

ORDINANCE NO. 2025-1491

ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF BRANCBURG, COUNTY OF SOMERSET, STATE OF NEW JERSEY, TO REESTABLISH AND MODIFY CONDITIONAL USE REQUIREMENTS AND STANDARDS FOR INSTITUTIONAL USES

WHEREAS, the Township of Branchburg Land Development Ordinance provides that Institutional Uses are permitted conditional uses in the “R/S-1 Retail Service Zone” and “R/S-2 Retail Service Zone”; and

WHEREAS, Township of Branchburg Land Development Ordinance §LDO3-15.2C1 provides that “Institutional uses as regulated in subsection 3-23.7” are conditional uses in the “R/S-1 Retail Service Zone; and

WHEREAS, Township of Branchburg Land Development Ordinance §LDO3-16.2C2 provides that “Institutional uses as regulated in subsection 3-23.7” are conditional uses in the “R/S-2 Retail Service Zone; and

WHEREAS, prior to the adoption of Ordinance 2005-977, §LDO3-23.7 set forth conditional use requirements and standards for Institutional Uses; and

WHEREAS, Ordinance 2005-977 adopted in 2005 repealed in its entirety §LDO3-23.7 leaving no conditional use requirements and standards for Institutional Uses; and

WHEREAS, presently §LDO3-23.7 sets forth conditional use requirements and standards for “Extraordinarily Hazardous Substances Facilities in Industrial Zones” which are inapplicable to Institutional Uses; and

WHEREAS, the Township Committee now wishes to amend the Land Development Ordinance of the Township to reestablish and modify conditional use requirements and standards for Institutional Uses.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Branchburg, County of Somerset, State of New Jersey, that the Land Development Ordinance of the Township of Branchburg is hereby amended as follows: **New language is underlined thus and deletions are indicated with strikethroughs ~~thus~~.**

Section 1. Article III “Zoning”, Section §LDO3-15 “R/S-1 RETAIL SERVICE ZONE”, Subsection §LDO3-15.2C “Conditional uses” is hereby amended as follows:

C. Conditional uses.

1. Institutional uses as regulated in subsection ~~3-23.7~~.
2. Governmental uses and public utility facilities as regulated in subsection 3-23.1.

Section 2. Article III “Zoning”, Section §LDO3-16 “R/S-2 RETAIL SERVICE ZONE”, Subsection §LDO3-16.2C “Conditional uses” is hereby amended as follows:

C. Conditional uses.

1. Automobile service stations as regulated in subsection 3-23.2.
2. Institutional uses as regulated in subsection **3-23.87**.
3. Public garages as regulated in subsection 3-23.6.
4. Governmental uses and public utility facilities as regulated in subsection 3-23.1.

Section 3. Article III “Zoning”, Section §LDO3-23 “CONDITIONAL USES”, Subsection §LDO3-23.8 “Reserved” is hereby amended as follows:

§LDO3-23.8 (~~Reserved~~) **Institutional Uses.**

A. Institutional Uses shall meet the following conditions:

- 1. Such uses shall be subject to site plan review and approval by the approving board.**
- 2. The minimum lot size and bulk requirements shall be as required for the Zone where located. The approving board, however, may increase setback distances in order to mitigate any adverse impacts on surrounding uses. A minimum setback of 50 feet from the principal building to an adjacent residential use or zone is required. Adjacent residential use or zone includes uses and areas that are located across the right-of-way from the use as well as those immediately adjacent to the property line of the subject parcel.**
- 3. Off street parking, not otherwise required in this Chapter for the particular use, shall be adequate to meet the expected parking demand. Applicants shall submit expert testimony as to parking demand.**
- 4. As part of site plan review, particular attention shall be given to the possible impact of the governmental use, public utility facilities and other health care facilities on surrounding properties. These impacts may be aesthetic, lighting, noise and traffic. Where appropriate, screening, buffering, berms and fences may be required and hours of operation improved as well as other appropriate measures to mitigate impacts.**
- 5. Landscaping, buffering and shielding shall be provided to minimize the visual and adverse impacts on surrounding uses. A minimum 50 foot transition buffer shall be provided in accordance with Section 4-5.3 when use is located adjacent to a residential use or zone. Accessory building or structures, parking, outdoor facilities such as but not limited to refuse disposal, active or passive recreation, stormwater management facilities and above ground utilities shall not be located within the transition buffer.**
- 6. Lighting shall be arranged and designed to avoid spillage on adjacent lot. Site plan approval may specify off-time for lighting.**

Section 4. This Ordinance shall be construed so as not to conflict with any provision of New Jersey or Federal law. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning, and land use regulations. In the event of any inconsistency or conflict between the provisions of this Ordinance or other local requirements, the provisions of this Ordinance shall apply.

Section 5. If any provisions of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions which shall be deemed severable therefrom.

Section 6. After introduction, the Township Clerk is hereby directed to provide a copy of the within Ordinance to the Planning Board for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A.40:55D-64. The Planning Board is directed to make and transmit to the Township Committee 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 7. After introduction, the Township Clerk is hereby directed to provide by personal service, certified mail or email with confirmation that the email was delivered, at least 10 days prior to the scheduled hearing, a copy of this Ordinance and a Notice of Hearing in accordance with N.J.S.A. 40:55D-15 to: (1) the clerk of any adjoining municipalities located within 200 feet of the boundaries of the affected properties; and (2) the County Planning Board.

Section 8. After introduction, the Township Clerk, in accordance with N.J.S.A. 40:49-2 and N.J.S.A. 40:49-2.1, is hereby directed to publish this Ordinance in its entirety or by title and summary at least once in a newspaper published and circulated in the municipality, if there is one, and if not, in a newspaper printed in the county and circulating in the municipality, together with a notice of the introduction thereof, the time and place when and where it will be further considered for final passage. The publication shall include a clear and concise statement prepared by the Clerk setting forth the purpose of this Ordinance and a time and place when and where a copy of this Ordinance can be obtained without cost by any member of the general public. The publication shall be at least one week prior to the scheduled hearing.

Section 9. If adopted, the Township Clerk, in accordance with N.J.S.A. 40:49-2 and N.J.S.A. 40:49-2.1, is hereby directed to publish this Ordinance, in its entirety or by title and summary, together with a notice of the date of passage or approval, at least once in a newspaper published and circulated in the municipality, if there is one, and if not, in a newspaper printed in the county and circulating in the municipality.

Section 10. If adopted, the Township Clerk, in accordance with N.J.S.A. 40:55D-16, shall forward a copy of this Ordinance to the County Planning Board for filing.

Section 11. This Ordinance shall take effect immediately upon its adoption, passage and publication according to law.

INTRODUCED/PASSED ON FIRST READING: *April 14, 2025*

ROLL CALL VOTE				
COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
SCHWORN	✓			
COLUMBUS	✓			
OWENS				✓
BEATRICE				✓
YOUNG	✓			

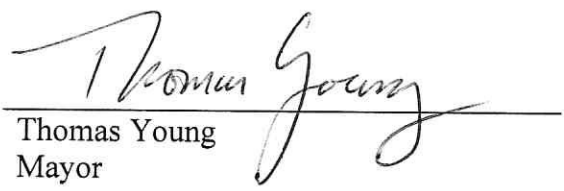
PUBLISHED: *April 18, 2025*

ADOPTED: *April 28, 2025*

ROLL CALL VOTE				
COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
SCHWORN	✓			
COLUMBUS	✓			
OWENS	✓			
BEATRICE	✓			
YOUNG	✓			

ATTEST:


Maggie Schmitt, RMC
Township Clerk


Thomas Young
Mayor