

55-119.1 Requirements for Sidewalks and Curbing.
[Added 9-19-05 by Ord. No. 2005-51; amended 11-21-05 by
Ord. No. 2005-58]

- A. Sidewalk and curbing requirements. Notwithstanding any provisions to the contrary in Section 55-119, sidewalks and curbing shall be required along all street frontages as a condition relating to any minor subdivision, major subdivision, minor site plan or major site plan approval granted by the Barnegat Township Planning Board or Barnegat Township Board of Adjustment. The proposed curbing shall be designed and constructed in accordance with the requirements of Chapter 55 and the proposed sidewalk shall be designed and constructed in accordance with the requirements of Chapter 55, all as set forth in the Codified Ordinances of the Township of Barnegat.
- B. Payment in lieu of sidewalk and curbing.
- (1) Any developer seeking minor subdivision, major subdivision, minor site plan and/or major site plan approval may request a waiver of the requirement to install curbing and sidewalks along all street frontages of the subject property by agreeing to pay a sum to the Barnegat Township Pedestrian Safety Fund equal to the cost of said curbing and sidewalk. Said cost shall be determined by the Township Engineer based on documented construction costs for public improvements prevailing in the general area of the municipality.
 - (2) In determining whether to grant the requested waiver and accept a payment in lieu of the installation of sidewalk and curbing, the Planning Board or Board of Adjustment shall consider the following factors:
 - (a) The presence or absence of curbing and sidewalks in the general vicinity of the subject property.

- (b) The practical difficulty as established by the applicant of installing such improvements in or adjacent to the subject property due to exceptional topographic conditions, drainage concerns and/or the deleterious impact to surrounding properties as a result of the installation of such improvements.
- (c) The recommendation of the Board or Township Engineer.

C. Exemption from these requirements as to certain properties in the Pinelands Management Zone:

- (1) For those building lots in the Pinelands Management Zone, wherein at least seventeen (17) acres of property are required for one (1) building lot, the Township Committee acknowledges that the financial impact of requiring sidewalks and curbs in the rural area of the Township would be an unnecessary financial burden, and unnecessary planning concept. Therefore for those building lots seeking to be approved in Barnegat Township located in the Pinelands Management Zone which building lots are a minimum size of seventeen (17) acres, the applicant can either agree to install curbing and sidewalks in accordance with this subsection or pay an amount equivalent to the cost to construct curbing and sidewalks along two hundred (200) feet of road frontage of the property, as determined by the Township Engineer, in lieu of the requirement to install curbing and sidewalks as set forth in paragraph B(1) hereinabove.

D. Barnegat Township Pedestrian Safety Fund:

- (1) There is hereby established the Barnegat Township Pedestrian Safety Fund (hereinafter "Fund").

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- (2) Said Fund shall be dedicated to pay for the cost of designing and constructing various pedestrian safety projects within Barnegat Township.
- (3) All monies paid by developers in accordance with this subsection shall be deposited into said Fund.
- (4) The Chief Financial Officer of the Township is hereby directed to establish and maintain the Fund and to make disbursements upon the request of the Township Engineer for designated pedestrian safety improvements.