesport have immense ecological, scenic, recreation, and water recharge value.

### **Preservation Plan**

The community has, through the strategic planning process, developed open space policies that reflect the unique resources of the community. The Open Space and Recreation Plan (OSRP), reflects the open space goals of the community. The OSRP, along with a Planning Incentive Grant application, make Hainesport Township eligible for Green Acres and County Open Space and Farmland Preservation funding in each cycle. Hainesport has established an Open Space and Preservation Trust Fund to collect money to support the acquisition of open spaces and farmlands through either out right purchase of identified properties or the purchase of the development rights. The fund is \$.01 per \$100 of assessed property value and as a result around \$35,000 per year is collected. The Open Space and Farmland Preservation properties are identified on a map in the OSRP. The map depicts an ideal vision of conservation, preservation and recreation as expressed by Hainesport Township. Specifically identifying lands that the Township would like to acquire or preserve for conservation, recreation, open space, or agriculture leads to a cohesive and defensible plan.

### **Conservation Easements**

Acquisitions are not the only tool for open space and farmland preservation. Conservation easements placed on open land allow for protection of open space and farms without ownership changing hands. Conservation easements are enabled by N.J.S.A. 13:8B-1. Owners of significant pieces of property may place a conservation easement on part of their land to protect the natural features or environmental quality of the land and they can still live and conduct activities on the unrestricted portion of the property. In order for a landowner to qualify for a tax deduction for eased land, the local tax assessor must approve the deduction. The IRS requires that there be a public purpose for the land donation and it must be consistent with public policy.

Eligible categories of land include: land that is restricted in perpetuity exclusively for a conservation purpose; land that is accessible to the public for education or recreation; and land that has certified historic value.

There are responsibilities that come with the acceptance of a conservation easement. The land must be monitored in a systematic fashion to protect against environmental degradation, encroachments and potential adverse possession claims to land. The language of a conservation easement must include prohibited uses, the allowable uses, a clear mechanism for enforcement and it must be properly recorded. Conservation easements may or may not include provisions for public access.

### *Steep Slopes*

Though it is generally assumed that the southern part of New Jersey is flat, there are in fact topographical variations in the landscape that are notable and worthy of preservation. Steep slopes are defined as those greater than 15%. In recognition of their vulnerability to erosion, siltation, flooding, and water runoff, the municipality should identify and protect steep slopes. Slopes of 15% or greater present significant problems for septic effluent disposal, house siting, grading, erosion, and run-off impacts to adjacent properties and nearby streams. Slopes are important factors in maintaining aquifer recharge and ground water quality. Additionally, slopes that are forested may provide habitat for migratory birds and other animals.

In order to effectuate protection of steep slopes, an ordinance should be developed that will restrict critical slope areas, limit grading, and prohibit development, cutting vegetation and other disturbances where appropriate. Along streams, additional buffer should be added in locations with steep slopes in order to limit pollution and erosion. The controls should be both qualitative and quantitative as to provide protection for the unique landforms and maximize optimal use of the natural terrain. Effective and reasonable application of these regulations will protect health, safety and welfare of the citizens of the Township.

### *Natural Resources Study*

The southern portion of Hainesport Township is unique in the diversity and quality of soils, stream corridors, waterways and wildlife. The conservation of these resources should not be discounted. The Conservation Element of the Master Plan listed several goals including the following:

- To maintain the visual quality of the Township along its roads, streams, open spaces, and woodlands.
- To conserve and enhance the wildlife habitat of the Township.
- To insure the maintenance of the natural drainage system.
- To insure the health and purity of Township fresh water resources.
- To encourage and promote the rural atmosphere of the Township and the continued agricultural use of prime farmland.
- To maintain the Township's woodland vegetation.

In addition to the conservation goals, the master plan also advances the preservation of agricultural land uses. Agricultural uses have historically provided habitats for natural vegetation and wildlife necessary to insure a balanced environment. Farming should continue to be encouraged so that residents can benefit from the open space and local produce which farmland provides. Recommendations include the development of ordinances that encourage and promote cooperative efforts with adjacent Townships to maintain open space and density controls and the establishment of right-to-farm ordinances granting farmers certain rights.

Evaluating and prioritizing the natural features in the Township are essential for preserving the best features. Prioritizing features involves ranking different characteristics as to their ecological importance based on the diversity and rarity of species, the degree of disturbance of the habitat, its size and shape, its scenic value, its physical proximity to other important features, and other factors that prove significant. Providing best management practices of the ecological resources of the Township requires a delineation and understanding of the environmental resources within the Township.

#### *Streams and Water Bodies (Map 1)*

Hainesport is traversed by the North branch of the Rancocas Creek at its northern boundary; the southern Branch of the Rancocas creek through the middle of the community into Lumberton Township and Masons Creek at the western boundary with Mt. Laurel.

#### *Flood Plains and Wetlands (Maps 2 and 3)*

Naturally, the North and Southern Branches of the Rancocas Creek are significantly impacted by floodways and wetlands. Portions of both streams are impacted by tidal activity for the Delaware River.

In the southern portion of Hainesport, south of Creek Road, there are extensive wetlands in areas yet undeveloped and without sewer service. This includes the areas north of Ark road to Phillips Road and further north to Hainesport-Mt. Laurel Road and Fostertown Road.

#### *Depth to Seasonal High Water table (Map 4)*

The most striking feature about this map is the amount of land that has been preserved where the water table is so close to the surface, such as the Winzinger Tract, the Rancocas State Park and other lands along both branches of the Rancocas. Only one parcel has been developed and that is the old gravel pit where fill was mined creating an upland area adjacent to the man made lake at Waters Edge.

Additionally, the area where the water table is 1 to 2½ feet below the surface is extensive in the Southern portion of the town. These areas illustrated in the tan color are largely undeveloped. Most of the development has occurred in the green areas (over five feet to seasonal high).

#### Surface Water Composite Map (Map 5)

This map clearly illustrates that the majority of land where the water table is 5' or greater, has already been committed to development. Only the marginal land water table between one and two and a half feet below the surface remains. There appears to be 60+/- acres of land with five feet to seasonal high water table out of a total area of 500 acres in the non-sewered areas.

#### Soils Map (Map 6)

By reference, the Soils Data is obtained from the Burlington county Soil Conservation Service, where extremely detailed accounts of soils are beautifully recounted. This particular map identifies all the soils along with their slope characteristics.

The Tinton Sands are excellent soils and, not surprising, our first developments of Rancocas Heights, Broad Street and Cleremont are all located on these soils.

Old Tidal areas are evident in the Ao (Alluvial Soils), Ms (Fresh Water Marsh Soils) and Mt (Tidal Marsh Soils).

Freehold Sands are well-drained soils that occur under the Hainesport Chase subdivisions. As we move below the 208 line, the Holmdel Sandy Loam, Pemberton Sands and Shrewsbury Sandy Loams appear. These soils indicate a higher water table and less ability to recharge water.

#### Agricultural Soils (Map 7)

The best agricultural soils in Burlington County are considered Class I and Class II soils. Hainesport has less than 150 acres of Class I soils and virtually all Class I soils are in non-agricultural uses.

Class II soils are abundant along Fostertown Road from Mt. Laurel to Lumberton, from Hainesport Chase to Masons Creek tributary.

South of the Class II soils to the Southern tip of the Township are Class III soils (with the exception of Class I and II at Fenimore Road)

Lands south of the sewer service represent the best soils and the largest quantity of undeveloped area within the Township. Of this area, 160 acres has been permanently deed-restricted for farming through a voluntary Transfer of Development rights established in 1987. The continuation of these farmland resources is recommended.

### Soil Septic Suitability (Map 8)

Septic suitability is generally good where the seasonal high water table is greater than five feet. Unfortunately, approximately one-third of the Township has only fair suitability because of the high water table. In areas where there are stream corridors and clayey loams, the suitability is extremely poor.

### Topography (Map 9)

The highest elevation in Hainesport is 65 feet at Route 38 and Creek Road. The elevations drop in all directions from that point toward the streams. The drop is more abrupt at Rancocas Heights as the land drops off sharply to the Creek. The elevations slope from a high of about 65 feet to a plus 2 feet at the northern branch.

The area south of Hainesport Chase is slowly sloping toward Masons Creek. The elevations vary from Elevation 45 to Elevation 15.

### Surficial Geology (Map 10)

During the raising and lowering of the coastal plain, new materials were deposited over the existing bedrock geological formations. Subsequent erosion of these various layers when they were exposed to the sometimes-turbulent weather, created an intervening layer called surficial geology. Geologists have tracked the movements of the eroded material and established the geologic layers that lie above the bedrock layer. Like an uncontained liquid, these materials spread out in thin layers (3 to 5 meters) across a wide area. In some cases, the impervious material (clay/silts) overlay sandy aquifers. In some cases, sandy material overlays sandy material, or sandy material may overlay clay. These various combinations illustrate the various conditions directly under the soils, the most significant of which is the Qtu (Upper Terrace Deposit). (Qtu is defined as "Sand, minor silt; yellow, reddish yellow; and pebble gravel. Sand is chiefly quartz; glauconite and mica are generally less abundant than in the lower terrace deposits and alluvium. Gravel is quartz, quartzite, and minor ironstone. As much as 20 feet thick. Forms stream terraces with surfaces 20-50 ft above the modern floodplain.")

This silty glauconitic material retards water being transferred into the aquifer below. Apparently, this formation is 3 to 7 meters thick.

### Bedrock Geology (Map 11)

New Jersey Geology consists of various layers of materials, which vary from porous sand (aquifers) and to silty clay (Acquicludes). Historically, the runoff from the piedmont plane deposited vast amounts of eroded material into the coastal plain. As the coastal plain was inundated, the formation of fine silts and clays were formed, serving as the ocean bottom. When the coastal plain was lifted, new material was deposited until again the coastal plain became ocean bottom.

This occurred numerous times over the strata's geological history. Although this is a terribly simplistic discussion of Southern New Jersey geology, it illustrates the formations that resulted from geologic movement over time and serves as a general overview of base geologic materials that slope from the Delaware River southeastwardly. These formations dip downward as they approach the Atlantic Ocean.

Hainesport Township is underlain by a series of extremely important aquifers. The difficulty is getting surface water to the aquifers through the Qtu surficial deposits. There is only one aquiclude traversing Hainesport and that is the Kmt, Marshall Town formation. The aquifers are Ket, Englishtown Formation at the Rancocas Park, the KW, Wenonah Formation underlies 75% of the Township, with a small portion of the Mount Laurel Formation along Fenimore Road. All of these aquifers supply drinking water to communities to the south and east of Hainesport.

*Bedrock Geology/Surficial Geology (Map 12)*

The fusion of data from the two previously scientifically analyzed geomorphology allows for the assimilation of the data in quantitative results. The geologic and soils data makes the identification of ideal recharge areas relatively easy. Analysis is required to determine which areas have excellent pervious material over bedrock aquifers; and as the gradient extends out to the least favorable condition for recharge. The table below describes the aggregate of the bedrock/surficial data analysis. Map 12 shows the areas of Hainesport with the following conditions ranging from A (most permeable) to E (least permeable).

Rank	Explanation	
A	Pervious over Pervious	Qe/Ket Qe/Kw
B	Pervious over Impervious (water goes so deep then travels along clay layer to streams)	Qe/Kmt
C	Impervious over Pervious (not good at surface unless you dig to the bedrock)	Qtu/Ket    Qtu/Kw Qs/Ket    Qs/Kw Qtu/Kmt    Qal/Kw Qal/Ket
D	Impervious over Impervious	Qtu/Kmt Qs/Kmt Qal/Kmt
E	Marsh/Surface Water	Qe/water    Qs/water Qal/water Qtu/water

### Geology/Soils/Septic/High Water Table Composite (Map 13)

Using the bedrock Geology/Surficial Geology overlay with the Soil Septic Suitability and High water Table, one now has a clear indication of where proper drainage and ground water recharge can occur, and where it has limitations.

Locally, proposed subdivisions on high water table lands have had trouble getting the proper percolation for specific lots. The overlay of septic suitability to the combined geology map, for the first time, gives one a true indication of the carrying capacity of the geomorphology/geology/soil horizon to absorb, mitigate and recharge our aquifers.

Areas where the suitability rating is 6 or below is extremely marginal for development characteristics. The water table is high, the drainage is poor and the farmland suitability is Class II or Class III. The overall capacity of the land is low density with a potential for farmland preservation.

The land suitability rating of 7 – 9 are all encumbered with wetlands, flood plains and alluvial material. Only one of these areas has ever been built upon and that was after tons of sand and gravel were redistributed for the gravel pit.

This composite map illustrates the relative suitability of the land for development. Land Use patterns should be cognizant of this carrying capacity and the land use decisions should be informed by this knowledge.

### Summary & Conclusions

The ecological features addressed herein explore the differences that exist within the boundaries of this one Township: the diversity of soils, geology, agricultural suitability, seasonal high water table, septic suitability, vegetation, landforms, slopes, and physiography. What is clear is that Hainesport Township is not a homogeneous landscape that can receive uniform treatment throughout. Rather, it is a geo-diverse ecosystem that has carrying to assimilate some development, but equilibrium must be established which balances development with saving agricultural areas and preserving major woodlands and stream corridors.

We have a duty to protect what cannot be recreated, a duty to maintain the ecosystem that has existed here for hundreds of years, and a duty to balance growth with preservation. In response to this duty, there is a need to change development patterns that have been occurring over the past twenty years. A need to change development patterns to preserve the quality of life for those already living in Hainesport Township. The citizenry is looking to the Township to try to preserve the character and aesthetics of the southern portion of the community.

The lack of public sewer in southern Hainesport Township and presence of environmental concerns such as wetlands, very high water tables and marginal soils require that the location of septic systems in future developments be responsive to the environment. Also existing are areas of mature woodlands, prime agricultural soils and environmentally valued habitats.

In addition to environmental factors, other land use policies must be taken into consideration. One of the most prominent Land Use impacts on communities is the Township's affordable housing obligation. The Township received round two substantive certification from the Council on Affordable Housing (COAH) in June of 2000. The township has zoned for and has fulfilled their affordable housing requirement. Hainesport Township is 100% compliant with their affordable housing obligation as established and regulated by COAH therefore the need to create additional affordable housing is not warranted. Hainesport's housing plan will need to be reviewed prior June 2006 and will be based on round three criteria currently proposed by COAH. According to the round three criteria, Hainesport has a prior round (1987-1999) obligation of zero. Its only anticipated affordable housing requirement will be based solely on the proposed growth share model.

The following development standards are being established based on the preservation of agricultural lands, environmental factors and the ability of lands within the southern portion of Hainesport to support development:

**Permitted Uses:**

- Agricultural uses conforming to the standards of § 104-54F provided that every building used for keeping of livestock should not be located closer than fifty feet (50') from a public right-of-way or property line.
- Temporary roadside stands for local farm products or local nursery products located a minimum of fifty feet (50') from a public right-of-way or property line.
- Plant nursery
- Single-family detached dwelling units
- Accessory uses primarily servicing single-family detached residential dwellings on a lot.
- Municipal buildings and/or uses
- A church or similar place of worship
- Temporary storage building (detached)
- Temporary construction buildings
- Swimming pools as an accessory use to a residential use

**Conditional Uses:**

- Home occupations
- Home professional offices and studios

**Prohibited Uses:**

- All uses not specifically permitted

Minimum lot size: Five (5) acres

Minimum lot frontage: 300 feet. The lot depth may not exceed three times the lot frontage. On cul-de-sac lots, the lot depth may not exceed four times the lot frontage.

Minimum front yard: 100 feet

Minimum rear yard: 100 feet

Minimum side yard: 50 feet

Maximum building height: 35 feet

Impervious coverage ratio (ICR): The maximum ICR permitted on any residential lot may not exceed 30%.

Flag lots are not permitted.

As per 7:9A entitled "Standards for Individual Subsurface Disposal Systems" all areas or lots with an estimated seasonal high water table of <2' or a permeability rate (zone of disposal) of .2" per hour will be determined unsuitable. Therefore, septic systems should not be permitted on any lot where the seasonal high water table is determined to be at an elevation of 24" or less to the surface of the natural grade. Additionally, the grading plan for the building lot should not exceed a height of fill of 54" above the natural grade. It is recommended that community septic systems be prohibited. Three tests should be required when determining septic suitability for each lot. Two test pits will be excavated at the proposed septic location and one additional test pit at an alternate location on the lot.

Crawl space/basement limitations: The crawl space or basement finish floor elevation should be set a minimum of two (2) feet above the seasonal high water table. The applicant to determine the seasonal high water table for each proposed dwelling or building should conduct a soil boring witnessed by the Township designee.

Open Space: The minimum upland area required should be consistent with the requirements set forth in the recreation ordinance.

Conservation and open space plans are encouraged provided that the density does not exceed one (1) unit per five (5) acres and the lot sizes are not less than two (2) acres. The proposal must accomplish the goals as defined above and must be able to meet the criteria for an individual subsurface disposal system as defined above. Residential enhanced conservation plans should minimize potential adverse impacts on existing farm operations; create connections between preservation parcels; create preservation parcels that are suitable for agriculture, open space or protect sensitive environmental features.

Where sensitive woodlands, steep slopes, waterways, ponds, or other environmental sensitive conditions are present, they should be preserved through an enhanced conservation plan with five-acre densities on two (2) acre lots, allowing for conservation of the remaining land. Any conventional plan should include all proposed grading and on-site detention basin grading and calculations to support the size of the basin.

#### Preliminary Assessment.

Requirement. Each application for approval for development, or for any land which is to be transferred or dedicated to the Township, to any governmental agency, to a homeowner's association or to any other entity, for any reasons whatsoever, at the discretion of the Township Committee or the Township Joint Land Use Board as applicable, the applicant or transferor should be required to submit a Preliminary Assessment. The Preliminary Assessment should conform to the current American Society of Testing Materials (hereafter ASTM Standards), as well as N.J.A.C. 7:26E-3.1. A preliminary Assessment Report must be submitted to the Township Committee or Joint Land Use Board, as applicable, with the application for development, transfer or dedication, and include recommendations with respect to the need for further actions to be considered in compliance.

Proper Qualifications. The individual(s) who prepares and conducts the Preliminary Assessment should provide a resume or curriculum vitae as part of the Preliminary Assessment Report. Individual qualifications must demonstrate that the persons conducting the Preliminary Assessment are qualified to conduct such Preliminary Assessment based on education, previous project experience and the current ASTM Standards.

Preliminary Escrow. As part of each application for development, transfer or dedication, if the Township Committee or Joint Land Use Board requires a Preliminary Assessment, the applicant should post an escrow for the Township professionals required to review the Preliminary Assessment.

Further Requirements. Upon review of the Preliminary Assessment Report the Township Committee or Joint Land Use Board, as applicable, may require such other studies, tests or environmental remedies as may be determined to be reasonably necessary for the environmental safety and security of the subject site, including but not limited to, a Preliminary Site Investigation or other remedies permitted by law.

#### Soil and Groundwater Sampling and Testing Required; Notification:

The Soil Cleanup Criteria's latest revision and the Groundwater Quality Standards, N.J.A.C. 7:9-6, are incorporated herein by reference as if set forth at length. All future amendments of these criteria by the New Jersey Department of Environmental Protection should be immediately incorporated herein by reference without the need to formally amend this Ordinance.

The Soil Cleanup Criteria and the Groundwater Quality Standards should be used as screening levels for determining whether additional actions should be required prior to development.

Based upon the review of the Preliminary Assessment Report the Township Committee or Joint Land Use Board, as applicable, may require soil and groundwater testing and sampling as a condition of approval. All property deemed to require soil and groundwater testing as a result of the Preliminary Assessment should be the subject of adequate testing protocol in accordance with the New Jersey Department of Environmental Protection's Technical Requirements for Site Remediation, pursuant to N.J.A.C. 7:26E and N.J.A.C. 7:26E-3.3-3.13.

In the event that any contaminations are detected at concentrations that exceed the screening levels set forth in the Soil Cleanup Criteria, or the Groundwater Quality Standards, an application for development to the Hainesport Township Committee or Joint Land Use Board as applicable, should be required to notify the New Jersey Department of Environmental Protection Technical Requirements for Site Remediation, N.J.A.C. 7:26E. The Township Committee or Joint Land Use Board, as applicable, may require that an applicant for development obtain a Site- Wide Letter of No Further Action from the New Jersey Department of Environmental Protection of a Remedial Action Work plan where the proposed actions will result in a Site-Wide Letter of No Further Action, or documentation from the New Jersey Department of Environmental Protection that the property may be developed based on less than complete remediation but based upon a plan approved by the New Jersey Department of Environmental Protection. These investigations and remedial actions should be conducted and a qualified environmental professional should prepare all reports.

In the event that any contaminants are detected at concentrations that exceed applicable screening levels and it is planned that the soil and/or groundwater will not be permanently remediated to below the screening levels prior to development, the Township Committee or Joint Land Use Board, as applicable, may require that, as a condition of approval, an applicant for development evaluate the potential health risks posed by the substances detected in concentrations that exceed the screening levels. All property deemed to require this risk evaluation should be the subject of an adequate evaluation of the potential exposures and the potential effects. A Risk Evaluation Report should be submitted to the Township Committee or Joint Land Use Board, as applicable, and should be conducted and a qualified environmental professional should prepare the report.

The applicant for development of the results and findings should notify potential buyers, of the property for which soil and environmental investigations, remedial actions and risk evaluations are required. This notification is to be included with the sales brochure given to potential buyers. The Township Committee or Joint Land Use Board should approve the notification documentation, as applicable.

Fill Material. If, as part of development, fill soil is to be imported from an off-site source, the fill material should be uncontaminated pursuant to any applicable remediation standard. Sufficient documentation should be provided demonstrating that the fill is virgin material from a commercial or noncommercial source or decontaminated recycled soil.

Qualifications. The individual who prepares or conducts the Soil and Groundwater Sampling, additional investigations, remedial actions, risks evaluation and any of the required reports, should provide a resume of qualifications as part of the required report. Individual qualifications must demonstrate that the persons conducting such tests are qualified to conduct such environmental engineering work based on education, previous project experience and current DEP Standards. The contracting laboratory must be certified with the State of New Jersey and possess a valid license from the State of New Jersey.

Soil and Groundwater Sampling Escrow. As part of each application for development, where required for transfer or dedication, the applicant should post an escrow for the professionals required by the Township to review the Soil and Groundwater Sampling, additional investigations, remedial actions, risk assessment and any of the required reports.

Further Requirements. Any restrictions to use included in a Site-Wide Letter of No Further Action issued by the New Jersey Department of Environmental Protection, must be approved by the Township Committee or Joint Land Use Board, as applicable.

The Township Committee or Joint Land Use Board, as applicable, may deny an application for development if development may cause an unauthorized discharge of contaminants to soil, groundwater or surface water at concentrations that exceed applicable remediation standards.

The Township Committee or Joint Land Use Board, as applicable, may deny an application for development, if on the basis of a risk evaluation it is determined that the development is likely to result in significant adverse health impacts due to the presence of contaminants at concentrations that exceed applicable screening levels.

Any existing lot, not in the same ownership with any adjacent lot, and which does not meet the minimum lot size, may have a principal and accessory buildings and structures constructed on it without an appeal for variance relief, provided that:

- The proposed use(s) on the lot are conforming to the permitted use(s) stipulated in the appropriate development section of the ordinance for the lot in question.
- The permitted building and total lot coverage's are not exceeded.
- The buildings and/or structures do not violate any other requirements of the development ordinance such as, but not limited to height, setback and parking.