

CITY OF VINELAND

ORDINANCE NO. 2018-_____

ORDINANCE AMENDING ORDINANCE 2009-72, AS AMENDED, CHAPTER 425, ARTICLE VI, SECTION 425-52 ENTITLED PERFORMANCE GUARANTY; RELEASE

WHEREAS, effective January 16,2018, the Municipal Land Use Law, N.J.S.A. 40:55D-53 was amended so as to mandate certain performance and maintenance guarantees for site improvements provided an ordinance has been adopted by the governing body for surety requirements to be effective; and

WHEREAS, the Planning Board of the City of Vineland has adopted Resolution 6272, Resolution of Findings and Conclusions and Decision of the Vineland Planning Board wherein they recommended City Council consider certain changes to the City’s Land Use Ordinance so as to comply with the requirements of N.J.S.A. 40:55D-53.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vineland that Ordinance 2009-72, as amended, Chapter 425, Article VI, Section 425-52 be repealed in its entirety and replaced as follows:

Section 425-52 Guarantees required; surety; release

A. Before filing of final major subdivision plats, or recording of minor subdivision plats or deeds, or as a condition of final site plan approval, or as a condition to the issuance of a zoning permit pursuant to N.J.S.A. 40:55D-65(d), the City shall require and shall accept, in accordance with the standards in this ordinance and the regulations contained in N.J.S.A. 40:55D-33, as amended, the furnishing of performance guarantees and provision for maintenance guarantees, for the purpose of assuring the installation and maintenance of certain on-tract improvements. More specifically, the City shall require the furnishing of a performance guarantee for improvements required by an approval or developer’s agreement, ordinance or regulation to be dedicated to a public entity that have not yet been installed; a performance guarantee for privately-owned perimeter buffer landscaping; a temporary certificate of occupancy guarantee; a safety and stabilization guarantee; and provision for a maintenance guarantee, for the purpose of assuring the installation and maintenance of certain on-tract improvements; and a maintenance guarantee for the purpose of assuring the installation and maintenance of certain private site improvements, in accordance with the standards in this ordinance and the regulations contained in N.J.S.A. 40:55D-53, as amended.

B. In addition to the requirements stipulated in N.J.S.A. 40:55D-65(d)(1), the request submitted by the obligor upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements shall also be accompanied by as-built plans that shall indicate plan review, bench mark, elevations, stations, sanitary sewer, water main, gas main, storm sewer, manholes and all other structures associated with the work of the application with sufficient information to locate all facilities.. Underground utilities shall be shown in plan and profile views. Where survey accuracy is not utilized for the establishment of NJSPC, sub-meter coordinates shall be used and noted on the plans. The as-built information shall be blocked in as thus 100.00’ and shown on the originally approved construction drawings. Each sheet of the originally approved set shall contain an “as-built certificate” that shall read as follows:

AS-BUILT CERTIFICATION

I hereby certify that the information shown on this record drawing is an accurate and complete representation of data established from field inspection obtained under my direction and that the facility or facilities have been constructed according to the approved plans, except as noted hereon.

NAME	NJPE License No.
TITLE	DATE

BE IT FURTHER ORDAINED that the balance of Ordinance not amended hereby shall remain in full force and effect.

CITY OF VINELAND

BE IT FURTHER ORDAINED that should any portion of this Ordinance be deemed unenforceable by a court of competent jurisdiction, that portion so determined to be unenforceable, shall be void and the balance hereof shall remain in full force and effect.

This Ordinance shall take effect upon adoption and publication according to law.

Passed first reading:

Passed final reading:

President of Council

Approved by the Mayor:

Mayor

ATTEST:

City Clerk

RESOLUTION NO. 6272

**RESOLUTION OF FINDINGS AND CONCLUSIONS AND
DECISION OF THE VINELAND PLANNING BOARD**

WHEREAS, the Planning Board of the City of Vineland recommends to City Council of the City of Vineland certain changes to the City's Land Use Ordinance based upon recent legislation; and

WHEREAS, the Planning Board, having considered the sworn testimony of Kathleen Hicks, PP, Supervising Planner, City of Vineland, as well as having considered the proposed revisions to the Land Use Ordinance prepared by Kathleen Hicks, PP, made the following factual findings:

1. Effective January 16, 2018, the Municipal Land Use Law was revised by the State Assembly and State Senate and signed by the Governor.
2. The change to the Municipal Land Use Law are as to NJSA 40:55D-53, which mandated certain performance and maintenance guarantees for site improvements.
3. The new NJSA 40:55D-53 requires specific language in the local Land Use Ordinance in order for surety requirements to be effective.
4. The changes proposed by Kathleen Hicks, PP, bring the City's Land Use Ordinance up to date with the Municipal Land Use Law.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board of the City of Vineland, recommends to City Council of the City of Vineland to incorporate the following changes into the City's Land Use Ordinance:

1. Repeal existing §425-52
2. Replace with a new §425-52 as follows:

§425-52 Guarantees required; surety; release.

A. Before filing of final major subdivision plats, or recording of minor subdivision plats or deeds, or as a condition of final site plan approval, or as a condition to the issuance of a zoning permit pursuant to NJSA 40:55D-65(d), the City shall require and shall accept, in accordance with the standards in this ordinance and the regulations contained in NJSA 40:55D-53, as amended, the furnishing of performance guarantees and provision for maintenance guarantees, for the purpose of assuring the installation and maintenance of certain on-tract improvements. More specifically, the City shall require the furnishing of a performance guarantee for improvements required by an approval or developer's agreement, ordinance or regulation to be dedicated to a public entity that have not yet been installed; a performance guarantee for privately-owned perimeter buffer landscaping; a temporary certificate of occupancy guarantee; a safety and stabilization guarantee; and provision for a maintenance guarantee, for the purpose of assuring the installation and maintenance of certain on-tract improvements; and a maintenance guarantee for the purpose of assuring the installation and maintenance of certain private site improvements, in accordance with the standards in this ordinance and the regulations contained in NJSA 49:55D-53, as amended.

B. In addition to the requirements stipulated in NJSA 40:55D-65(d)(1), the request submitted by the obligor upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements shall also be accompanied by as-built plans that shall indicate plan view, bench mark, elevations, stations, sanitary sewer, water main, gas main, storm sewer, manholes and all other structures associated with the work of the application with sufficient information to locate all facilities. Underground utilities shall be shown in plan and profile views. Where survey accuracy is not utilized for the establishment of NJSPC, sub-meter coordinates shall be used and noted on the plans. The as-built information shall be blocked in as thus 100.00' and shown on the originally approved construction drawings.

Each sheet of the originally approved set shall contain an "as-built certificate" that shall read as follows:

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Name NJPE License No.

Title Date

The foregoing is a true copy of the Resolution of decision adopted by the Planning Board of the City of Vineland at a meeting held on March 14, 2018, as reflected in the recorded minutes of said meeting.

ADOPTED DATE: 4-11-18

Attest:


YASMIN RICKETTS, Secretary

PLANNING BOARD OF THE
CITY OF VINELAND


DAVID MANDERS, Chairman

ROLL CALL VOTE

VOTING IN FAVOR

DAVID MANDERS
MICHAEL PANTALIONE
STEPHEN PLEVENS
MARIA PEREZ
SANDY VELEZ
GARY STANKER
KEITH SALERNO
JOHN CASADIA
DAVID ACOSTA

ABSTAINING

ABSENT

CHRISTINE SCARPA

OPPOSED

NONE