

GREEN TOWNSHIP  
150 KENNEDY ROAD, PO BOX 65  
TRANQUILITY, NJ 07879

10/20/2010  
10/20/2010

PERMIT NUMBER \_\_\_\_\_ APPLICATION DATE \_\_\_\_\_  
BLOCK \_\_\_\_\_ LOT \_\_\_\_\_ RECEIVED PLANS \_\_\_\_\_ LOT \_\_\_\_\_  
STREET ADDRESS \_\_\_\_\_ FEE AMOUNT RECEIVED \$ \_\_\_\_\_  
\_\_\_\_\_ ESCROW AMOUNT RECEIVED \$ \_\_\_\_\_  
SCE PROJECT # \_\_\_\_\_ CASH GUARANTEE \$ \_\_\_\_\_ rcd on \_\_\_\_\_

**DRIVEWAY PERMIT APPLICATION**

(Section 17-2 of Township of Green Code)

(Check Which Applies) (Circle One)  
NEW DRIVEWAY \_\_\_\_\_ CLASS I II III IV BLOCK \_\_\_\_\_  
ALTERATION \_\_\_\_\_ LOT \_\_\_\_\_  
ADDITIONAL ENTRANCE \_\_\_\_\_

Application is to construct entrance to and on the  N S E W  side of  
(circle one)

\_\_\_\_\_ in the Municipality of Green Township at a  
(road name)

point \_\_\_\_\_ feet  N S E W  of \_\_\_\_\_  
(distance in feet in direction of nearest roadway intersection)

Applicant/Owner \_\_\_\_\_ Contact Person \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_  
\_\_\_\_\_ Email \_\_\_\_\_

Contractor \_\_\_\_\_ Contact Person \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_  
\_\_\_\_\_ Email \_\_\_\_\_

FOR OFFICE USE ONLY (Do Not Write Below This Line)

REVIEW OF DRIVEWAY PERMIT APPLICATION/DRIVEWAY PLANS

Disapproval Approval Prior to Issue of Building Permit  
Date of Disapproval Letter \_\_\_\_\_ Date \_\_\_\_\_ By \_\_\_\_\_, Twp Engineer  
The amount of asphalt required to complete this job is \_\_\_\_\_ tons. As-built IS/IS NOT required.  
(circle one)

INSPECTION AFTER INITIAL CONSTRUCTION (driveway sub-base)

Disapproval Date \_\_\_\_\_ By \_\_\_\_\_ Approval of Driveway Sub-Base  
Comments \_\_\_\_\_ Date \_\_\_\_\_ By \_\_\_\_\_, Twp Engineer  
Verification of Compliance with Sub-base Specifications (1.65 tons/cy) \_\_\_\_\_

INSPECTION AFTER FULL COMPLETION

Disapproval Date \_\_\_\_\_ By \_\_\_\_\_ Approval Prior to Issue of C.O.  
Comments \_\_\_\_\_ Date \_\_\_\_\_ By \_\_\_\_\_, Twp Engineer

RETURN OF ESCROW BALANCE AND/OR CASH GUARANTEE

Date recommended \_\_\_\_\_ By \_\_\_\_\_ Date released \_\_\_\_\_

**ORDINANCE NO. 2016-02**

**TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ**

**AN ORDINANCE AMENDING CHAPTER VIII, "FEES" AND  
CHAPTER XVII, "STREETS, SIDEWALKS AND DRIVEWAYS" OF THE CODE  
OF THE TOWNSHIP OF GREEN**

**BE IT ORDAINED**, by the Township Committee of the Township of Green in the County of Sussex and the State of New Jersey, as follows:

**SECTION 1:** The following Ordinance Section shall be amended so as to read as follows:

**CHAPTER VIII - FEES**

8-75B. Driveway Permits - Application fees and Escrow fees (subsection 17.2.1 through 2.14)

TYPE	DESCRIPTION	APPLICATION FEE	TECHNICAL REVIEW (ESCROW) FEE	BOND
Class I	Single family single access residential drive way not exceeding 8% grade and no sight distance issues	\$125.00	\$750.00	
Class II	All other single family single access residential	\$150.00	\$850.00	
Class III	All commercial or multi access residential	First opening \$200.00 Each Add'l opening \$100.00	\$1,000.00 \$300.00	
Class IV	All farmland access (not including access to structures)	\$75.00	\$300.00	
	Other uses	First opening \$100.00 Each Add'l opening \$50.00	\$700.00 \$150.00	
	Alteration to existing	\$75.00	\$400.00	
	Surety - Performance Guaranty (when delay of paving requested and approved due to hardship – not to exceed 6 months)		Equal to original deposit plus \$1,000.00 if letter of credit or surety bond in lieu of cash bond	*\$500.00 PLUS \$3.00 per sq. ft. PLUS \$750.00 As-built if reqd.
	Appeal of decision	\$100.00	\$500.00	

\*The total surety/performance bond shall equal \$500 PLUS \$3.00 per square foot of driveway required to be paved as determined by the Township Engineer PLUS \$750.00 when an as-built is required as determined by the Township Engineer.

## APPLICATION FOR DRIVEWAY PERMIT – APPLICANT

Driveways are regulated by Chapter 17 Section 2 of the General Ordinances of Green Township. The Ordinance is attached to the application package for your ready reference.

The Fee Schedule for Driveway applications is located in Chapter 8 Section 75 of the General Ordinances of Green Township. This Ordinance is attached to the application package for your ready reference.

A permit is required before any driveway is constructed, reconstructed, altered or enlarged.

Application process:

Submit 3 collated copies of:

- a fully completed application form
- a driveway plan in accordance with Ordinance 17-2.8
- it is recommended that pictures of the existing conditions (Ordinance 17-2.10d) be submitted with the application

One copy of the application package will be sent to the Engineer who will review the plan and submit a report with a plan approval determination.

Upon plan approval, construction may begin. Further direction regarding required inspections will be given to the applicant by the Engineer.

All invoices from the Engineer for work performed (inspections and reports) will be billed against your escrow account. When the escrow account falls to 25% of the original deposit you WILL be asked to bring the balance back up to the original deposit.

Please note that:

- generally, AT LEAST three inspections are required. The applicant is responsible for arranging for these inspections at times as indicated by the Engineer.
- a project is not considered complete until all inspections are complete, approved by the Engineer, and a final approved as-built is filed.
- if a construction permit is in process in conjunction with the driveway application, a Certificate of Occupancy WILL NOT be issued until the driveway is complete.
- when a driveway cannot be completed due to certain hardship circumstances a Temporary CO may be issued (Ordinance 17-2.10e for more information). Under no circumstances will a CO be given when a driveway is not complete.

## CHAPTER XVII

### STREETS, SIDEWALKS, AND DRIVEWAYS\*

#### 17-1 EXCAVATIONS; ROAD/RIGHT-OF-WAY OPENING PERMITS.

**17-1.1 Purpose.** This section is being adopted by the Township Committee in accordance with law and for the purpose of preventing damage to Township roads and Township rights-of-way and keeping them safe and convenient for traveling during all seasons of the year and to provide for the maintenance, repairs and replacements of sidewalks along the frontage of individually owned properties as being the sole responsibility of the individual property owner. (Ord. No. 2010-18)

**17-1.2 Permit Required.** It shall be unlawful for any person or persons, firm or corporation to make any excavation in or to open or tear up the surface of any road, street, or Township right-of-way for the maintenance of which the Township Committee is responsible, for any purpose whatsoever without a written permit first had and obtained from the Township Committee after review and recommendations by the Township Engineer and which shall include a general description of the work to be performed and the hours of operation. (Ord. No. 2010-18)

#### 17-1.3 Application Requirements.

a. Any person or persons, firm or corporation desiring to tear up, open or make excavation in any Township road or right-of-way shall first submit an application in writing for a permit therefor, together with detailed plans indicating and describing in detail the work to be performed, the estimated length of time required to perform the same and the estimated cost thereof and any and all other or additional information as required by the Township Engineer. Applications along with the proper fees must be submitted to the Municipal Clerk at least fourteen (14) days prior to the regularly scheduled meeting of the Township Committee.

b. Application for a permit referred to herein shall be accompanied by a deposit in accordance with the fees established in Chapter VIII and must be paid before any permit will be issued.

(Ord. No. 2010-18)

\*Editor's Note: Prior ordinance history: 15-97, 01-07, 02-06, 04-004, 05-21, 06-07, 08-03 and 08-19.

**17-1.4 Conditions of Permit.** Permits for any excavation in any of the roads or streets referred to herein shall be granted only upon the following conditions and such other conditions as may be hereafter adopted:

a. No disturbance of any nature will be allowed in pavement for a period of five (5) years after its construction or resurfacing date.

b. An excavation shall be properly guarded by the permittee by the erection of suitable barriers and notices of such excavation by day and sufficient and suitable lights at night and by such other reasonable structures in accordance with the latest edition of the Manual for Uniform Traffic Control Devices (M.U.T.C.D.) or notice as the Township Engineer shall prescribe.

c. If any excavation is to extend for the full width of the road, only one-half (1/2) of the road shall be excavated at one (1) time, which half shall be backfilled before the remaining one-half (1/2) is excavated, in order that the public travel over the road may remain open at all times.

d. All excavations and backfilling of the same shall be made within the time prescribed in the permit therefor.

e. The pavement or surface of any road or street in which an excavation has occurred must be restored by the permittee to the same extent and in the same manner as existed prior to the excavation.

f. A permittee must restore any pavement to any road or street excavated, and the money deposited for the restoration of the pavement will be returned upon satisfactory completion of the repair and restoration of the pavement excavated. In the event a permittee fails to restore the pavement in a satisfactory manner and within the time specified in the permit, the Township Engineer shall arrange to have the Road Department restore the pavement and charge the cost thereof against the deposit made by the permittee. In the event the deposit is not sufficient to pay the cost of such restoration and repair, the permittee shall pay the difference immediately upon demand. Failure of the permittee to restore the pavement in a satisfactory manner within the time specified in the permit shall be considered in violation of this section and shall subject the permittee to the penalties provided herein.

g. When it becomes necessary to open the paved section of any road, such opening shall not be less than two (2) feet wide nor more than three (3) feet at the top, nor shall any opening be less than three (3) feet square, and the sides of such opening shall be perpendicular at the top and converged toward the bottom so that the width at the bottom shall be less than and not greater than the width at the surface of the pavement.

h. Tunneling will be permitted with the specific approval of the Township Engineer.

i. Whenever possible, the permittee shall make the necessary excavation on either side of the pavement in order to make his connection, rather than excavating the pavement proper. In order to reach a main on the opposite side, he shall drive a pipe from one excavation to the other so as not to disturb the pavement.

j. The permittee shall backfill the excavation within the time specified in the permit, and if not done within that time and no extension of time has been obtained, the same shall be deemed a violation thereof. The material for backfill shall be Dense Graded Aggregate (DGA) or Quarry Process Stone (QPS) to be installed within Township paved roadways. No stone larger than six (6) inches in diameter and no shale rock shall be used. No more than six (6) inches of material shall be backfilled at one time and the same shall be thoroughly moistened and tamped until thoroughly compacted. All excess material shall be removed from the roadway.

k. Whenever an opening discloses the fact that there is not sufficient covering to prevent the freezing of the water, gas or sewer pipe, the same shall be lowered to not less than four (4) feet from the surface of the pavement at the expense of the owner.

l. All work to be done in any excavation or opening of any road, street, or right-of-way shall be subject to the supervision in the manner of the excavation or opening by the Township Engineer or such duly authorized representative or agent.

m. All of the expense of excavation or opening any road, street or right-of-way and backfilling the same or any portion thereof shall be at the sole expense and liability of the permittee and the Township of Green or any of its officers or agents or employees shall not be responsible or liable for any part thereof.

n. Any opening or excavation in or on or under any road, street or right-of-way referred to herein for which a permit shall be granted by the Township of Green shall be performed at the sole liability of the permittee, and the Township shall not be liable to any person or party injured or damaged as a result thereof. The permittee shall further indemnify and save harmless the Township from any cost or expense to the Township as a result of any claims for damage or injury suffered by any person as a result of any such excavation or opening in any such road or street referred to herein and forming the subject matter of any permit.

o. No road/right-of-way openings shall be permitted between the time period of November 1 and March 1.

p. All roadways and rights-of-way are to be restored to their original or better condition, including safety improvements if so required by the Township Engineer.

q. Before a permit for any excavation is issued the applicant shall file a certificate of insurance in accordance with the recommendation of the Township's Insurance Agent, which shall also indemnify the Township of Green and name the Township and its engineer as additionally insured.

(Ord. No. 2010-18)

#### **17-1.5 Deposit Guaranties and Escrow Fees Required.**

a. *Performance Guaranty.* Prior to the issuance of a permit, the applicant shall file with the Township Clerk a performance guaranty in the form of a cash bond or security, in a form approved by the Township Attorney, in an amount as specified by the Township Committee upon the recommendation of the Township Engineer, which shall be in a sufficient amount to complete restoration of the road opening activities should the permittee fail to comply with all requirements. The applicant is required to submit an itemized estimate of the cost of restoration, including a detail estimate of the types, quantities and unit costs of restoration, including a twenty (20%) percent contingency. All costs are to be based on approved current prevailing wages for public works projects. The guaranty shall be discharged after completion and approval of all work specified in the plan and may be discharged in part, based on partial completion and approval at the discretion of the Township Committee.

b. *Maintenance Guaranty.* The Township Committee may require a maintenance guaranty for a minimum period of two (2) years after final completion and final approval of all work specified in the plan, in accordance with Chapter VIII, Fees.

c. *Escrow Fees.* Escrow fees shall be assessed in accordance with Chapter VIII, Fees.

d. *Refund of Deposit Guaranties.* A permittee shall notify the Township Engineer or any agent or representative duly authorized by the official promptly upon the completion of any restoration of the road or street following any opening or excavation therein, and upon the approval and certification thereof in writing by either, the permittee shall be entitled to a refund of any deposit or sum to which it might be entitled or otherwise to the cancellation of any bond or guaranty posted by the permittee upon the approval of the Township Committee.

(Ord. No. 2010-18)

**17-1.6 Application of Other Laws.** Any excavation or opening made in any road or street referred to herein in any part of this section shall be subject at all times to all laws of the United States of America and of the State of New Jersey and to any other appropriate regulation adopted by the Township of Green or other governmental body having lawful jurisdiction to impose any such law or regulation governing the use of the street, road or right-of-way. (Ord. No. 2010-18)

**17-1.7 Certificate of Cost for Work by Township.**

a. In the event that any permittee violates the conditions of its permit or otherwise fails to restore any road, street or right-of-way, the Township shall give the applicant ten (10) days notice to complete the restoration, and the procedures to be followed in making the repairs (if not done by the applicant), with the cost of such repairs paid from the Road Opening Permit Performance Surety.

b. If the Township of Green is required to make such restoration at its own cost and expense, a certificate of such reasonable cost and expense in effecting such restoration shall be prepared by the Township Engineer, and upon being certified to by the official, such certificate of cost shall be final and conclusive as to the amount hereof, and the amount shall thereafter be immediately due and payable by the permittee upon presentation of the certificate to the permittee.

(Ord. No. 2010-18)

**17-1.8 Reserved.**

**17-1.9 Storage of Materials.** It shall be unlawful for any person or persons, firm, corporation, municipality or party whatsoever to place materials of any description whatever, structures, vehicles, equipment or other matter of any nature whatever for storage upon or along any Township road, street, or right-of-way or other road, street, or right-of-way which the Township shall have the responsibility of maintaining, and no such permit shall issue except on the conditions immediately hereafter set forth or upon such conditions as may be hereafter adopted by the Township Committee. Permission to store construction equipment or materials shall be permitted only in conjunction with a Road Opening Permit Application. Such requests should be reviewed by the Township Engineer with conditions set based on right-of-way conditions.

a. A permit for temporary storage of materials may be issued for a brief period of time as may be reasonably required in the judgment of the Township Engineer for the purposes required.

b. Application for a permit shall describe the material in detail, giving quantity, weight or other dimensions and particulars thereof.

c. Any materials stored or placed on any road, street or right-of-way referred to herein shall be adequately protected, safeguarded and lighted at all times in such manner as may be designated by the Township Engineer and appropriate notice of such storage or placement shall be given to the traveling public upon such signs or in such manner as the Township Engineer shall designate. The permittee shall be responsible for the erection and removal of any barriers, signs or other structures involved in protecting the materials and in warning the public thereof.



d. The permittee shall be liable at all times to any person damaged or injured by such storage or placement of materials and shall be solely and fully responsible to all persons affected by such action and shall further indemnify and save harmless the Township of Green, its officers, agents and employees from any claims or actions, expense or damage or injuries resulting therefrom.

e. No materials shall be stored upon any road, street, or right-of-way referred to herein at any time in any manner so as to permit less than eighteen (18) feet of way open to travel by the public.

f. No materials, structures or equipment shall be placed at any time in any manner so as to interfere with or divert the flow of water along the road or street or in the gutters thereof.

g. Applications for any permit hereunder shall be accompanied by a cash deposit or surety bond or other contractual guaranty or indemnification in such amount and in such manner as shall be set forth in a schedule of fees for such purposes now or hereafter adopted by the Township Committee and maintained in the office of the Township Clerk.

(Ord. No. 2010-18)

#### 17-1.10 Obstructions.

a. The disturbing or tearing up of any Township road by the locking of wheels of any vehicle or attaching a drag or other mechanism to the same likely to cause injury to the road is hereby prohibited in the Township.

b. The filling of gutters along any Township road by dirt, fill, earth or other materials is hereby prohibited, irrespective of the manner or distance by which the dirt, fill, earth or other materials shall travel before reaching the Township road.

c. The obstruction or damage to any Township road by the spilling, filling, flowing or throwing of stones, dirt, earth or other materials therein is hereby prohibited.

d. The diversion of surface and other waters to and upon Township roads, drains, gutters and culverts is hereby prohibited in the Township.

(Ord. No. 2010-18)

#### 17-1.11 Driveways and Intersections.

a. No person or persons, corporation, municipality or party of any nature whatsoever shall construct any road, driveway, curb or other structure intersecting with or entering upon any Township road, street, or right-of-way or other road, street or right-of-way which the Township is responsible for maintaining without first complying with Section 17-2, Driveway Regulations of this Code, and without obtaining a permit

therefor, in writing, and without positing such cash deposit, bond or other guaranty in such amount as may be adopted now or hereafter by the Township Committee.

b. No person or persons, firm, corporation or municipality shall place any earth, dirt, stones or other materials or articles upon any Township road, street or right-of-way or any part thereof except in accordance with the provisions of this section and no person or persons, firm, corporation or municipality shall do or cause to be done any act, including the construction of buildings, private roads, grading, landscaping or otherwise, which shall cause or result in the accumulation of dirt, silt, earth or other materials upon any Township road, street, right-of-way, stormwater drain, gutter or culvert.

(Ord. No. 2010-18)

#### **17-1.11.1 Maintenance, Repairs and Replacements of Sidewalks.**

a. All sidewalks constructed within the Township of Green shall be constructed in accordance with standards and specifications established by applicable law and prevailing practices including, but not limited to, the New Jersey Department of Transportation Standard Specifications, as amended.

b. Any sidewalk, driveway apron, curb or gutter which is removed shall be promptly replaced in accordance with applicable standards and specifications.

c. No concrete sidewalks shall be replaced or overlaid with blacktop but shall be repaired with the new concrete, only.

d. Whenever a curb-cut or driveway depression is required, the entire section or sections of curb or curb and gutter shall be removed and replaced. The breaking up and recapping of curbing is specifically prohibited.

e. All sidewalks, driveway aprons, curbs, curb-cuts and any related improvements shall be maintained and kept in good repair, so as to continue to safely function for its originally intended purpose and so as not to create a hazard to pedestrians or motor vehicles.

f. It shall be the exclusive responsibility of the individual property owner to maintain, repair and, if necessary, replace all sidewalks, driveway aprons, curbs, and other related structural appurtenances (exclusive of the paved cartway of the public roadway, itself) if such replacement is reasonably required, as determined by the Township Engineer.

g. It shall be the exclusive responsibility of each individual property owner along whose property any sidewalk, curb, driveway apron or related structure exists to maintain same free and clear of snow, ice and other hazards within twenty-four (24) hours of any winter weather event which is herein defined as any accumulation of sleet or ice, whatsoever, and accumulations of snow in excess of a depth of one (1) inch.

h. The individual property owner responsibilities shall extend to and be limited by the length of sidewalk, driveway apron, curbing or other such improvement extending along the entirety of the frontage(s) of that property on a public street, from property sideline to property sideline, projected through such improvement and into the road right-of-way.

(Ord. No. 2010-18)

#### **17-1.12 Violations and Penalties.**

a. Any person violating any provision of this section which results in damage to or obstruction of any Township road, street, right-of-way, gutter, storm drain or culvert shall be responsible for all expenses incurred by the Township in repairing the damage or removing the obstructions, in addition to the penalties herein provided.

b. For each and every violation of the provisions of this section, the owner, contractor, permit holder or other person engaged as the general agent, contractor, or any other person or persons who commit, take part in or assist in any violation of this section or who refused to abate the violations within twenty-four (24) hours' written notice having been served upon him, whether by registered mail or by personal service by the Zoning Officer or the Township's authorized agent; shall, upon conviction, be liable to the penalty stated in Chapter I, Section 1-5.

(Ord. No. 2010-18)

**17-1.13 Enforcement.** The Zoning Official or his authorized agent is charged with the enforcement of all provisions of these regulations and is hereby designated as the agent acting for the Township Committee. (Ord. No. 2010-18)

**17-1.14 Approving Authority.** The Township Engineer or his authorized agent is charged with the review, inspection, approval and the granting of exceptions to these regulations. (Ord. No. 2010-18)

## **17-2 DRIVEWAY REGULATIONS.**

### **17-2.1 Permit Required.**

a. No person, individual, firm or corporation shall construct, reconstruct or enlarge a driveway onto a Township or County road or street in the Township for which it is responsible for maintenance without first having received a permit to do so from the Township of Green.

b. It is the intent of this chapter to exercise exclusive jurisdiction by the Township over all driveways onto Township streets; to exercise concurrent jurisdiction

with the County of Sussex with respect to the portion of any such driveway located within the right-of-way of a County road or street; and to exercise exclusive jurisdiction by the Township with respect to the portion of driveways intersecting County roads and streets which are located outside of the right-of-way of any County road or street.

c. Therefore, all reference contained herein to: "Township road" or "public road" shall be construed to mean: "Township or County road or street."

d. Permits shall be one (1) of four (4) classes defined as follows:

1. Class I - Single-family residential dwellings with driveways not exceeding eight (8%) percent maximum gradient and not requiring grading to achieve minimum sight distances required herein and having no restriction in the minimum required sight triangles.

2. Class II - All other single-family residential dwellings.

3. Class III - All commercial driveways and multi-access driveways for residential dwellings.

4. Class IV - All farmland access. Does not include access to structures. (Note: All farmland access must have a permanent lockable gate or other measures to secure access as approved by the Township Engineer.) (Ord. No. 2010-18)

#### 17-2.2 Number Per Lot Limited.

a. The number of driveways permitted from a proposed lot or site directly onto any Township road shall be limited as follows, except under conditions where the safety and/or convenience of the general motoring public is impaired. Such conditions shall be determined and specified by the Township Planning Board or Zoning Board of Adjustment with authority to approve site plans upon receipt of the advice of the Township Engineer.

<i>Length of Lot or Site Frontage on Each Street (feet)</i>	<i>Permitted Number of Driveways on Each Street</i>
150 or less	1
151 to 800	1 additional
Each additional 800	1 additional

(Ord. No. 2010-18)

#### 17-2.3 Location.

a. All entrance and exit driveways to a public road shall be located to afford safe and efficient traffic on the public road.

b. Any exit driveway lane shall be so designed in profile and grading and shall be so located as to permit the following minimum sight distances. The sight distance and sight profiles shall be prepared as measured from a point fifteen (15) feet behind the edge of pavement/curb at an eye height of three and one-half (3.5) feet to an object of height three and one-half (3.5) feet located at the minimum required sight distance on the centerline of the road. The sight triangle shall not contain any obstruction, which would obstruct the driver's view, of greater than eighteen (18) inches nor less than ten (10) feet above the curb level, except that trees whose branches are trimmed away to or above the ten (10) foot height may be permitted. If the sight line passes over vegetated areas, the grade of the vegetated areas shall be shown. Sight distance easements must be maintained at all times.

<i>Allowable Speed on Township Road (m.p.h.)</i>	<i>Required Sight Distance (feet)</i>
25	240
30	275
35	315
40	350
45	420
50	475

Roads which are not posted for speed limits shall be considered to be fifty (50) m.p.h. unless horizontal geometric considerations dictate otherwise.

c. Where a site occupies two (2) intersecting roads, no driveway entrance or exit shall be located within forty (40) feet of the point of tangency of the existing or proposed intersection curb radius of the site. All driveways shall enter on the lesser traveled roads.

d. Wherever practical, no part of any driveway shall be located within a minimum of ten (10) feet of a side property line. However, upon application to the Township body with authority over site plan approval, and upon approval of a design by the Township Engineer, that body may permit a driveway serving two (2) or more adjacent sites to be located on or within ten (10) feet of a side property line between the adjacent sites.

e. Where two (2) or more driveways connect a single site to any one (1) Township road, a minimum clear distance of one hundred fifty (150) feet measured along the right-of-way line shall separate the closest of any two (2) such drives, except as permitted by subsection 17-2.2 above.

(Ord. No. 2010-18)

**17-2.4 Geometric Design.** The geometric design of a driveway connection to a Township road should be governed by sound traffic engineering principles. Below are guidelines in preparing a geometric design, but deviation from them will be necessitated from time to time due to the many variables encountered in the course of preparing a design. The applicant should be aware, therefore, that although the driveway layout may conform to these guidelines, conditions may dictate deviations from them and requirements of the Township Engineer shall be final.

a. Driveways shall intersect the Township road at an angle as near to ninety (90°) degrees as site conditions will permit. The first twenty-five (25) feet of the driveway shall be perpendicular to the roadway.

b. The dimensions of driveways shall be designed to adequately accommodate the volume and character of vehicles anticipated to be attracted daily onto the land development for which a site plan is prepared. The required maximum and minimum dimensions for driveways connecting to a Township road at ninety (90°) degrees are indicated below. Driveways serving large volumes of daily traffic or traffic over twenty-five (25%) percent of which is truck traffic shall be required to utilize high-to-maximum dimensions. Driveways serving low daily traffic volumes or traffic less than twenty-five (25%) percent of which is truck traffic shall be permitted to use low-to-minimum dimensions.

		<i>Driveway Width (feet)</i>	<i>Depressed Curb (feet)</i>	<i>Return Radius (feet)</i>
Class I and II	Residential	10-16	12-20	10 max.
Class III	Commercial			
One-Way		20-34	24-38	25 max.
Two-Way		24-46	24-50	40 max.
	Residential	10-16	12-20	10 max.
Class IV	Farm	10 max.	12 max.	10 max.

Note: Driveways connecting to a Township road at an angle shall have the same widths as shown in the tables above. The width of depressed curb and the radius of curb returns shall provide for the sharpest turning radii of vehicles using the driveway, keeping the vehicles within their prescribed lanes. The Township Engineer may require, at his discretion, that a letter be obtained from both the Fire Company and the Rescue Squad; documenting that they can safely access the property without the required paving material.

c. *Vertical Curves and Alignment.*

1. Any vertical curve on a driveway shall be flat enough to prevent the dragging of any vehicle undercarriage. The maximum permitted gradients for driveways are shown in the following subsection. The profile dimensions given beyond the sidewalk are maximum or minimum values for grades and minimum values for lengths.

2. Vertical alignment.

(a) Residential where there is no curbing:

(1) First five (5) feet: minus two (-2%) percent.

(2) Second five (5) feet: plus two (+2%) percent.

(3) Then as a maximum: eight (8%) percent within the first fifty (50) feet; fifteen (15%) percent thereafter.

(b) Residential where there is curbing:

(1) First five (5) feet: plus two (+2%) percent.

(2) Then as a maximum: eight (8%) percent within the first fifty (50) feet; fifteen (15%) percent thereafter.

(c) Commercial and multifamily residential: not greater than four (4%) percent within one hundred (100) feet of the curblines with a maximum of eight (8%) percent at any other location.

(d) Farm: Not greater than ten (10%) percent within fifty (50) feet of curblines.

d. Should the sidewalk be so close to the curb at a depressed curb driveway as to cause the ramp to be too steep and is likely to cause undercarriage drag, the sidewalk shall be appropriately lowered to provide a suitable ramp gradient.

e. *Side Slopes of Driveway Fills or Cuts.*

1. The side slope of driveways shall be no steeper than one (1) on three (3) unless otherwise approved by the Township Engineer. All slopes shall be stabilized. Where cuts are made in rock, the maximum side slope shall not exceed one (1) to one (1).

2. Side slopes in cuts and fills may be steeper than one (1) on three (3) if approved by the Township Engineer, provided that retaining walls are properly designed and constructed to retain soil. Where slopes are steeper than one (1) on three (3), or where retaining walls are installed, the edge of the fill or cut shall be a

minimum of three (3) feet from the edge of paved or unpaved driveways and a properly designed and structurally adequate guide rail installed in a location and length approvable to the Township Engineer.

(Ord. No. 2010-18)

#### **17-2.5 Surface.**

**Class I Driveways:** The first fifty (50) feet must be paved with a minimum of two (2) inches of Hot Mix Asphalt surface course, mix I-5, over a compacted subgrade area of four (4) inches of compacted Quarry Process Stone (QPS) or Dense Graded Aggregate (DGA). Common areas of common driveways shall be paved. The remainder of the driveway must be constructed of a minimum of six (6)-inch thickness of compacted QPS, DGA or other material acceptable to the Township Engineer placed over compacted subgrade.

**Class II Driveways:** The first fifty (50) feet must be paved with a minimum of two (2) inches of Hot Mix Asphalt surface course, mix I-5, over four (4) inches of compacted Quarry Process Stone (QPS) or Dense Graded Aggregate (DGA). Common areas of common driveways shall be paved. Portions of the driveway that exceed twelve (12%) percent shall be paved as prescribed by the Township Engineer. If seventy-five (75%) percent of the aggregate length of the driveway has a twelve (12%) percent or greater slope, then the driveway must be paved the entire length. Sub-base materials shall be QPS or DGA. If suitable on-site material exists, a portion or all of the required sub-base may be constructed of such material, provided that the applicant submits samples of the material to the Township Engineer for approval prior to use of such material.

**Class III Driveways:** The entire driveway(s) must be paved with a minimum of two (2) inches of Hot Mix Asphalt surface course, mix I-5, four (4) inches of Hot Mix Asphalt base course, mix I-2, over a compacted subgrade and four (4) inches of compacted Quarry Process Stone (QPS) or Dense Graded Aggregate (DGA). For residential multi-access use Class II requirements for pavement box.

**Class IV Driveways:** At a minimum, the first fifty (50) feet must be constructed in accordance with "Standard for Stabilized Construction Access" from Standards for Soil Erosion and Sediment Control in New Jersey.

a. *Verification of Compliance with Sub-Base and Surface Specifications.*

The applicant/owner shall submit an original certification letter from the driveway contractor (or if work is performed by the owner), a certified letter from the owner indicating that the minimum required pavement thickness and sub-base thickness has been installed. The date of the work shall be included on the certification. In addition to the certification letter, the contractor/owner shall submit delivery tickets for all sub-base and pavement materials to substantiate that the required amount of materials were



delivered to the site. Each slip shall bear the date of delivery, the weight or volume of material indicated, the type of material, and the address of the delivery site shall be clearly legible on each material ticket. Verification of quantities shall be based on sub-base material weighing one point sixty-five (1.65) tons/cubic yards and an asphalt yield of two hundred thirty (230) pounds/square yard (two (2) inches compacted thickness). Driveway plans submitted for approval shall specify the above requirements and specifications on unit weights.  
(Ord. No. 2010-18)

#### **17-2.6 Storm Drainage.**

a. Driveway design shall include provisions for storm drainage within the driveway and where it crosses existing roadside ditches or drainage structures. No driveway shall be permitted to be constructed over or across the normal drainage gutter line of an existing street, except on approval of the Township Engineer.

b. Driveway designs shall include adequate drainage facilities to prevent direct runoff onto public rights-of-way, or surface water. Vegetated swales, below grade or surface retention areas or direct piping connects to positive surface water facilities shall be provided. Sheet flow from driveways shall not be permitted to flow into the right-of-way. The driveway design shall not interfere with road side drainage (flow in drainage ditches or swales). Where required, RCP existing driveway culverts shall be provided to maintain existing flow in road side ditches. Driveway culverts shall be a minimum of twelve (12) inches in diameter and shall extend a minimum of ten (10) feet past the edge of driveways. Both ends of the culvert shall be provided with RCP flanged end pipe sections. The existing road side swales shall be stabilized with a minimum of ten (10) feet of rip-rap at the inlet and outlet ends of the driveway culverts.

c. Storm drainage provisions shall be designed in accordance with the provisions of the Residential Site Improvement Standards, latest revision. Control of the quantity of runoff shall comply with the DEP Stormwater Management Rules at N.J.A.C. 7:8-5 and 6.

d. All driveways within the Township shall be designed, constructed, surfaced and maintained so as to prevent the erosion of any stone, sand, silt, topsoil or any soil material from erosion from or along the surface of the driveway and the deposition thereof onto the cartway of any public street.  
(Ord. No. 2010-18)

**17-2.7 Snow Removal and Driveway Maintenance.** The design of the driveways shall provide for adequate space or separations to properly maintain the driveway including the removal and storage of snow. (Ord. No. 2010-18)

**17-2.8 Application Requirements.**

a. Application forms shall be obtained from the Township. Applications shall be accompanied by a legible plot plan and reports setting forth the following information:

1. Property lines;
2. Setbacks and locations of structures;
3. Curbs, if any;
4. Sidewalks, if any;
5. Utility installations affecting the driveway;
6. Trees and other obstructions within proposed sight triangles;
7. Advisory, directional, regulatory and advertising signs within sight triangles;
8. Location of existing driveways on the lot in question, and adjoining lots and lots across the road within the limits of the sight triangle;
9. Driveway width;
10. Driveway angle;
11. Curblin opening;
12. Profile of roadway in front of parcel to the limits of the required sight triangle;
13. Contour lines for existing and proposed grading within the area of the driveway construction and sight triangle construction;
14. Radius of curvature, where applicable;
15. Parking facilities, where applicable;
16. On-site turn-around;
17. Area for storage of snow;
18. For other than single-family residential, the estimated number of cars and trucks using the driveway each day;
19. A profile of the driveway from the centerline of the public road to the end of the driveway;
20. A typical section of the driveway.

21. Stormwater control details.
22. Construction details.

b. All plans shall be prepared by a professional engineer licensed to practice in New Jersey, provided, however, that an individual may prepare plans as required herein on property owned by that individual within the parameters established by N.J.S.A. 45:8-27. Boundary survey and description of existing conditions must be prepared by a surveyor licensed to practice in New Jersey.  
(Ord. No. 2010-18)

**17-2.9 Application Procedure.** The application, fees and accompanying data shall be submitted in triplicate to the Township Planning Department who shall forward it to the Township Engineer. The Township Engineer or his authorized agent is charged with the review, inspection, approval and granting of exceptions to these regulations.  
(Ord. No. 2010-18)

**17-2.10 Completion and Inspection.**

a. No Certificate of Occupancy shall be issued unless all driveways on the lot or site have been completed in accordance with the approved plan or have posted a surety as defined in paragraph e. of this subsection. Inspection to assure compliance will be done by the Township Engineer.

b. Applicant must submit final As-Built plan prepared by a professional land surveyor with engineer's certification that the driveway has been built in accordance with the approved plan and is safe for all Class II and III driveways. The Township Engineer may require final As-Built survey and engineer's certification for Class I and IV if conditions warrant.

c. The applicant/contractor will be responsible for any damage sustained to Township pavements or drainage facilities in the vicinity of the driveway.

d. The applicant is responsible to take pictures of the preexisting conditions of the road surfaces and drainage facilities in the near proximity to the driveway. Any damage sustained by the Township roadway, or drainage facilities will be considered to be caused by the driveway construction, unless such damage was reported and documented prior to driveway construction. All damage to Township facilities shall be reported within twenty-four (24) hours to the Township Engineer. The Township Engineer will prescribe the nature and extent of the type of repairs to be made to the Township facilities by the applicant.

e. *Surety Deposits for Paving.* The applicant may request permission to delay paving the driveway provided a hardship can be shown to be considered for a delay in paving. The applicant must make a written request for such a delay. The reason for the

delay should be stated and the date prescribed when the paving will be completed. In general, a delay may be considered when it can be shown that:

1. The required sub-base has been installed.
2. Weather conditions, financial difficulties or other engineering concerns prevent the paving.
3. The constructed driveway will function satisfactorily until the pavement can be installed.
4. The delay for installation shall not exceed six (6) months.
5. A proper surety is prescribed to the approval of the Township in an amount sufficient for the Township to have the work completed under a municipal contract.
6. The required minimum performance surety will be calculated on the estimate of asphalt required based on two hundred thirty (230) pounds/square yard and a dollar amount per ton as identified in Chapter VIII, Fees.
7. An allowance identified in Chapter VIII, Fees, will be included for sub-base preparation and miscellaneous restoration. A minimum escrow shall be maintained as established in Chapter VIII, Fees, until the pavement is installed and inspected and found acceptable.
8. If a letter of credit or bond is submitted as surety, additional escrow shall be required in an amount established in Chapter VIII, Fees.  
(Ord. No. 2010-18)

**17-2.11 Fees.** Application fees for new driveways, driveway alterations, driveway waivers and driveway appeals and the corresponding escrow fees for those applications shall be paid in accordance with Chapter VIII, Fees. (Ord. No. 2010-18)

**17-2.12 Exceptions from Design Standards and Construction Improvement Requirements.**

a. An applicant for a permit for any class of driveway who is unable to comply with any of the design standards and/or construction improvement requirements applicable to a driveway by virtue of the foregoing provisions may apply to the approving authority for an exception from such requirements, providing the applicant shall clearly demonstrate and the approving authority shall be satisfied that such exception is reasonable and within the general intent and purpose of the provisions of the section and that the literal enforcement of one (1) or more of the provisions hereof is impractical or will exact undue hardship because of the peculiar conditions pertaining to the subject property and the driveway proposed to be located thereon.

b. Provided, however, that the approving authority shall not grant any such exception unless the approving authority is fully satisfied that the intent and purpose of this section will be satisfied by the granting of the exception and that the granting of the exception will have no adverse impact upon the public health and safety relating to the proposed driveway or be in conflict with accepted engineering principals. All doubts in the mind of the approving authority with respect to the advisability of the granting of any such exceptions shall be resolved in favor of the denial of such exceptions.

c. In the event the applicant for an exception from the provisions of this section is denied the exception sought, he shall have the right to appeal such denial to the Planning Board (unless the Zoning Board of Adjustment has administered an application for the property upon which the driveway is proposed to be located, in which case the Zoning Board of Adjustment shall hear the appeal), which shall hold a hearing thereon, attended by the Township Engineer and shall render a determination within forty-five (45) days of the submission of such appeal.

d. Prior to the hearing of any such appeal to the Planning Board or Zoning Board of Adjustment, whichever is applicable, the applicant shall post with the Secretary of the appropriate Board an appeal application fee and escrow deposit in accordance with Chapter VIII, Fees.

e. Any application for an exception pursuant to the foregoing provisions from the requirements of subsection 17-2.3 Location, paragraph d., which seeks the approval of a driveway located less than the minimum required ten (10) feet from a side property line and/or less than ten (10) feet from a rear property line, shall require that notice of said application be given to the owner(s) of the property adjoining the side property line with respect to which the driveway exception has been sought. Such notice shall be provided, whether by personal service or certified mail, return receipt requested, and proof of service of such notice at least ten (10) days prior to the hearing to be held upon the application shall be provided to the Board Secretary.  
(Ord. No. 2010-18)

**17-2.13 Pending and Bonded Driveway Applications as of the Date of the Effect of this Section.** All pending and bonded driveway applications as of the date of the effect of this section shall comply with the regulations as set forth in this section. (Ord. No. 20-18 codified herein was adopted November 22, 2010.) (Ord. No. 2010-18)

**17-2.14 Enforcement.** The Zoning Official or his authorized agent is charged with the enforcement of all provisions of these regulations and is hereby designated as the agent acting for the Township Committee. (Ord. No. 2010-18)

**17-2.15 Violations and Penalties.**

a. Any person or persons, firm or corporation violating any provision of this section which results in damages to or obstruction of any Township road, gutter, storm drain, catch basin, inlet or culvert shall be responsible for all expenses incurred by the Township in repairing the damage or removing the obstruction in addition to the penalties herein provided.

b. Any person or persons, firm or corporation violating any of the provisions of this section shall, upon conviction thereof, be subject to a fine not exceeding five hundred (\$500.00) dollars, imprisonment not exceeding ninety (90) days, or both, in the discretion of the Judge imposing the same. Each and every day that the violation continues shall constitute a separate offense.

c. Any person or persons, firm or corporation which owns or controls any property, improved with a driveway, from which erosion materials (stone, sand, silt, topsoil, etc.) originating on said property are deposited upon the cartway of a public roadway shall, in addition to the penalties set forth provided for hereinabove, be liable to the Township of Green for all expenses actually incurred by the Township in removing such erosion materials from the surface of any public roadway within the Township.

(Ord. No. 2010-18)