TOWNSHIP OF MILLBURN
ORDINANCE NO. 2359-10

AN ORDINANCE TO AMEND AND SUPPLEMENT
THE “DEVELOPMENT REGULATIONS AND ZONING ORDINANCE”
OF THE TOWNSHIP OF MILLBURN IN ORDER TO ADOPT SUSTAINABLE BUILDING
STANDARDS FOR CONSTRUCTION IN THE TOWNSHIP

WHEREAS, the Township of Millburn finds that the public welfare will be served by assuring that further commercial and civic development is consistent with the Township’s desire to create a more sustainable community; and

WHEREAS, on March 17, 2009, the Township Committee adopted Resolution No. 09-64, which adopted a policy of “sustainability,” which, at the municipal level of government, means a policy in which decision making about municipal purchasing and operations incorporates the “triple bottom line” of environmental stewardship, economic growth, and social equity, so that the needs to the present generation do not compromise the needs of future generations; and

WHEREAS, the Township Committee finds that the green building measures applied to the design, construction, and maintenance of building would achieve the following goals:

1. To encourage resource conservation;
2. To reduce the waste generated by construction projects;
3. To increase energy efficiency; and
4. To promote the health and productivity of residents, workers, and visitors to the Township; and

WHEREAS, the Township Committee finds that:

1. Green building practices referenced herein are designed to encourage resource conservation, to reduce the waste generated by construction projects, to increase energy efficiency, and to promote the health and productivity of residents, workers, and visitors to the Township;
2. Green design and construction decisions made by the Township in the construction and remodeling of Township buildings can result in significant cost savings to the Township over the life of the buildings;
3. In recent years, green building design, construction, and operational techniques have become increasingly widespread. Many homeowners, businesses, and building
professionals have voluntarily sought to incorporate green building techniques into their projects;
4. At the national level, the U.S. Green Building Council (USGBC), developer or the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, has become a leader in promoting and developing green building practices;
5. The USGBC LEED Rating System has been used to design buildings in New Jersey;
6. Adopting regulations within the Township’s jurisdictional power will further the development of green building practices in the private sector.

NOW, THEREFORE BE IT ORDAINED by the Township Committee of the Township of Millburn as follows:

SECTION I. The Development Regulations and Zoning Ordinance of the Township of Millburn will be and is hereby amended by enacting the following section.

531 SUSTAINABLE BUILDING AND DESIGN STANDARDS

531.1 Adoption of Codes by Reference
The “Leadership in Energy & Environmental Design Rating System,” Version 3 (LEED 2009), adopted April 2009, which includes rating systems for LEED for New Construction and Major Renovation promulgated by the US Green Building Council (“USGBC”) are hereby adopted by reference and incorporated into this chapter.

531.2 Township Funded Building Projects
a. The Township supports the use of green building practices and adopts the use of USGBC’s Leadership in Energy Design (“LEED”) Rating System for the design and construction of new buildings and major renovations and additions to Township-owned buildings.
b. The Township shall incorporate life-cycle and total cost accounting in the design, construction, and maintenance of all Township owned and financed buildings.
c. Township funded capital improvement projects shall meet a minimum LEED “Silver” rating.

531.3 Development Applications
a. To encourage development projects to incorporate sustainable building and design measures, the Township of Millburn has established a Sustainability checklist as part of the Millburn submission checklist for minor site plan, subdivision/major site plan, subdivision applications. Applicants are required to fill out the Sustainability checklist form as a completeness item.
b. The Sustainability checklist form incorporates proposed green energy and water conservation measures including:
   1. The name of any LEED Accredited Professionals working on the project.

3. A list of green and recycled building materials used in construction, renovation, and maintenance.

4. A Waste Management Plan for recycling and/or reusing 60 percent of all construction and demolition waste generated in projects larger than $25,000 outlining where waste will be sent for recycling, reuse, reprocessing, or disposal, together with a letter from each of the recipient facilities.

5. Use of any water efficient landscaping.

6. Use of any on-site renewable energy systems such as:
   i. Solar
   ii. Wind
   iii. Geothermal

7. Details of roofing materials designed to reduce the urban heat island effect such as:
   i. Construction of roof top gardens to reduce solar gain in summer and insulate in winter
   ii. Use of roofing materials that are no darker than a light gray or demonstrate how alternate roofing materials reduce the urban heat island effect

8. Details of any sustainable stormwater systems employed such as:
   i. Bioswales/ raingardens
   ii. Permeable surfaces
   iii. Grey water systems
   iv. Retention and detention facilities
   v. Continuous trenching

9. A list of native and well adapted species used in landscaping to eliminate the need for fertilization and pesticides.

c. For each of the sustainable building/design items listed on the Sustainability checklist form applicants must indicate the extent to which they are incorporating such a measure in the project; or, alternatively indicate the reason(s) why the measure is not being incorporated in the project.


SECTION III. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV. If any portion of this ordinance shall be determined to be invalid; such determination shall not affect the validity of the remaining portions of said ordinance.
SECTION V. This ordinance shall take effect upon final passage and publication in accordance with law.

ATTEST: 

MILLBURN TOWNSHIP

_________________________
By:__________________________
Joanne M. Monarque, 
Township Clerk

_________________________
Thomas C. McDermott
Mayor

Introduced: 7/20/10
Adopted: 8/17/10
Effective: 8/26/10

CERTIFICATION

I, JOANNE M. MONARQUE, Clerk of the Township of Millburn, in the County of Essex, New Jersey, do hereby certify that the foregoing is a true and correct copy of an ordinance duly adopted by the Township Committee of said Township at a regular meeting held on the day of

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of said Township this day of

Joanne M. Monarque
Township Clerk
SUSTAINABILITY CHECKLIST FORM

<table>
<thead>
<tr>
<th>SUSTAINABLE BUILDING AND DESIGN STANDARDS</th>
<th>APPLICANT</th>
<th>TOWNSHIP OK (Date)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of LEED Accredited Professional working on project</td>
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<tr>
<td>List of Energy Star and WaterSense appliances, fixtures and construction techniques</td>
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<tr>
<td>List of green and recycled building materials in new construction, renovation, and maintenance</td>
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<td>Details of energy efficient HVAC equipment</td>
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<td>Details of building envelope efficiency such as insulation beyond code requirements, air sealing and advanced framing techniques</td>
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Note: Please indicate for each of the sustainable building/design items listed, the extent to which the measure is being incorporated in the project; or, alternatively, indicate the reason(s) why it is not being incorporated in the project.