



# Township of Roxbury

1715 Route 46  
Ledgewood, NJ 07852  
www.roxburynj.us

cc: Admin  
Planning

February 27, 2012

TO: Morris County Planning Board  
Township of Chester  
Borough of Hopatcong  
Township of Jefferson  
Borough of Mt. Arlington  
Township of Mt. Olive  
Township of Mine Hill  
Borough of Netcong  
Township of Randolph  
Borough of Wharton

MAR - 5 2012

RE: **ORDINANCE NO. 05 - 12**

AN ORDINANCE TO AMEND CHAPTER XIII OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROXBURY, LAND DEVELOPMENT ORDINANCE, ARTICLE VII, ZONING REGULATIONS, SECTION 13-7.4, ZONE DISTRICTS, SECTION 13-7.5, ZONING MAP, AND SECTION 13-7.8, GENERAL PROVISIONS FOR ALL ZONES, SUBSECTION 13-7.815, PROHIBITED USES, PARAGRAPH A, AND TO SUPPLEMENT ARTICLE VII, ZONING REGULATIONS BY INCLUSION OF A NEW SECTION 13-7.37, Q-O QUARRY OVERLAY DISTRICT

**NOTICE IS HEREBY GIVEN** that the enclosed Ordinance No. 05-12 was introduced at a Regular Meeting of the Township Council of the Township of Roxbury held on **February 21, 2012** and was read for the first time. This ordinance will be further considered for final passage by the said Township Council at the Municipal Building, 1715 Route 46 in Ledgewood, New Jersey at a meeting beginning at 7:30 p.m. to be held on **March 20, 2012** or at any time and place to which such meeting may be adjourned. All persons interested will be given the opportunity to be heard concerning such ordinance. Copies of this Ordinance are available in the office of the Township Clerk located in the Municipal Building, 1715 Route 46, Ledgewood, New Jersey.

Sincerely,  
TOWNSHIP OF ROXBURY

Amy E. Rhead  
Acting Township Clerk

/s/

Enclosure

cc: Roxbury Township Planning Board

Information  
73-448-2000

Building &  
Construction  
73-448-2009

Court  
73-448-2034

Engineer  
73-448-2018

Finance  
73-448-2006

Fire Official  
73-448-2012

Health  
73-448-2028

Manager  
73-448-2002

Mayor and  
Council  
73-448-2001

Police  
73-448-2100

Planning  
and Zoning  
73-448-2008

Public Works  
73-448-2069

Creation  
73-448-2015

Assessor  
73-448-2021

Collector  
Utilities  
73-448-2022

Technology  
73-448-2099

Township Clerk  
73-448-2001

Water Plant  
73-448-5360

Water Plant  
73-448-398-2818



**ORDINANCE NO. 05-12**

**AN ORDINANCE TO AMEND CHAPTER XIII  
OF THE REVISED GENERAL ORDINANCES OF THE  
TOWNSHIP OF ROXBURY, LAND DEVELOPMENT ORDINANCE,  
ARTICLE VII, ZONING REGULATIONS, SECTION 13-7.4, ZONE DISTRICTS,  
SECTION 13-7.5, ZONING MAP, AND SECTION 13-7.8, GENERAL  
PROVISIONS FOR ALL ZONES, SUBSECTION 13-7.815, PROHIBITED USES,  
PARAGRAPH A, AND TO SUPPLEMENT ARTICLE VII, ZONING  
REGULATIONS BY INCLUSION OF A NEW SECTION 13-7.37,  
Q-O QUARRY OVERLAY DISTRICT**

**WHEREAS**, the Township is a defendant in litigation pending in Federal District Court, Docket Number 03-1445 (DMC), entitled County Concrete Corporation, et als. vs. Township of Roxbury, et als. (the “Litigation”); and

**WHEREAS**, the issues of the Litigation pertain to the zoning of property owned by County Concrete Corporation, designated as Block 7101, Lots 23, 24 and 29 on the Township’s Tax Map (the “County Concrete Property”); and

**WHEREAS**, the County Concrete Property is located adjacent to an active quarry and is currently zoned Rural Residential; and

**WHEREAS**, the parties to the Litigation have reached agreement to resolve the Litigation based upon the creation of an overlay district encompassing the County Concrete Property, in which limited quarrying will be a permitted use, subject to appropriate conditions and regulations.

**NOW THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Roxbury, in the County of Morris and State of New Jersey, as follows:

**SECTION 1.** Chapter XIII, Land Development Ordinance, Article VII, “Zoning Regulations”, Section 13-7.4, “Zone Districts”, is hereby amended to include the following additional zone district: “Q-O Quarry Overlay District”.

**SECTION 2.** Chapter XIII, Land Development Ordinance, Article VII,

“Zoning Regulations”, Section 13-7.5, “Zoning Map”, is hereby amended by the inclusion of new subsection 7 which shall read, in its entirety, as follows:

7. The Zoning Map, Township of Roxbury, Morris County, New Jersey, revised and adopted in April 2001, is hereby amended to include the Quarry Overlay District which shall be comprised of Block 7101, Lots 23, 24, and 29.

**SECTION 3.** Chapter XIII, Land Development Ordinance, Article VII, “Zoning Regulations”, Section 13-7.8, “General Provisions for all Zones”, is hereby amended by the following amendment to Paragraph A of Subsection 13-7.815 “Prohibited Uses”, which shall read as follows:

A. Quarrying and Mining operations are specifically prohibited in all zoning districts, except that quarrying shall be permitted in the Q-O Quarry Overlay District.

**SECTION 4.** Chapter XIII, Land Development Ordinance, Article VII, “Zoning Regulations”, is hereby amended by the inclusion of a new Section 13-7.37 which shall be entitled “Q-O Quarry Overlay District” and shall read, in its entirety, as follows:

**13-7.37 Q-O QUARRY OVERLAY DISTRICT**

**13-7.3701 Purpose.**

The purpose of the Quarry Overlay District is to provide an overlay district in a limited area where quarrying activity will be permitted as an extension of existing quarrying operations on adjacent properties, with limitations to make this use more compatible with neighboring uses.

**13-7.3702 Definitions**

For the purposes of this Section, the following terms shall have the following meanings:

**A. Quarrying** as permitted hereunder means an operation or process which extracts stone, clay, sand, gravel, or soil from the ground or from the bed of any body of water by means other than blasting. Quarrying shall include crushing and screening of quarried materials, but shall not include processing of quarried materials so as to create new products or packaging and shipping of such products.

**B. Restoration** means reconditioning of land affected by quarrying operations to restore it to a reasonably safe, environmentally sound, stable and vegetated condition (excluding bodies of water with respect to vegetative condition only) consistent with applicable Federal, State and local statutes, ordinances and regulations, including without limitation applicable requirements and standards of the Land Development Ordinance of the Township of Roxbury.

**C. Phasing** means the plan to be approved by the Planning Board pursuant to the Site Plan Requirements of Subsection 13-7.3704 hereinbelow, consisting of the number and extent of phases, or subphases, reasonably deemed appropriate by the Planning Board, provided that the Board will not impose a time schedule for completion of any phase, or subphase, except to the extent necessary to avoid undue delays in the restoration of a phase.

#### **13-7.3702 Permitted and Prohibited Uses.**

**A. Principal use.** As an alternative to the uses permitted in the underlying district, the following principal use shall be permitted: Quarrying, as defined hereinabove. If quarrying is pursued as the principal permitted use of a site, upon completion of quarrying on the site, the site may be developed, with requisite development approvals, pursuant to the permitted uses of the then-current zoning of the underlying district, provided that bodies of water and areas of steep slopes in excess of 25% shall not be credited in determining compliance with required lot area, density, floor area ratio, impervious coverage or building coverage.

**B. Accessory uses.** Permitted accessory uses shall include storage of equipment in active use in the quarrying operations on the site and stockpiling of materials quarried from the site for a limited duration pending shipment from the site.

**C. Prohibited uses.** All uses not expressly permitted hereunder are prohibited. No buildings may be erected on the site, and no temporary or permanent structures shall be installed except for fences, portable sanitary facilities, driveways and internal roads that are part of an approved site plan. Except as provided in Paragraph B above, outdoor storage is prohibited.

### **13-7.3703 Required conditions.**

- A. During quarrying operations, setback areas shall not be disturbed or traversed by equipment, except as necessary to conduct site restoration.
- B. Quarrying of the site shall be conducted in phases, with restoration of each phase beginning once quarrying in that phase is completed.
- C. A site Restoration Plan shall be prepared by the applicant and approved by the Planning Board. The applicant shall post a performance guarantee in an amount of 120% of the estimated costs for completion of the restoration in a form approved by the Township Attorney. The Restoration Plan shall include a phasing plan and provide a date certain for completion. The Restoration Plan shall include the information required under Subsection 13-7.3704 hereinbelow.
- D. Time for Completion. The applicant shall propose a timeline for phased completion of all quarrying activity which shall not exceed eight years and six months from commencement of site preparation activities, and the Board shall condition its approval on the timely completion of all quarrying activities.
- E. Excavation shall be restricted to a minimum finished grade elevation of 609.10 feet above the mean sea level. An Excavation Plan depicting proposed final grades and phasing of quarrying on the site, in accordance with Subsection 13-7.3704 hereinbelow, shall be approved by the Planning Board.
- F. After restoration, slopes on the site shall not exceed 4:1 (H:V) and shall be hydro-seeded as necessary to establish permanent vegetative cover.
- G. Quarrying operations shall not undermine lateral support of abutting properties. In areas where the Township Engineer determines there is a significant potential for quarrying operations to undermine lateral support of abutting properties, he may require stability calculations prepared by a qualified licensed professional engineer, and he may require cessation of quarrying in these areas until he has approved the stability calculations.
- H. Hours of operation within setbacks adjoining residential areas shall be 8am-6pm, Monday through Friday, 8am-noon Saturday, with no operations on Sundays and legal holidays. Elsewhere on the site, hours of operation shall be consistent with those permitted for the existing quarry operations.

### **13-7.3704 Site Plan Requirements**

- A. All quarrying on the site shall be conducted in accordance with a Preliminary and Final Major Site Plan approved by the Planning Board, pursuant to Ordinance Sections 13-3.8 and 13-3.9.

B. A Preliminary and Final Major Site Plan application (the "Application") shall be submitted in accordance with the applicable checklist requirements of Ordinance Section 13-6.1.

C. In addition to the checklist requirements, the Application shall include the following:

1. An Excavation Plan, at a scale of 1"=100', showing all boundaries and phasing lines with lengths of courses to .01' and bearing to .5 minute. Existing and proposed final contours, as well as projected interim contours at the end of each phase, shall be depicted at 5 foot intervals (10 foot intervals where slopes exceed 30%). Final slopes shall not exceed 4:1 (H:V). Slopes in and adjacent to water bodies shall comply with Best Management Practices under State Stormwater Management Regulations. The Excavation Plan shall include phasing, with a non-binding estimated completion time of each phase, and shall be accompanied by a narrative explanation of the proposed sequence of quarrying operations on the site. The Plan shall identify approximate locations and heights of stockpiles. The Plan shall include a phased Interim Stormwater Management Plan, for the period of active quarrying on the site, which shall comply with all requirements of State stormwater management regulations and any applicable NJDEP requirements, as well as Ordinance Section 13-8.4. The Plan will provide for implementation of required interim stormwater measures before the commencement of each phase of quarrying. The Excavation Plan will comply with soil erosion and sediment control standards adopted by the Morris County Soil Conservation District and/or required under Ordinance Section 13-8.3.
2. A Restoration Plan shall provide for phased restoration of the site, with restoration of each phase required to commence upon completion of quarrying in that phase and required to be completed within one (1) year or prior to completion of quarrying in the next subsequent phase, whichever is sooner, provided that restoration of the final phase will be completed within six (6) months of completion of quarrying in that phase. The type, source and quantity of all fill and cover material shall be identified, and a testing protocol to detect contaminated materials shall be specified. The Plan shall include a Post-Closure Stormwater Management Plan, for the period after active quarrying is completed on the site, which shall comply with all requirements of State stormwater management regulations and any applicable NJDEP requirements, as well as Ordinance Section 13-8.4. The Restoration Plan will comply with soil erosion and sediment control standards adopted by the Morris County Soil Conservation District and/or required under Ordinance Section 13-8.3. The Plan will include a revegetation/landscaping plan, which will identify type, size and location of plant material and provide for a 2-year post-closure maintenance program. The landscaping plan shall provide for an

adequate visual buffer from roadways and residential zones, and shall comply with Ordinance Section 13-8.8 to the extent applicable.

3. A Noise Compliance Report, identifying all noise-generating equipment and operations on the site and estimating the decibel noise levels at the property lines. The Report shall demonstrate compliance with applicable noise standards and specify all required noise mitigation measures.
4. A Dust Abatement Plan shall identify equipment and practices to be employed to minimize fugitive dust emissions from the operation in accordance with applicable regulations.
5. The site plan shall include delineation of conservation easements to prevent disturbance of setback areas.
6. Applicant shall post performance guarantees for restoration of each phase prior to commencement of quarrying in the next phase, or, in the case of the final phase, upon fifty percent (50%) completion of that phase, in the amount of 120% of the phase restoration cost as estimated by the Township Engineer. Should quarrying operations in any phase cease for six (6) months or more, Applicant shall post a performance guarantee for restoration of that phase. As appropriate, the amount of the performance guarantee will be periodically adjusted to account for inflation.
7. As a condition of site plan approval, in order to monitor compliance with the site plan, Applicant shall submit to the Planning Board and the Township Engineer, at the end of each calendar year, a certified inspection report by an engineer or surveyor, accompanied by a narrative explanation of any significant deviations from the Excavation Plan and/or the Restoration Plan.
8. Applicant shall be responsible for engineering inspection fees, application fees and shall fund an escrow account for review of the Application by the Planning Board's professionals and consultants, in accordance with the applicable provisions of the Land Development Ordinance.

**SECTION 5.** The Township Clerk is hereby directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the Morris County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Morris

County Planning Board as required by N.J.S.A. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

**SECTION 6.** This Ordinance may be renumbered for codification purposes.

**SECTION 7.** All ordinances of the Township of Roxbury which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 8.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 9.** This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

**NOTICE IS HEREBY GIVEN**, that the foregoing Ordinance was introduced in writing at a meeting of the Mayor and Township Council of the Township of Roxbury, County of Morris and State of New Jersey, held on the **21<sup>st</sup> day of February, 2012**, introduced and read by title and passed on the first reading and that the said Governing Body will further consider the same for second reading and final passage thereon at a meeting to be held on the **20<sup>th</sup> day of March, 2012**, at 7:30 p.m., prevailing time, at the Municipal Building in said Township, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens in interest shall have an opportunity to be heard concerning same.

**INTRODUCED:** February 21, 2012

**ADOPTED:**

Attest:



Amy E. Rhead  
Acting Township Clerk

**EFFECTIVE DATE:**