

**CHAPTER XVI**  
**LAND SUBDIVISION\***

**16-1 Short Title.**

This chapter shall be known and may be cited as the Land Subdivision Ordinance of the Borough of Little Silver.

**16-2 Purpose.**

The purpose of this chapter shall be to provide rules, regulations and standards to guide land subdivision in the Borough of Little Silver in order to promote the public health, safety, convenience and general welfare of the borough. It shall be administered to insure the orderly growth and development, the conservation, protection and proper use of land and adequate provision for circulation, utilities and services.

**16-3 Approving Agency.**

The approval provisions of this chapter shall be administered by the mayor and council of the Borough of Little Silver after favorable referral by the planning board of the borough in accordance with R.S. 40:55-1.14.

**16-4 Definitions.**

16-4.1 *Subdivision.* The division of a lot, tract or parcel of land into two or more lots, plots, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development; except that the following division shall not be considered subdivisions provided that no new streets or roads are involved.

- a. Divisions of land for agricultural purposes where the resulting parcels are three acres or larger in size.
- b. Divisions of property by testamentary or intestate provisions.

\*The power to regulate subdivision of land is set forth in R.S. 40:55-1.14.

16-4      BOROUGH OF LITTLE SILVER ORDINANCES

c. Divisions of property upon court order.

Subdivision also includes resubdivision, and where appropriate to the context, relates to the process of subdividing or to the land or territory divided.

16-4.2 *Plat.* The map of a subdivision.

16-4.3 *Minor Subdivision.* Any subdivision resulting in not more than three lots fronting on an existing street, not involving any new street or road or the extension of borough facilities and not in conflict with any provision or portion of the master plan, official map, zoning ordinance, health code or this chapter.

16-4.4 *Major Subdivision.* All subdivisions not classified as minor subdivisions, including one or more stores having a combined ground floor area of more than 5,000 square feet or requiring the extension of borough facilities or utilities.

16-4.5 *Preliminary Plat.* The preliminary map indicating the proposed layout of the subdivision which is submitted to the borough clerk for planning board consideration and tentative approval by the mayor and council and meeting the requirements of subsection 16-6.1.

16-4.6 *Final Plat.* The final map of all or a portion of the subdivision which is presented to the planning board for final approval in accordance with these regulations, and which if approved by the mayor and council and meeting the requirements of subsection 16-6.2, shall be filed with the proper county recording officer.

16-4.7 *Subdivision Committee.* A committee of at least three planning board members appointed by the chairman of the board with the approval of the board, for the purpose of classifying subdivisions in accordance with the provisions of this chapter, and such other duties relating to land subdivision which may be conferred on this committee by the board.

16-4.8 *Subdivider.* Any person commencing proceedings under this chapter to effect a subdivision of land hereunder for himself or for another.

16-4.9 *Owner.* Any person having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this chapter.

16-4.10 *Performance Guarantee.* Any security which may be accepted in lieu of a requirement that certain improvements be made before the planning board or other approving body approves a plat, including performance bond or escrow agreements providing for cash or approved collateral.

16-4.11 *Master Plan.* A composite of the mapped and written proposals recommending the physical development of the borough which shall have been duly approved by the planning board and adopted by the mayor and council.

16-4.12 *Official Map.* A map adopted in accordance with the Official Map and Building Permit Act, Chapter 434 of the Laws of 1953. The map shall be deemed to be conclusive with respect to the location and width of the streets, public parks and playgrounds and drainage right of way shown thereon.

16-4.13 *Lot.* A parcel or portion of land separated from other parcels or portions by description as on a subdivision or record of survey map or by metes and bounds for purpose of sale, lease or separate use.

16-4.14 *Street.* Any street, avenue, boulevard, road, land, parkway, viaduct, alley or other way which is an existing state, county or municipal roadway or a street or way shown upon a plat heretofore approved pursuant to law or approved by official action or a street or way on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats, and includes all the land between the dividing line between the street and the adjoining property on both sides, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the street lines. For the purpose of this chapter, streets shall be classified as follows:

a. Arterial streets are those which are used primarily for fast or heavy traffic.

b. Collector streets are those which carry traffic from minor streets to the major system of arterial streets, including the principal entrance streets of a residential development and streets for circulation within such a development.

16-5           BOROUGH OF LITTLE SILVER ORDINANCES

c. Minor streets are those which are used primarily for access to the abutting properties.

d. Marginal access streets are streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.

e. Alleys are minor ways which are used primarily for vehicular service, access to the back or the side of properties otherwise abutting on a street.

16-4.15 *Drainage Right of Way.* The lands required for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water to safeguard the public against flood damage in accordance with R.S. 58:1.

16-4.16 *Maintenance Guarantee.* Any security that is acceptable to the borough council to secure the maintenance of improvements installed by developers for a period of two years after release of subdivider's performance guarantee with respect to the improvements.

16-5 Procedure.

16-5.1 *Application for Subdivision.* Any subdivider or owner who desires to subdivide land within the borough may appear at a regular meeting of the planning board for informal discussion with reference to same.

a. *Forms.* Application forms for subdivision shall be filed in triplicate with the borough clerk. The forms shall show:

1. Name and address of record owner.
2. Name and address of subdivider or agent.
3. Name and address of person who prepared the plat map.
4. Acreage of tract to be subdivided.
5. Fees paid.
6. Date of application.
7. Signature of applicant.
8. Whether application is for preliminary plat or final plat approval.

Forms shall be numbered in consecutive order. The borough clerk shall retain the original and the two copies shall be forwarded to the secretary of the planning board together with the drawings of the plat as required.

b. *Drawings and Prints.*

1. *Preliminary Approval.* The applicant shall, at the same time as he presents the site plan, submit six blue/black and white prints to the borough clerk. The prints shall conform with the requirements of subsection 15-6.1. The borough clerk shall immediately forward the applicant's forms, plus six prints to the secretary of the planning board, and four prints to the secretary of the shade tree commission. Additional prints may be required for other agencies. Applicants shall comply with the filing requirements and rules and regulations of such agencies.

2. *Final Approval.* The applicant shall, after obtaining final preliminary approval, submit two translucent prints, two cloth prints and ten black and white prints to the borough clerk. The borough clerk shall immediately forward the applicant's forms and prints to the secretary of the planning board. After the planning board has accepted the prints, the secretary of the planning board shall forward one print to the secretary of the shade tree commission, one print to the environmental commission, two prints to the Northeast Monmouth Regional Sewerage Authority, one print to the borough engineer, two prints to the Monmouth County planning board if required and additional prints to such other agencies as the planning board shall deem necessary.

3. *Size of Tracings and Prints.* All drawings and reproductions shall be 24 inches x 36 inches in size or multiples thereof, and shall have a one inch border on the left side of the sheet and one-half inch borders on the other three sides.

4. *Special Notations.*

(a) *Preliminary Approval.* When drawings are submitted for preliminary approval, the prints shall have space allowed for and notations made for signature of the secretary and chairman of the planning board, and mayor and borough clerk under the heading "preliminary approval."

(b) *Final Approval.* Same as for preliminary approval, except that space for signatures shall be under the heading "final approval."

5. *Size of Tract.* If the tract to be subdivided will not fit on the standard size sheets as prescribed above, two or more tracings shall be submitted with "match lines" clearly shown and drawings cross-referenced one to the other. Tracings shall be numbered as "sheet 1 of ," "sheet 2 of ." etc.

c. *Filing Fees.*

1. *Minor Subdivision.* No filing fee shall be required.

2. *Major Subdivision.* A minimum fee of twenty-five (\$25.00) dollars plus five (\$5.00) dollars for each additional acre or portion thereof shall be paid by the subdivider to the borough clerk. The borough clerk shall issue a receipt to the subdivider in the amount of the fee paid.

d. *Time of Application.* A minimum of 14 days shall elapse between the time of application by subdivider and consideration by the planning board.

e. *Inspection of Property.* The proposed subdivision may be viewed in the field by the planning board and shall be made accessible to them at all times.

f. *Recommendations of Shade Tree Commission.* The shade tree commission shall review plans upon their presentation and shall be required to submit written recommendations to the secretary of the planning board within 30 days after submission of the sketch plan unless the planning board grants an extension of time.

g. *Action by the Planning Board.* Action shall be taken by the planning board within 45 days of the submission of the preliminary plat. If no action is taken within this period, the subdivider shall assume approval by the planning board to be granted, and he shall apply to the mayor and council for preliminary approval.

16-5.2 *Transmitting Agent.* The borough clerk shall act as transmitting agent of all forms, tracings, prints and other documents between the planning board and mayor and council. He shall transmit all information from the secretary of the planning board to the mayor and council, and from mayor and council directly to the secretary of the planning board. The borough clerk shall do all in his power to expedite transmittals, so that all prints, documents, etc. shall be in the hands of the interested bodies before their next meeting following the handing of the prints and documents to him.

**16-5.3 Approval of Minor Subdivision.** Should the proposed subdivision be classified as a minor subdivision by the planning board for the purpose of erecting a building on the same, showing the approval of the subdivision plat by the board of health with due consideration of lot drainage and results of percolation tests, the subdivider may ask for approval of the same.

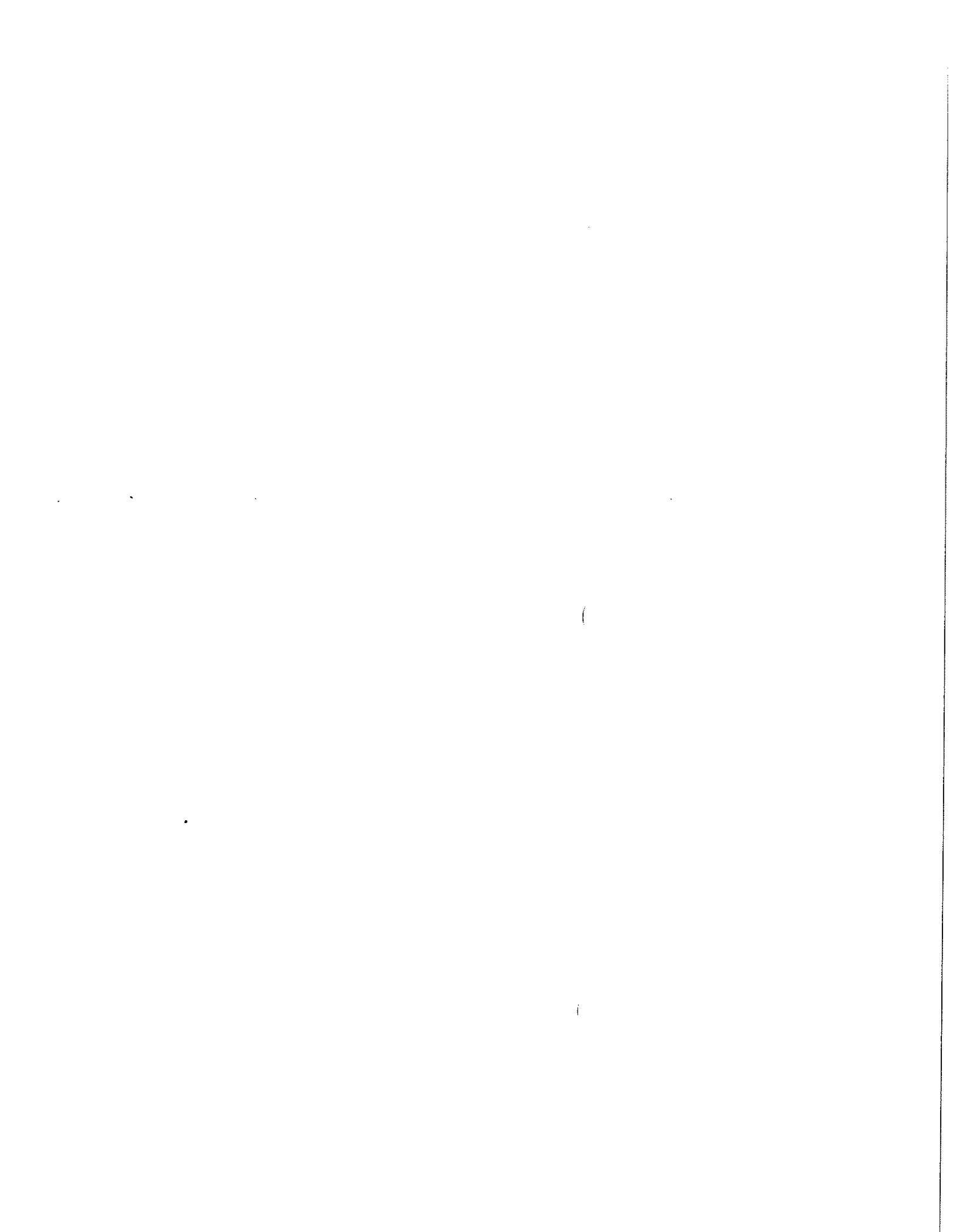
**a. Approval**

1. If the subdivision plat shall be tentatively approved by resolution, by majority action of the members of the planning board present at the meeting:

(a) The secretary of the planning board shall forward to mayor and council the necessary documents for their action.

(b) The mayor and council shall take action not later than the second regular meeting following the above referral and if their action is favorable, the mayor and borough clerk shall affix their signatures to all the documents and return them to the secretary of the planning board.

(c) The secretary and chairman of the planning board shall then affix their signatures to all the documents.



2. Final plat approval shall not be required if the documents are executed as enumerated above.

3. After signature by both bodies, the documents shall be returned to the borough clerk, who shall furnish one print to:

- (a) The subdivider.
- (b) The borough engineer.
- (c) The building inspector.
- (d) The tax assessor.
- (e) The tax collector.
- (f) The secretary of the board of health.
- (g) The secretary of the planning board.
- (h) The chairman of the street and road committee.

The borough clerk shall retain the original tracing for his files.

**b. Disapproval.**

1. If the subdivision shall be tentatively disapproved by resolution of the majority of the members of the planning board present at the meeting, the subdivider may resubmit corrected documents, following the procedure as outlined in subsection 16-5.1.

2. If the subdivision shall be tentatively approved by resolution, by the planning board as outlined in paragraph a, 1, above, but disapproved by the mayor and council by resolution, the documents shall be returned to the secretary of the planning board and the subdivider shall be notified of the action by the secretary of the planning board. The subdivider may resubmit corrected documents to the secretary of the planning board and after favorable review by resolution, by that body, the documents shall be transmitted to mayor and council for signature.

3. Procedure from this point shall be identical to that as outlined following paragraph a, 1, (h) above.

**16-5.4 Tentative Approval of Preliminary Plat of Major Subdivision.**  
If the proposed subdivision is classified as a major subdivision by the planning board, the same shall be submitted to the board of health and the engineer from whom shall be required written recommendations along with the results of all tests upon which the recommendations were based, within 20 days after submission of the sketch plat to the clerk unless the planning board grants an extension of time not to exceed ten additional days. The engineer shall certify that for each lot the proposals will be

satisfactory for drainage surface water from each lot on the proposed subdivision; drainage surface water from all proposed streets in the subdivision and drainage surface water so that it will not create unsatisfactory conditions on any existing streets in the borough. The reasons for any unfavorable recommendation and the requirements of any conditional recommendation shall be set forth in the minutes of the planning board and thereupon the subdivider may ask for tentative approval of the same.

a. *Approval.*

1. If the subdivision shall be tentatively approved by resolution by the planning board at the meeting:

(a) The secretary of the planning board shall notify by mail, at least five days prior to a hearing, all owners of adjoining property and owners of property directly across the street from the subdivision involved, as their names appear on the borough tax record, including every municipality, any part of the boundary of which lies within a distance of 500 feet from any part of the subdivision.

(b) The secretary shall also cause notice of the hearing to be published in the official newspaper or in a newspaper of general circulation in the borough, at least ten days prior to the hearing.

(c) Mailed and published notices shall state the time and place of the hearing and shall contain a brief description of the subdivision involved; a statement as to its location; a list of maps, drawings and documents to be considered; and a summary statement of the matters to be heard.

(d) One print of the preliminary plat and other documents to be considered at the hearing shall be returned to the borough clerk by the secretary of the planning board, and shall be made available at such office for public inspection. On the day of the hearing, borough clerk shall return all documents to the secretary of the planning board.

(e) If, after the hearing, the preliminary plat is again approved by the planning board, the secretary of the planning board shall forward the documents to mayor and council for their action.

(f) Procedure from this point shall be as outlined under subsection 16-5.3a, 1, (a), (b) and (c).

2. After signature by both bodies, distribution of prints shall be as outlined in subsection 16-5.3, a, 3, except that the original tracing shall be returned to the secretary of the planning board for his files.

3. The subdivider may then apply for final plat approval, as hereinafter outlined.

b. *Disapproval.*

1. If the preliminary plat shall be tentatively disapproved by the planning board or if approved by them, later disapproved by mayor and council, the subdivider may resubmit corrected documents and procedure shall follow that of subsection 16-5.3, 'b, 1, 2 and 3.

2. If the subdivider resubmits corrected documents within 90 days of the disapproval, no further filing fees will be charged.

c. *Subdivider's Rights.* Preliminary plat approval by the mayor and council shall confer upon the subdivider the following rights for a period of three years from date of approval:

1. The subdivider may submit whole or part of the subdivision for final plat approval.

2. The borough agrees that the terms and conditions under which approval was granted will not be changed.

16-5.5 *Improvements or Guarantees.*

a. Prior to submission of the final plat to the planning board for approval, the developer or owner shall:

1. Obtain through the chairman of road committee from the engineer, the recommendation and estimate of the cost of all improvements or incompletd portions in accordance with the requirements and specifications in section 16-7.

2. Tender to the borough council a sufficient performance guarantee conditioned upon completion of required improvement and consisting of a cash deposit or an approved performance bond in an amount equal to the estimated cost of the improvements as determined by the engineer, together with a fee in cash of five percent of the estimated cost to cover cost of supervision. The performance bond shall be one issued by a bonding or surety company and subject to the approval of the borough council.

b. If the performance guarantee shall be in the form of a performance bond, the bond shall run for a period to be fixed by the mayor and council but, in no case, for a term of more than three years. However, with the consent of the owner and the surety, the borough council may extend the term of the performance guarantee for an additional period not to exceed three years. The amount of the performance guarantee may be reduced by borough council by resolution when portions of the required improvements have been installed, provided a sufficient guarantee is retained to cover the appearance of any latent defects which may appear

within one year following the completion date. In no case shall the performance guarantee be returned or terminate sooner than one year following the date specified for the completion of the improvement, as provided for in paragraph c, below, during which period the engineer shall, from time to time, inspect the completed work to determine the existence of latent defects in the improvements, which defects, if any be found, shall be corrected or repaired.

c. After final approval of the final plat by the mayor and council, the owner or developer shall:

1. Notify the engineer in writing of the date on which work on the improvements is to be commenced and the specified date on which work will be completed.

2. Receive authorization of the engineer in writing before work shall commence. Thereafter, work shall be done under the supervision of the engineer, and shall be completed on or before the specified date of completion, which specified date shall be at least one year prior to the specified date of any performance guarantee, unless such time is extended by the mayor and council on recommendation of the planning board.

d. If the required improvements have not been installed in accordance with the requirements for approval or if repairs or corrections to complete improvements have not been made within the specified date provided for in paragraph c, above, then and in the event, any cash on deposit with the borough as a performance guarantee shall be used to complete the improvement or in the event the performance guarantee shall be in the form of a performance bond, the obligor and surety shall be liable to the borough for the reasonable cost of the improvements not installed or not repaired or corrected after installation, as the case may be. Upon receipt of the proceeds from the performance bond, the borough shall complete the improvements.

e. A maintenance guarantee shall be required in a sum equal to ten percent of the amount of the original bond for installation of improvements if no bond was posted. The guarantee shall be in the form of cash or bond approved as to form and sufficiency by the attorney. The maintenance bond shall be posted by the subdivider upon completion of the improvements and before final release of the performance bond by the borough and shall be expressly conditioned upon the maintenance by the subdivider of all improvements for a period of two years and shall particularly guarantee the remedy of any defects of the improvements, it being understood that the final release of the performance bond shall not be given until the termination of the liability as defined under subsection 16-5.5 c, above.

16-5.6 *Approval of Final Plat of Major Subdivision.* After a subdivider has applied for and received preliminary plat approval, he may apply for final plat approval within three years of the date on which preliminary approval was granted.

- a. *Forms.* As outlined in subsection 16-5.1, a.
- b. *Drawings and Prints.* As outlined in subsection 16-5.1, b, 2, 3 and 4.
- c. *Filing Fees.* None shall be required unless an additional hearing shall be deemed necessary by the planning board. In this case, mailing and publication costs shall be borne by the subdivider, and shall be payable to the borough clerk.
- d. *Time of Application.* As outlined in subsection 16-5.1, d.
- e. *Statement by Borough Engineer.* The final plat documents shall also include a statement by the engineer that he is in receipt of a map showing all utilities in exact location and elevation, identifying those portions already installed and those portions to be installed, and that the subdivider has complied with one or both of the following:
  1. Installed all improvements in accordance with the requirements of these regulations.
  2. An execution performance bond has been posted with the borough clerk and approved by mayor and council as to form, in a sufficient amount, to assure completion of all required improvements.
- f. *Inspection of Property.* As outlined in subsection 16-5.1, e.
- g. *Action by Planning Board.* As outlined in subsection 16-5.1, f, if the word "final" is substituted for the word "preliminary." Except that if the final plat requires county planning board approval, then the elapsed time of 45 days shall be from the date that the plat is received by the borough planning board from the county planning board.
- h. *County Planning Board Approval.*
  1. A plat which requires approval by the county planning board pursuant to R.S. 40:27:12, shall be forwarded by the borough clerk to that board for its action prior to final approval by the borough planning board.
  2. Unless the preliminary plat is approved without change, the final plat shall have incorporated all changes or modifications required by the planning board or mayor and council. If such changes or modifications are not substantial, the planning board may, in its discretion, waive additional hearing.

(a) *Approval*. Same procedure as subsection 16-5.3, a, 1 and 3.

(b) *Disapproval*. Same procedure as subsection 16-5.3, b, 1, 2 and 3.

3. The final plat, after final approval, shall be filed by the subdivider with the county recording officer within 90 days from date of approval. If a final plat is not filed within this period, the approval shall expire, unless the mayor and council grant an extension not exceeding 90 days.

4. No final plat shall be accepted for filing by the county recording officer unless the plat has been duly approved by the mayor and council, and such approval certified to by the mayor and borough clerk upon the plat.

#### 16-6 Plat Details.

16-6.1 *Preliminary Plat*. The preliminary plat shall be drawn in ink on tracing cloth at a scale of not less than one inch equals 100 feet. Preliminary plats shall be designed and drawn by a licensed (N.J.) land surveyor or by a planner holding full or associate membership in the American Institute of Planners. The plat shall be designed in compliance with the provisions of section 16-8 and shall show or be accompanied by the following information:

a. A key map showing the entire subdivision and its relation to surrounding areas.

b. The tract name, tax map sheet, block and lot number, date, reference meridian, graphic scale and the following names and addresses:

1. Name and address of record owner.

2. Name and address of subdivider.

3. Name and address of person who prepared plat map.

c. Acreage of tract to be subdivided to nearest tenth of an acre.

d. Sufficient elevations or contours, both existing and proposed, (based upon established USGS datum), to determine the general slope and natural drainage of the land and the high and low points and tentative cross sections and center line profiles for all proposed new streets.

e. The location of existing and proposed property lines, streets, buildings, water courses, railroads, bridges, culverts, drain pipes, any natural features such as wooded areas and rock formations and isolated trees more than five inches in diameter.

f. Plans of proposed utility layouts (sewers, storm drains, water, gas and electricity) showing feasible connections to existing or any proposed utility systems. When an individual water supply or sewage disposal system is proposed, the plan for such system shall be approved by the appropriate borough, county or state health agency. When a public sewage disposal system is not available, the subdivider shall have percolation tests made and submit the results with the preliminary plat. The subdivider shall cause to be dug test pits at least five feet in depth, the minimum number of which shall be one pit for each two to five acres. The plat shall show the locations of these test pits together with cross-sections showing character of soil formation, maximum ground water elevation and date of observation. Any subdivision or part thereof which does not meet with the established requirements of this chapter or other applicable regulations shall not be approved. Any remedy proposed to overcome such a situation shall first be approved by the appropriate borough, county or state health agency.

g. A copy of any protective covenants or deed restrictions applying to the land being subdivided shall be submitted with the preliminary plat. The filing of such protective covenants or deed restrictions shall be for information purposes only and any final approval of a subdivision by the mayor and council shall not be construed in any way as an approval of the protective covenants or restrictions.

h. Sketch plats for minor subdivisions shall comply with paragraphs a, b, c, e and f above, except such portions relating to contour and test pits, and paragraph g above.

16-6.2 *Final Plat.* The final plat shall be drawn in ink on tracing cloth at a scale of not less than one inch equals 50 feet and in compliance with all the provisions of Chapter 358 of the Laws of 1953. The final plat shall show or be accompanied by the following:

a. Date, name and location of the subdivision, name of owner, graphic scale and reference meridian,

b. Tract boundary lines, right of way lines of streets, street names, easements and other rights of way, land to be reserved or dedicated to public use, all lot lines and other site lines with an accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves.

c. The purpose of any easement or land reserved or deducted to public use shall be designated, and the proposed use of sites other than residential shall be noted.

16-7 BOROUGH OF LITTLE SILVER ORDINANCES

- d. Each block shall be numbered and the lots within each block shall be numbered consecutively as determined by the borough assessor.
- e. Minimum building setback line on all lots and other sites.
- f. Location and description of all monuments.
- g. Names of owner of adjoining lands.
- h. Certification by the engineer or surveyor as to accuracy of details of plat.
- i. Certification that the applicant is agent or owner of the land, or that the owner has given consent under an option agreement.
- j. When approval of a plot is required by an officer or body of such a municipality, county or state, approval shall be certified on the plat.
- k. Cross sections and profiles of streets, approved by the borough engineer, may be required to accompany the final plat.
- l. Existing and final contours, (based on established USGS datum), at five foot intervals for slopes averaging ten percent or greater and at two foot intervals for land of lesser slope.
- m. Plans and profiles of storm and sanitary sewers, water mains, head walls and such other improvements specified by the planning board.
- n. Certificate from tax collector that all taxes have been paid to date.

16-7 Improvements.

16-7.1 *Improvements Required.* Prior to the granting of final approval, the subdivider shall have installed or shall have furnished performance guarantees as provided in this chapter, for the ultimate installation of such of the following as may be required by the borough council:

- a. Streets.
- b. Street signs.
- c. Curbs or gutters.
- d. Sidewalks.
- e. Street lighting.
- f. Shade or ornamental trees, to be located so as not to interfere with utilities or sidewalks.

g. No topsoil shall be removed from the site or used as spoil. Topsoil moved during the course of construction shall be redistributed so as to provide an even distribution of topsoil cover of four inches in depth to all areas of the subdivision and shall be stabilized by seeding or planting.

h. Monuments shall be of the size and shape required by Section 4 of Chapter 358 of the Laws of 1953, and shall be placed in accordance with the statute.

i. Water mains, culverts, storm sewers and sanitary sewers shall be properly connected with an approved system and shall be adequate to handle all present and probable future development.

j. All streets shall be not less than 50 feet wide between property lines and shall be not less than 34 feet wide between curb lines.

k. Dead-end streets (if necessary) of a permanent nature shall provide a turn-around at the dead end with a radius of not less than 50 feet. If a dead-end street is of a temporary nature, a similar turn-around shall be provided and provisions made for the future extension of the street into adjoining properties. Dead-end streets should not, in general, exceed 400 feet in length.

l. All streets shall be curbed and guttered on both sides unless this requirement shall be waived by the borough council on the advice of the engineer.

m. Curbs shall be required and should be not less than 18 inches deep and six inches in width and shall be constructed of a minimum concrete mixture of one part cement, two parts washed sand and three and one-half parts washed gravel or other suitable aggregate. Concrete gutters shall be required and shall be three feet in width and eight inches in thickness and of the same concrete mixture as for curbs. Sidewalks shall have a minimum width of four feet. Sidewalks shall be constructed at the locations and to the prescribed lines and grades as approved on the tentative plat, but sidewalks shall be constructed after the adjacent curb has first been installed. The subgrade shall be smooth and even and shall be compacted by rolling, after which gravel shall be spread to a depth of not less than three inches and compacted. Concrete for sidewalks shall be one part Portland cement, two parts washed sand and three and one-half parts washed gravel. Concrete shall be placed to a thickness of four inches, tamped, screened and finished to true grade. The finish shall be with a wood float followed by brushing with a set, soft-haired brush to a neat, workmanlike surface. Expansion joints one-half inch wide shall be provided at intervals of 20 feet and filled with sand. Surface grooves shall be cut perpendicular to the line of the sidewalk at intervals equal to its

width. Exposed edges shall be neatly rounded to a radius of one-half inch. Aprons for driveways shall be of the same material as herein specified for curbs and gutters and shall in no case extend in the driveway toward the house more than the distance of three feet from the curb line at which point the top of the apron must be level with the top of the curb.

If a sidewalk is constructed, the top of the apron shall meet the street side of the sidewalk at the same level.

n. All streets shall be graded with a longitudinal grade of not less than nine inches per 100 feet and a cross-section of not less than one-quarter inch to the foot nor more than one-half inch to the foot, each side of the center line.

o. The following regulations shall govern the construction of streets:

1. All underground utilities, drains or other facilities located within the roadway portion of the street shall be installed prior to the placing of any road surfacing material.

2. The sub-base for road construction shall be brought to a firm, unyielding surface by rolling the entire area with an approved three wheel power roller weighing not less than ten tons. All soft and yielding material and other portion of the subgrade which do not attain the required stability or will not compact readily when rolled or tamped shall be removed. All loose rock or boulders found in the earth excavation shall be removed or broken off to a depth of not less than six inches below the surface of the subgrade. All holes or depressions made by the removal of material shall be refilled with suitable material and the whole surface compacted uniformly. When sub-base material is needed to replace unsuitable subgrade materials, it shall consist of stone not more than five inches in the largest dimensions, steam cinders, crushed rock or slag, varying in size from one to three inches in diameter, sand or gravel.

3. Where, in the opinion of the engineer or superintendent of roads, sub-base conditions of proposed streets are wet, springy or of such nature that surfacing would be inadequate without first treating the sub-base, the minimum treatment of the sub-base shall be made in the following manner: the street shall be excavated to a depth that shall be a minimum of 12 inches below the proposed finished grade. Sub-base materials as outlined herein shall be placed to a depth which, after thorough rolling, shall be not less than six inches. After the sub-base material has been properly placed and compacted, the street surfacing material and base, as described herein shall be spread thereon.

4. The minimum requirements for the pavement of any street shall be Type 5, Class "A" quarry-processed stone sub-base not less than six inches

in depth after ultimate compaction, Asphaltic oil tack coat, bituminous stabilized base course, gravel mix, not less than two inches in depth after compaction and Bituminous Concrete Type FA-BC-1 or SM surface course not less than one and one-half inches after ultimate compaction. All such materials and workmanship shall meet the requirements of the New Jersey Highway Department Specifications of 1961 with revisions.

5. Where, in the opinion of the engineer, French drains or their equivalent are deemed necessary, they shall be installed in accordance with the State Highway Specifications of the State of New Jersey.

6. Any road repair shall be done with macadam and bituminous concrete.

p. All streets shall be provided with catch basins and pipes where the same may be necessary for proper surface drainage. The requirements of this subsection shall conform to such engineering requirements as may be prescribed by the road committee of the borough council.

q. The approval of any map of land delineating streets by the planning board of the borough shall be in no way construed as an acceptance of any street indicated thereon.

r. All streets shall have water mains not less than six inches in diameter installed therein for the entire length thereon unless the requirements hereof are expressly waived in whole or in part by resolution of the borough council.

All of the above listed improvements shall be subject to inspection and approval by the borough engineer, who shall be notified by the subdivider at least 24 hours prior to the start of construction. No underground installation shall be covered until inspected and approved.

16-7.2 *Performance Guarantee.* No final plat shall be approved by the mayor and council until the completion of all the improvements required herein have been certified to the planning board by the borough engineer, unless the subdivision owner shall have filed with the borough the performance guarantee all of the guarantees set forth in subsection 16-5.5, paragraphs b, c and d.

16-7.3 *Sanitary Sewage System.* Notwithstanding anything else to the contrary, the provisions set forth in this section shall be applicable to all subdivisions hereafter approved, except minor subdivisions not involving the creation of a new building lot. The reference to "authority" shall mean "The Northeast Monmouth County Regional Sewerage Authority."

a. Each subdivision requiring an approval of the planning board shall be required to have installed a sanitary sewerage system together with at least one house connection for each lot. No preliminary or final approval shall be given to any subdivision plat unless the same shall have first been submitted to and received the approval from the authority of the proposed sanitary sewerage system and easements required by reason of the subdivision. If the authority grants its approval it shall be endorsed on the plat by the chairman or secretary of the authority.

b. The sanitary sewerage system required for each subdivision shall be of the size and in accordance with the standards and specifications required by the authority in accordance with rules and regulations now or hereafter adopted by it, this requirement being applicable whether or not sewer service is available to the subdivision area at the time of approval. No other sanitary sewerage disposal facilities shall be permitted except as aforesaid unless approval of temporary sewerage disposal facilities are approved by the authority on such terms as it deems in the best interest of the public. Nothing herein pertaining to temporary sewerage facilities shall be deemed to waive board of health requirements, if any.

c. No final approval shall be given to any subdivision plat nor shall the same be effective unless:

1. The plat shall have the approval of the sanitary sewerage facilities by the authority endorsed on the plat.

2. A performance and maintenance guarantee guaranteeing the installation and maintenance of the sanitary sewerage facilities to be installed within the subdivision shall have been submitted to and approved by the authority. The authority engineer shall estimate the cost of the facilities and the guarantee shall consist of 25 percent of the estimated cost in cash and the balance of 75 percent of the estimated cost shall be by cash or bond of a surety company authorized to do business in New Jersey. The guarantee shall name the authority as obligee.

3. Easements executed by the owner and covering the location of sewerage system facilities shall be approved by and delivered to the authority. The sewerage facilities shall become the property of the authority.

4. An engineering and inspection fee of five percent of the estimated cost of the required sanitary sewerage facilities shall be paid to the authority by cash or certified check, which sum shall be in addition to other engineering and inspection fees paid to the borough in connection with nonsewerage improvements.

d. The installation of the required sanitary sewerage system shall not be commenced nor continued unless it be installed in accordance with inspection procedures and rules and regulations of the authority nor unless a notice to proceed with the installation shall have first been obtained by the authority. Upon completion of the installation of the sanitary sewerage facilities the owner or developer shall submit "as built" plans of the sewerage facility to the authority indicating the condition and location of the sanitary sewerage facilities as installed.

e. No part of any performance guarantee shall be released or returned to the owner or developer unless:

1. The sanitary sewerage facilities shall have been completely installed by the owner or subdivider and approved by the authority.

2. The "as built" plans of the sewerage facilities shall have been submitted to and approved by the authority.

3. All required easements for the sanitary sewerage facilities shall have been delivered to the authority, including the sewerage facilities located therein.

4. The authority shall have received from the owner or subdivider in the event the same has not been previously received, by cash or certified check, 25 percent of the estimated cost of the sewerage facilities as the maintenance guarantee. The maintenance guarantee shall cover the cost of maintaining the sewerage facilities for a period of 18 months from the time that the facilities shall have first been placed in use.

5. The authority shall have issued a certificate of completion indicating that the sewerage facilities have been installed in accordance with its requirements.

#### 16-8 Design Standards.

The subdivider shall observe the requirements and principles of land subdivision in the design of each subdivision or portion thereof as outlined in this section.

16-8.1 *General.* The subdivision plat shall conform to design standards that will encourage good development patterns within the borough. Where either or both an official map or master plan has or have been adopted, the subdivision shall conform to the proposals and conditions shown thereon. The streets, drainage rights of way, school sites, public parks and playgrounds shown on an officially adopted master plan

or official map shall be considered in approval of subdivision plats. Where no master plan or official map exists, streets and drainage rights of way shall be shown on the final plat in accordance with Section 20 of Chapter 433 of the Laws of 1953 and shall be such as to lend themselves to the harmonious development of the borough and enhance the public welfare in accordance with the following design standards.

16-8.2 *Streets.*

a. The arrangement of streets not shown on the master plan or official map shall be such as to provide for the appropriate extension of existing streets.

b. Minor streets shall be so designed as to discourage through traffic.

c. Subdivisions abutting arterial streets shall provide a marginal service road or reverse frontage with a buffer strip for planting, or some other means of separation of through and local traffic as the planning board may determine appropriate.

d. The minimum right of way shall be measured from lot line to lot line and shall be in accordance with the following schedule: arterial, collector and minor streets, 50 foot minimum; marginal access streets, 50 foot minimum; the right of way for internal roads and alleys in commercial and industrial development shall be determined on an individual basis, and shall in all cases be of sufficient width and design to safely accommodate the maximum traffic, parking and loading needs.

e. No subdivision showing reserve strips controlling access to streets shall be approved except where the control and disposal of land comprising such strips has been placed in the borough council under conditions approved by the planning board.

f. Major subdivisions that adjoin or include existing streets that do not conform to widths as shown on the master plan or official map or the street width requirements of this chapter, shall dedicate additional width along either one or both sides of the road. If the subdivision is on one side of the street only, one-half of the required extra width shall be dedicated.

g. Grades of arterial and collector streets shall not exceed four percent. Grades of other streets shall not exceed ten percent.

h. Street intersections shall be as nearly right angles as is possible and in no case shall be less than 60 degrees. The block corners at intersections shall be rounded at the curb line with a curve having a radius of not less than 20 feet.

- i. Street jogs with center line offsets of less than 125 feet shall be prohibited.
- j. A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets.
- k. When connecting street lines deflect from each other at any one point by more than ten degrees and not more than 45 degrees, they shall be connected by a curve with a radius of not less than 100 feet for minor streets and 300 feet for arterial and collector streets.
- l. All changes in grade shall be connected by vertical curves of sufficient radius to provide a smooth transition and proper sight distance.
- m. No street shall have a name which will duplicate or so nearly duplicate as to be confused with the names of existing streets. The continuation of an existing street shall have the same name.
- n. Alleys shall be provided at the rear of all lots designed for business purposes, and off-street public parking space shall be required in convenient relation to lots intended to be developed or sold for business purposes, according to the standards set forth in Chapter XVII of this revision.

#### 16-8.3 *Blocks.*

- a. Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required in the area by Chapter XVII and provide for convenient access, circulation control and safety for street traffic.
- b. In blocks over 1,000 feet long, pedestrian cross walks may be required in locations deemed necessary by the planning board. Such walkway shall be ten feet wide, be straight from street to street and be of a type approved by the engineer.
- c. For commercial or industrial use, block size shall be sufficient to meet all area and yard requirements for such use.

#### 16-8.4 *Lots.*

- a. Lot dimensions and area shall not be less than the requirements of Chapter XVII.
- b. Insofar as is practical, side lot lines shall be at right angles to straight streets and radial to curved streets.
- c. Each lot must front upon an approved street at least 50 feet in width.

d. Where extra width has been dedicated for widening for existing streets, lots shall begin at such extra width line and all setbacks shall be measured from such line.

e. Where there is a question as to the suitability of lots for their intended use due to factors such as rock formations, flood conditions or similar circumstances, the planning board may, after adequate investigation, withhold approval of the lots. No structure shall be constructed in an area subject to flood at a frequency of less than 25 year intervals or of an elevation lower than seven feet above mean water level of any adjacent drainage course.

16-8.5 *Public Use and Service Areas.*

a. In large scale developments, easements along rear property lines or elsewhere for utility installation may be required. Easements shall be at least 15 feet wide and located in consultation with the companies or borough departments concerned.

b. Where a subdivision is traversed by a water course, drainage way channel or street, there shall be provided a storm water easement or drainage right of way conforming substantially with the lines of such water course, and further width or construction, or both, as will be adequate for the purpose.

c. Natural features such as trees, brooks, hilltops and view shall be preserved whenever possible in designing any subdivision containing such features.

d. The design of buildings so as to minimize the repetition of common external features shall be discussed with the planning board.

e. Any land shown on the master plan as proposed for parks, playgrounds, school sites or other public use shall be designated and reserved for such use. If standards for the provision of park and recreation areas or other public use areas have been adopted as a part of the master plan, the planning board, in acting on the preliminary plat of a subdivision, shall apply such standards and shall designate the lands required for such purposes and the lands shall be shown and reserved on the plat. Such designation is intended to precede the reservation of lands in accordance with the provisions of R.S. 40:55-1.20 as supplemented.

f. In subdivisions which provide or are intended to provide housing facilities for more than ten families, the planning board shall consider the need for suitable open areas for recreation. The standards to be used by the planning board as a guide in determining space needed for recreation shall be .033 acres per family. However, the borough council need not accept any open area of less than two acres in size.

16-8.6 *Electric and Telephone Utilities.* For all major subdivisions the applicant shall arrange with the serving utility for the underground installation of the utilities distribution supply lines and service connections in accordance with the provisions of the applicable standards, terms and conditions incorporated in and as a part of its tariff as the same at that time is on file with the State of New Jersey Board of Public Utility Commissioners and shall submit to the planning board prior to the granting of final approval, a written instrument from each serving utility which shall evidence full compliance with the provisions of this subsection provided that lots in the subdivisions which abut existing streets where over-supply lines have been installed on any adjacent portion of the streets involved, may be supplied with electric and telephone service from overhead lines but the head electric or telephone distribution service connections from the utilities' overhead lines shall be installed underground.

16-8.7 *Bulkheading.* New lagoons, canals or waterways shall not be dredged or cut unless the planning board shall find from the proofs submitted to it that there is no reasonable likelihood that the same will tend to become clogged, obstructed or filled in. Each new lagoon, canal or waterway shall be dredged or cut to have a continuous minimum width of 30 feet from its confluence with a river bordering the borough and the securely bulkheaded shores or sides and having a minimum water depth of not less than three feet at mean low tide at any point therein. All lots having frontage upon lagoons, canals or waterways or upon the shore line of any newly cut or dredged body of water shall, for the extent of such frontage, be securely bulkheaded to prevent the erosion thereof. All plans and specifications submitted for bulkheading must be approved by the engineer.

#### 16.9 Coastal Wetlands.

All applications for building permits, filed subdivision maps, site plans or any development involving lots within or bordering the coastal flood zone which require planning board or board of adjustment approval as defined in Chapter XIX Section 3.0, paragraph h shall be reviewed by the environmental commission and shade tree commission and shall receive those agencies' approval before planning board approval may be issued. When necessary the planning board shall seek the advice and consultation of the State Department of Environmental Protection, the U.S. Soil Conservation Service, the Monmouth County Planning Board, and the Monmouth County Environmental Council in developing its recommendations concerning an application for a building permit within the coastal flood zone of the borough. The planning board's final recommendations thereon to the borough council shall be in writing.

**16-10 Penalty.**

**16-10.1 Failure to Obtain Final Approval.** If, before final approval has been obtained, any person transfers or sells or agrees to sell, as owner or agent, any land which forms a part of a subdivision on which by ordinance the planning board is required to act, such person shall be subject to the penalty provided for violation of this revision.

**16-10.2 Civil Action.** In addition to the foregoing, if the streets in the subdivision are not such that a structure on the land in the subdivisions would meet requirements for a building permit under Section 3 of the Official Map and Building Permit Act (1953), the borough may institute and maintain a civil action:

a. For injunctive relief.

b. To set aside and invalidate any conveyance made pursuant to such contract or sale if a certificate of compliance has not been issued in accordance with Section 24 of Chapter 433 of the Laws of 1953, but only if the borough has a planning board or a committee with power to act and which:

1. Meets regularly on a monthly or more frequent basis.

2. Whose governing body has adopted standards and procedures in accordance with Section 20 of Chapter 433 of the Laws of 1953.

In any such action the transferee, purchaser or grantee shall be entitled to a lien upon the portion of land from which the subdivision was made that remains in the possession of the subdivider or his assigns or successors, to secure the return of any deposit made or purchase price paid and also a reasonable search fee, survey expense and title closing expense, if any. Any action must be brought within two years after the date of the recording of the instrument of transfer, sale or conveyance of the land or within six years, if unrecorded.