

EXPLANATION: This Ordinance enacts several recommendations of the 2016 "Quarry Area" Master Plan Amendment and enacts recommendations pertaining to the quarry area in the 2003 Master Plan "Quarry Area" Master Plan Re-examination. More specifically the ordinance:

- Section 1: Extends the Quarry Zone to Bonnie Burn Road as recommended in the 2016 "Quarry Area" Master Plan.
- Section 2: Places certain properties on the easterly side of New Providence Road within the Quarry Zone. This resolves a discrepancy between the Zoning Map (which places these properties within the QU zone consistent with previous ordinance recommendations of the Planning Board) and the text of Ordinance 09/01 (which did not specify this zone change).
- Section 3: Places the entirety of Block 76.01 and certain properties on the easterly side of New Providence Road within the Office/ Business Conference Overlay District. This resolves a discrepancy between the Zoning Map (which places all of these lots within the Office/ Business Conference Overlay District zone consistent with Master Plan recommendations and previous ordinance recommendations of the Planning Board) and the text of Ordinance 09/01 (which did not specify all of the involved lots).
- Sections 4, 5 and 6: Consistent with the 2016 "Quarry Area" Master Plan Amendment, these sections: provide updated and consistent buffer and building setback requirements for the Quarry zone; provide updated and specific buffer design requirements; and require site plan approval prior to expansion of the quarry to ensure compliance with the ordinance.

**BOROUGH OF WATCHUNG
ORDINANCE NO. 16/06**

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF WATCHUNG, COUNTY OF SOMERSET, STATE OF NEW JERSEY, TO EXTEND THE "QU" QUARRY ZONE AND TO MAKE ASSOCIATED AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE

BE IT ORDAINED, by the Mayor and Council of the Borough of Watchung, in the County of Somerset and State of New Jersey that the Borough Land Development Ordinance shall be amended as follows:

Section 1: Section 28-302, Zoning Map, shall be amended to extend the Quarry (QU) zone to Bonnie Burn Road. Specifically, the entirety of the following Lots in Block 76.01 shall be placed within the Quarry (QU) zone: 6, 7, 8, 9.01, 9.02, 10, 11, 12.01, 12.02, 13, 14, 15, 16, 17, 18, and 19. This amendment places the entirety of Block 76.01 within the Quarry (QU) zone.

Section 2: Section 28-302, Zoning Map, shall be amended to place the following Lots in Block 78.01 within the Quarry (QU) zone: 4, 5, 6, 7, 8, and 9, as depicted on the map in Appendix A.

Section 3: Section 28-302, Zoning Map, shall be amended to place the following properties within the Office/ Business Conference Overlay District: the entirety of Block 76.01 (i.e., Lots 1, 2, 3, 4, 5, 6, 7, 8, 9.01, 9.02, 10, 11, 12.01, 12.02, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24.01, 24.02, 25, 26, 27, 28 and 29 in Block 76.01) and Lots 4, 5, 6, 7, 8, and 9 in Block 78.01, as depicted on the map in Appendix A.

Section 4: Section 28-411, "QU" Quarry," is replaced in its entirety as follows and provides revised buffering and setback requirements for the QU zone:

28-411. "QU" Quarry

A. Permitted Principal Uses on the Land and in Buildings.

1. Quarrying, handling and processing of stone, sand and gravel, including transportation and storage, crushing, grinding, pulverizing and processing of raw materials and is limited to:
 - a. All buildings, machinery and other facilities necessary to conduct permitted uses.
 - b. Mixing or batching plant for concrete.
 - c. Manufacture of pre-stressed concrete, bituminous concrete, dry concrete mixes and other concrete products.
 - d. Buildings and facilities for the repair and storage of motor vehicles and equipment used in permitted operations.
 - e. The recycling of concrete and asphalt materials.

B. Accessory Uses Permitted.

1. Uses and structures customary and incidental to the principal use; including but not limited to storage buildings, garages and toolhouses.
2. Fences and walls in accordance with Section 28-502. Notwithstanding Section 28-502.M., fences shall be permitted within required buffers pursuant to Section 28-609.M.
3. Signs in accordance with Section 28-504.

C. Maximum Building Height.

1. No principal building shall exceed thirty-five (35) feet in height.
2. No accessory building located within the principal building envelope shall exceed thirty-five (35) feet in height.
3. No accessory building located outside the principal building envelope shall exceed fifteen (15) feet in height.

D. Area and Yard Requirements for the QU District.

	<i>Individual Uses</i>
Minimum	
Lot Area	100,000 s.f.
Lot Frontage	200'
Lot Width	200'
Lot Depth	300'
Maximum	
Building Coverage	20%
Lot Coverage	40%
Minimum New Habitable Floor Area	5,000 s.f.

E. Other Requirements and Regulations.

1. Buffer Area and Building Setback Requirement. Buffer areas shall be provided around the perimeter of the quarry as depicted on Figure 5, Required Minimum Width of Buffers in QU Zone, which depicts the following minimum required buffers measured from the nearest edge of pavement of the adjoining roadway: 130 feet along Bonnie Burn Road (except along lot 6 where the buffer shall be 250 feet); 100 feet along Valley Road and 30 feet along New Providence Road. Such area shall not be quarried and shall contain no development, principal or accessory building or use. A maintenance roadway shall be permitted in the buffer area along Bonnie Burn Road but shall be located no less than 100 feet from the edge of the of pavement of Bonnie Burn Road, which shall be increased to no less than 220 feet along lot 6. The screening indicated in Section 28-609.M shall also be permitted within the buffer. Also permitted within the buffer shall be an access road, which shall be as nearly as perpendicular as practicable to the adjoining roadway and approved by the Board having jurisdiction, which shall give due consideration to the design of the road, its effect on existing Borough roads and residential areas, suitable traffic safety conditions and the type and burden of traffic that will result. All interior roads shall be maintained at all times so as to be kept free of dust.

No quarrying shall be permitted on lots in Block 78.01.

2. Landscaping Requirement. In order to protect the well-being of adjacent properties and districts and to minimize the effects of the district upon the neighborhood and the Borough, the required buffer shall comply with the quarry design standards of Section 28-609.M. Buffer Design Standards in Quarry Zone.
 3. Parking Setback. Existing off-street parking on Lot 4 located within the required buffer area indicated in Section 28-411.E.1 shall be permitted to remain. However, no new or expanded off-street parking area shall be constructed in the zone unless in compliance with Section 28-411.E.1.
 4. Site Plan Approval Required. Site plan approval shall be obtained prior to the commencement of any new quarry activity that extends within 100 feet of the buffer areas required in Section 28-411.E.1 and prior to the commencement of any quarry activity on lot 6. The site plan submittal shall contain all information necessary for the Board having jurisdiction to determine compliance with this Section and Section 28-609.M. Buffer Design Standards in Quarry Zone. Specifically, the application shall include the information required by Section 28-609.B, Landscape Plan Required, and shall include all information required for Preliminary and Final Major Site Plans including but not limited to items 32, 33 and 39 in the Preliminary Major Application Checklist. The Board having jurisdiction may waive submittal of information deemed not relevant to the application. The landscape plan shall be prepared by a landscape architect certified by the New Jersey State Board of Landscape Architects.
- F. Off-Street Parking and Loading.** Off-street parking and loading shall be provided in accordance with the requirements of Section 28-503. All parking and loading areas shall be designed in accordance with and the design standards in Article 28-600.
- G. Enforcement.** Enforcement shall be addressed by Article 28-1200. In order to ensure compliance with this ordinance including ensuring no quarrying within the required buffer areas, the Borough retains the right to conduct inspection by Borough staff and/or to require certification by the operator of the quarry.

Section 5: Section 28-600, Development Requirements and Standards, is amended to add new section 28-609.M, Buffer Design Standards in Quarry Zone, as follows:

M. Buffer Design Standards in Quarry Zone. The buffer required under Section 28-411.E.1 shall be designed to minimize potential effects on the surrounding area in accordance with the following standards:

1. Along Bonnie Burn Road the buffer shall be designed as follows:

a. Existing trees and the existing native forested nature of the ground shall be maintained particularly when they serve to provide an effective screen of the quarry from the surrounding area.

b. The existing grade of the buffer shall be maintained particularly when the existing grade serves to provide an effective screen of the quarry from the surrounding area.

c. To the extent that the existing grade and/or existing trees would not provide an effective screen of the quarry from the surrounding area, one or more of the following shall be provided to supplement the existing vegetation and grade, to the extent and in those locations deemed necessary by the Board having jurisdiction:

(1) Landscape screening shall be designed (in terms of plant selection and placement) so as to provide a naturalistic yet effective screen of the quarry from the surrounding area. The trees shall be placed in naturalistic massed plantings so as visually blend in with the existing forested area. To the extent practicable the trees shall be native species, deer-resistant and shade-tolerant. No more than seventy-five percent (75%) of the trees shall be evergreen. The Board having jurisdiction may further require that the trees be supplemented with other trees and/or shrubs in order to provide additional screening and/or to aid in providing a naturalistic appearance to the screen. The requirements of Section 28-609.L., Planting Specifications, shall apply.

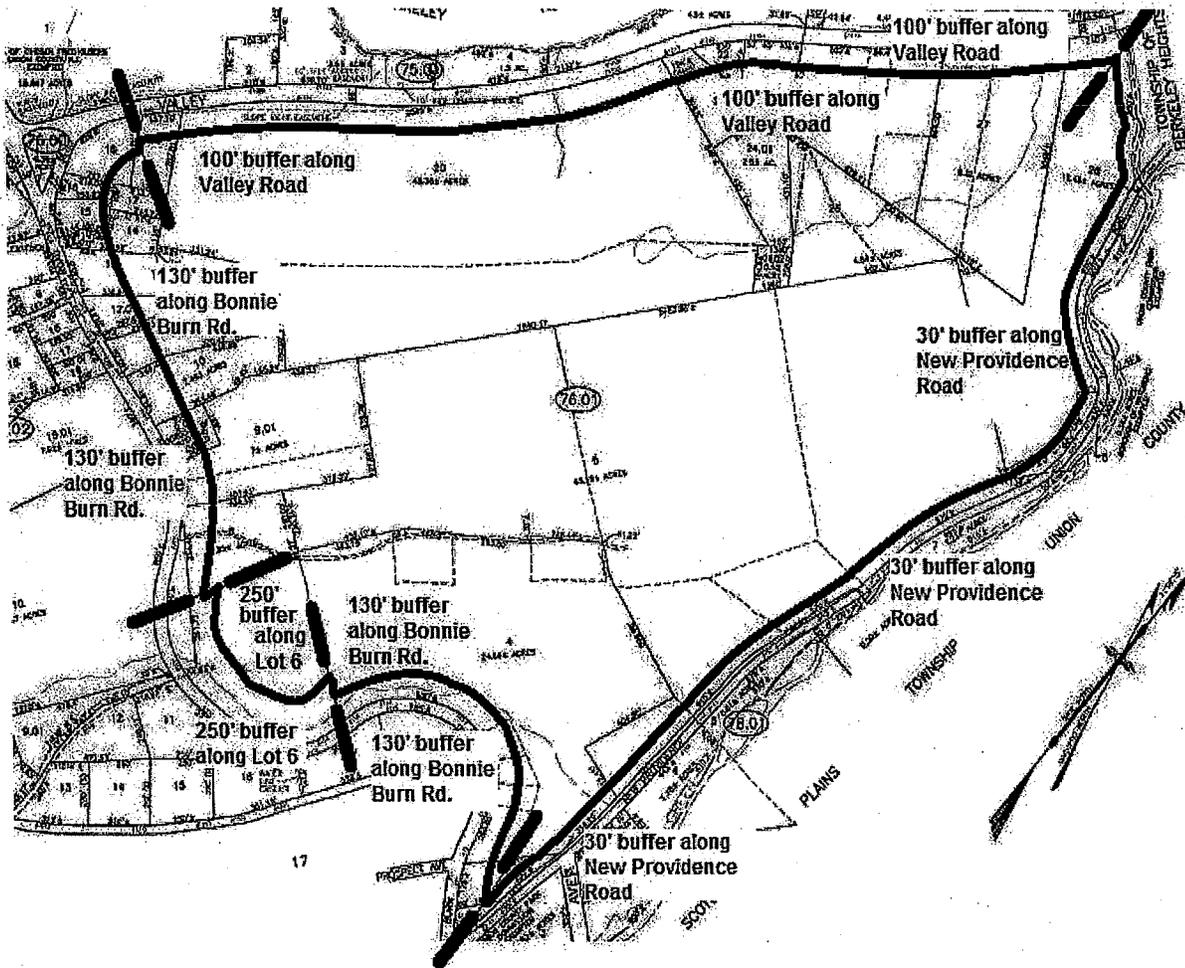
(2) An earthen berm up to 10-feet in height and up to 30 feet in width. The Board having jurisdiction may require that the earthen berm be planted with trees and/or shrubs so as to stabilize the berm and to provide additional screening.

(3) A fence at least eight (8) feet in height. Fencing shall be located behind the screening indicated above and shall be located no closer than 90 feet from the edge of pavement of Bonnie Burn Road.

2. Along Valley Road the full depth of the buffer shall consist of existing undisturbed forested area.
3. Along New Providence Road the buffer shall consist of undisturbed forested area and a solid fence at least eight (8) feet in height.

Section 6: Appendix A shall be amended as follows to add new Figure 5, Required Minimum Width of Buffers in QU Zone:

Figure 5
Required Minimum Width of Buffers in QU Zone



Section 7: If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section 8: In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Watchung, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Land Development Ordinance of the Borough of Watchung are hereby ratified and confirmed, except where inconsistent with the terms hereof.

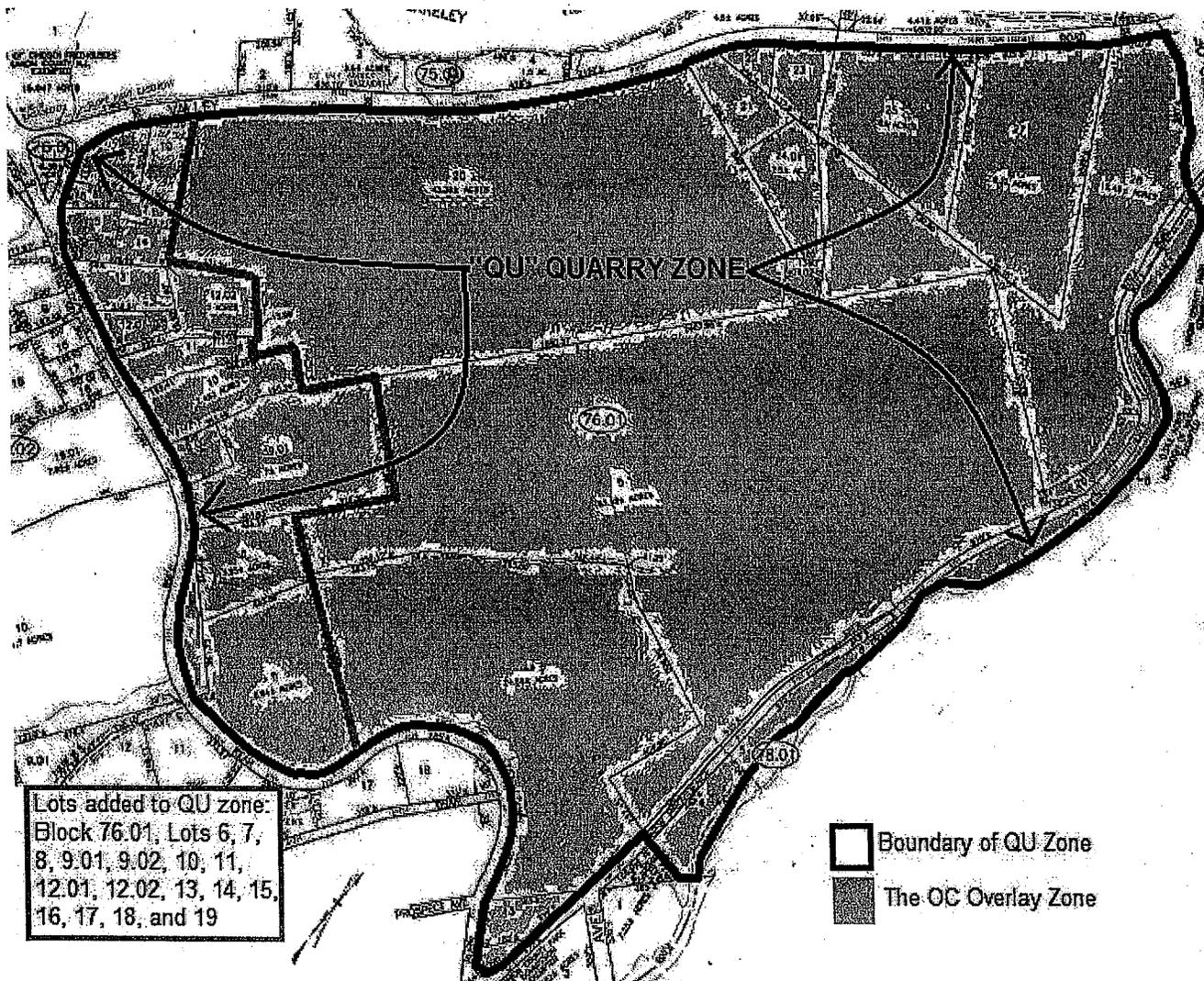
Section 9: The Borough Clerk is directed to give notice at least ten days prior to a hearing on the adoption of this ordinance to the Somerset County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and pursuant to N.J.S.A. 40:55D-62.1 to the owners of all real property as shown on the current tax duplicates located within the district and within the State within 200 feet in all directions of the boundaries of the district.

Notice shall also be given by (1) serving a copy on the property owner as shown on the current tax duplicate, or his agent in charge of the property, or (2) mailing a copy by certified mail and regular mail to the property owner at his or her address as shown on the current tax duplicate. In the case of a change involving a military facility situated within or in proximity to the district as provided herein, notice shall be given by serving a copy thereof on the military commander who has registered with the municipality pursuant to N.J.S.A. 40:55D-12.4 or mailing a copy by certified mail to the military facility commander at the address shown on the registration form. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation. Notice to a condominium association, horizontal property regime, community trust or homeowners' association, because of its ownership of common elements or areas located within 200 feet of the boundaries of the district which is the subject of the hearing, may be made in the same manner as to a corporation, in addition to notice to unit owners, co-owners, or homeowners on account of such common elements or areas.

The Borough Clerk shall execute affidavits of proof of service of the notices required by this section, and shall keep the affidavits on file along with the proof of publication of the notice of the required public hearing on the proposed zoning ordinance change.

Section 10: After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Watchung for its review in accordance with N.J.S.A. 40:55D-26

Appendix A: Zoning Map Amendments



and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 11: This ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final form of adopted ordinance by the Clerk with the Somerset County Planning Board pursuant to N.J.S.A. 40:55D-16.

ATTEST:

BOROUGH OF WATCHUNG:

BY:

Michelle DeRocco, Borough Clerk

Stephen K. Pote, Mayor

Introduced: Joren

Passed: June 2, 2016

Published: _____

Adopted: _____