

Title 16

SUBDIVISIONS AND SITE PLANS

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Chapter 16.04

INTRODUCTORY PROVISIONS AND DEFINITIONS

Sections:

16.04.010 Short title.

16.04.020 Purpose.

16.04.030 Definitions.

16.04.010 Short title.

This title shall be known and may be cited as the land subdivision and site plan ordinance of the township.

(Ord. 89-9 § 100)

16.04.020 Purpose.

A. The purpose of this title shall be to provide rules, regulations and standards to guide land subdivision and site planning in the township in order to promote the public health, safety, convenience and general welfare and to conform to the New Jersey Pinelands Comprehensive Management Plan. It shall be administered to insure the orderly growth and development, the conservation, protection and proper use of land, and adequate provisions for circulation, utilities and services.

B. The following facts are found by the township committee of the township:

1. A substantial portion of the land in the township is located in an area known as the New Jersey Pine Barrens, which consists of unique geology, plant life, wild life and ecological features.
2. The Pine Barren area contains a major natural resource in its supply of surface and underground

water, which water is in a relatively pure natural state. The purity of this water supply for human usage is highly important to the general health, safety and welfare. The quality of this water supply is highly important to activities conducted within the township and to the continued maintenance of natural plant life which composes much of the ground cover in the land area of the township and which prevents soil erosion.

3. The disposal of sewage influent in the township is entirely dependent upon on-site disposal, and the water table, hydrological features and soil conditions in large portions of the township are such that on-site disposal of sewage influent has the potential of contaminating and reducing the quality of the underground water supply, resulting in the loss of usage of the water for human purposes, agricultural purposes and resulting in the loss of plant life, all beyond the boundaries of the property upon which any such on-site disposal system may be located. It is a purpose of this title to provide for the location of on-site sewage disposal systems in such a manner, and according to such design characteristics and on locations of such size and proportions to avoid such systems reducing the quality of the groundwater supply beyond the property boundaries upon which such system may be located.

(Ord. 89-9 § 200)

16.04.030 Definitions.

Any word or term not defined herein or otherwise defined in the zoning ordinance shall be used with a meaning of standard usage for the context in which the word is used:

"Administrative officers for planning board functions" means the secretary of the planning board; for zoning board functions, the secretary of the zoning board.

"Adverse effect" means conditions or situations on an applicant's property or on any nearby property, which are impractical, unsafe or unsatisfactory, or contrary to the purposes of this title as set forth in Section 16.04.020, and which conditions or situations are created, aggravated or caused by the proposed subdivision or site plan.

"Agricultural purpose" means for purposes of exempting a division of land from the provisions of this title, land that will be used solely for growing and harvesting of crops and/or the raising and breeding of livestock and on which no structure other than a fence or a building to contain livestock or for storage will be erected.

"Application" means a complete set of maps, application forms, supporting documents and reports prepared and submitted in accordance with this title. An incomplete submission shall not constitute an application.

"Application for development" means any application filed with any permitting agency for any approval, authorization or permit which is a prerequisite to initiating development in the Pinelands area, except as provided in Section 16.08.160(A).

"Approval agency" means any board, body, authority, or person within the township with authority to approve or disapprove subdivisions, site plans, zoning permits, construction permits or other applications for

development approval.

"Cartway" means the hard or paved surface portion of a street customarily used by vehicles in their regular course of travel. Where there are curbs, the cartway is that portion between the edges of the paved and/or grade width.

"Certificate of filing" means a certificate issued by the Pinelands Commission pursuant to N.J.A.C. 7:50-4.34 that a complete application for development has been filed.

"Comprehensive management plan" means the plan and amendments thereto adopted by the Pinelands Commission pursuant to Section 7 of the Pinelands Protection Act, referred to in this title as the CMP.

"Conservation easement" means grant or grants to the township sufficient to permit the township to fulfill the intent and purpose of this easement as provided in Section 16.20.080(C).

"Developer" means any person or entity submitting an application for approval of any activity for which submission is required under the land use ordinances of Bass River township or the municipal Land Use Law 40:55D.

"Development approval" means any approval granted by an approval agency, including appeals to the governing body, except certificates of occupancy and variances which do not otherwise include issuance of a construction permit, subdivision or site plan approval.

Development, Major. "Major development" means any division of land into four or more lots; any construction or expansion of any housing development of four or more dwelling units; any construction or expansion of any commercial or industrial use or structure on a site of more than three acres; or any grading, clearing or disturbance of an area in excess of five thousand (5,000) square feet.

Development, Minor. "Minor development" means all development other than major development.

"Drainage" means the removal of surface water or groundwater from land by drains, grading or other means, including control of runoff to minimize erosion and sedimentation during and after construction or development and means necessary for water supply preservation or prevention or alleviation of flooding.

"Drainage and utility easement" means a grant or grants to the township or the county of Burlington sufficient to permit the township or the county to fulfill the intent and purpose of the easement as provided in Sections 16.04.030, 16.20.040(E) and 16.20.080 of this title.

"Drainage and utility right-of-way" means and includes the lands required for the installation and maintenance of stormwater sewers, sanitary sewers, water mains, drainage ditches, and other utilities, or lands required along a natural stream or watercourse for the purpose of access and maintaining and preserving the channel and providing for the flow of water therein in accordance with Chapter 1 of Title 58 of the Revised Statutes, as amended.

"Final plat" means the final map of all or a portion of the subdivision or site plan which is presented to the planning board and governing body for final approval in accordance with this title and which, if approved, is

to be filed in the Burlington County clerk's office.

"Interested person or party" means any persons whose right to use, acquire or enjoy property is or may be affected by any action taken under this title or whose right to use, acquire, or enjoy property under this title or under any other law of this state or of the United States has been denied, violated or infringed upon by an action or a failure to act under this title.

"Interim rules and regulations" means the regulations adopted by the Pinelands Commission pursuant to the Pinelands Protection Act to govern the review of applications from the adoption of the regulations until the Pinelands Comprehensive Management Plan took effect on January 14, 1981. These regulations were formerly codified as N.J.A.C. 7:1G-1 et seq.

"Lot" means any parcel or portion of land separated from other parcels or portions by description as by a subdivision plat, deed of record, survey map or by metes and bounds, which separate parcels when under one ownership and contiguous, conform with the zoning ordinance regulations for the zoning district in which they are located. Contiguous undersized lots for the zone in which they are located and which lots are under one ownership shall be considered one lot. No portion of a street or cartway shall be included in calculating the lot boundaries or areas.

"Maintenance guarantee" means any security which may be accepted by the governing body for the maintenance of any improvements required by this chapter.

"Master plan" means a composite of the mapped and written proposals recommending the physical development of the municipality which shall have been duly adopted by the planning board.

"Municipal agency" means either the zoning board or the planning board of Bass River township before which an application for development is property pending.

"Off-site improvements" means improve-ments located outside the land being subdivided or site planned which improvements must be made to accommodate conditions generated as a result of the development of the subdivision.

"Owner" means any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having legal title to the land.

"Performance guarantee" means any security which may be accepted by the governing body to guarantee the completion of the required improvements before final plat approval, including performance bond with responsible surety authorized to do business in the state of New Jersey, or escrow agreements secured by cash or certified check.

"Pinelands area" means that area designated as such by Section 10(a) of the Pinelands Protection Act and as shown on zoning map.

"Pinelands Commission" means the Pinelands Commission created pursuant to Section 5 of the Pinelands Protection Act.

"Pinelands Development Review Board" means the agency responsible from February 8, 1979 until June 28, 1979 for the review of an action on applications for development in the Pinelands area which required approvals of other state agencies, except where the Pinelands Commission acted on applications during that time period.

"Pinelands Protection Act" means N.J.S.A. 13:18A-1-29, as amended.

"Plat" means the map of a subdivision or site plan.

"Preliminary plat of major subdivision or site plan" means the preliminary map indicating the proposed layout of the subdivision or site plan which is submitted to the planning board for consideration of tentative approval.

"Resubdivision" means the further division of a lot; or the adjustment of a lot line or lot lines; or the combining of two or more contiguous lots into a fewer number of lots.

"Right-of-way" means the total width and length of a street, water course, utility path, or other way and within which all improvements and rights of access are confined.

"Sight triangle easement" means a grant or grants to the township of Bass River or the county of Burlington sufficient to permit the township to fulfill the intent and purpose of the easement as provided for in Section 16.20.030(J) of this title.

"Siltation basin" means a facility designed to collect silt and eroded soil from a designated area.

"Site plan" means the design of the improvements to a lot to be used for any use other than one single or two family dwelling, the design to include drainage, paving, parking, ingress and egress of traffic, location of utility lines and location of all building and other improvements to the lot.

Site Plan, Major. "Major site plan" means any site plan not classified as minor by the planning board.

Site Plan, Minor. "Minor site plan" means any site plan involving less than five acres and which does not, as determined by the planning board, involve any of the factors listed under items 1 through 11 of the definition of minor subdivision in this section, applying the same to site plans rather than divisions.

"Sketch plat" means the sketch map of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification and meeting the requirements of Chapter 16.12 of this title.

"Street" means any street, avenue, boulevard, road, lane, parkway, viaduct, alley or other way which is an existing state, county or township roadway, or a street or way shown upon a plat heretofore approved pursuant to law or approved by official action pursuant to the Municipal Planning Act (R.S. 40:55A-1 et seq., as amended) and includes the land between the street lines, 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 title, streets shall be classified to conform to the Bass River Township master plan as follows:

1. "Arterials" means those state or federal highways which serve to carry heavy volumes of

regional traffic through the township at relatively high speeds.

2. "Local connector roads" means those streets and roads which carry traffic to the major systems of arterial streets, including the principal entrance streets and streets for major circulation within residential developments.

The edge of the existing or future street right-of-way whichever would result in the widest right-of-way as shown on an adopted master plan or official map, forming the dividing line between the street and property line. For the purpose of relating the street line to the setback requirements of the zoning ordinance, this definition shall control.

"Street right-of-way easement" means a grant or grants to the township sufficient to fulfill the intent and purpose of the easement as provided for in Section 16.20.030(G) of this title.

"Subdivision" means any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under this title to effect a subdivision of land.

"Subdivision" means the division of a lot, tract or parcel of land into two or more lots for the purpose, whether immediate or future, of sale or building development: Except that the following divisions shall not be considered a subdivision provided, however, that no new streets or roads are involved; (1) Division of land exclusively for agricultural purposes where the resulting parcels are five acres or larger in size and the proposed agriculture subdivision is declared exempt by the planning board. Any such declaration of agricultural exemption shall contain the condition that the parcel being created be used exclusively for agricultural purposes and such limitation shall be set forth in any deed conveying the exempt parcel; (2) Division of property by testamentary or intestate provisions; or (3) Division of property upon court order (see Chapter 16.24). Subdivision also includes resubdivision and where appropriate to the context, relates to the process of subdividing or to the land or territory that is divided.

"Subdivision and site plan committee" means a committee of at least three board members, appointed by the chairman of the board, with the approval of the majority of the board, for the purpose of reviewing subdivision and site plan applications prior to action by the entire board to determine whether such applications comply with all ordinance provisions and to make recommendations to the board for classification and action. The committee may be delegated other duties relating to land subdivision which may be conferred on this committee by the board through a motion duly adopted and recorded.

Subdivision, Major. "Major subdivision" means any subdivision not classified as a minor subdivision.

Subdivision, Minor. "Minor subdivision" means any subdivision resulting in not more than three lots (including the remaining portion of the tract but not including any lot(s) offered to the township for road widening) all fronting on an existing street and not involving any new street or road or the extension of municipal facilities or the installation of any street improvements, and not creating a condition which directly or indirectly adversely affects the development of either the remainder of the parcel or nearby property. For purposes of calculating the number of lots involved, any lots created during a five year period immediately preceding the application out of the same parcel as the land which is the subject of the application shall be included in the number of lots. In addition to the above requirements, any subdivision which involves any of the following may be declared to be a major subdivision at the discretion of the planning board:

1. Significantly affecting the existing environment; and
 2. Require the extension of any municipal improvements or facilities; and
 3. Require the extension or improvement of any existing street or roadway; and
 4. Been the subject of a subdivision application within five years immediately preceding the filing of the new application; and
 5. Impair the intent and purposes of the zone plan and master plan; and
 6. Allow the subdivision of lots in any area where the natural water table is less than thirty-six (36) inches below natural grade; and
 7. Create additional lots on any land fronting on or adjoining any stream, waterway, or watercourse, whether or not such duly created lots will front directly on such stream, waterway, or watercourse; and
 8. Subdivide on which there is any stand or "virgin timber"; and
 9. Subdivide any lands which are the subject of farm land assessment pursuant to the provisions of N.J.S.A. 54:4-73.1; and
 10. Subdivide any lands utilized for agricultural purposes during the five year next preceding the subdivision application; and
 11. Subdivide any lands abutting on, contiguous or adjacent to any land owned by the federal, state, county or township governments.
- (Ord. 89-9 §§ 100, 200 and 400)

Chapter 16.08

PROCEDURE

Sections:

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- 16.08.120 Effect of preliminary approval.**
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16.08.150 Effect of final approval of site plan or major subdivision.

16.08.160 Special procedures for subdivisions and site plans on land within the pinelands area.

16.08.010 Requirements for approval.

Approval of the subdivision or site planning of any land in the township shall be sought in accordance with the procedure set forth in this chapter.

(Ord. 89-9 § 501)

16.08.020 Procedure for preliminary site plan approval.

A. Site plan review and approval, shall be required for all new and expanded uses except agriculture and single-family residential principal and accessory uses. The developer shall submit to the administrative officer a site plan in accordance with Section 16.12.060 of this title. Preliminary architectural plans and elevations for any building to be located on the site shall also be submitted with the preliminary application. If an application for a preliminary site plan is found to be incomplete, the developer shall be notified within forty-five (45) days of the date of such application or it shall be deemed to be properly submitted.

B. If the planning board requires any substantial amendment in the layout and improvements proposed by the developer on the site plan, and amended application for development shall be submitted and proceeded upon as in the case of the original application for developer.

C. Upon the submission to the administrative officer of the complete application for a site plan for ten (10) acres or less, the planning board shall grant or deny preliminary approval within forty-five (45) days of the date of such submission or within such further time as may be consented to by the developer. Upon submission of a complete application for a site plan of more than ten (10) acres, the planning board shall grant or deny preliminary approval with ninety-five (95) days of the date of such submission or within such further time as may be consented to by the developer. Otherwise, the planning board shall be deemed to have granted approval of the site plan.

(Ord. 89-9 § 502)

16.08.030 Procedure for minor subdivision.

A. Any application for approval of a minor subdivision shall be in the form provided for under Section 16.12.020 of this title.

B. If upon receiving the complete application for minor subdivision, the planning board determines that the application is for a minor subdivision as defined under this title and pursuant to the Municipal Land Use Law, then the planning board shall classify the application as one for minor subdivision and may waive notice and public hearing for the applicator.

C. Minor subdivision approval shall be granted or denied within forty-five (45) days of the date of submission of a complete application to the administrative office or within such further time as may be consented to by the applicant. Failure of the planning board to act within the prescribed period shall constitute minor subdivision approval and a certificate of the administrative officer as to the failure of the planning board to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval herein required and shall be so accepted by the recording officer for purpose of filing

subdivision plats.
(Ord. 89-9 § 503)

16.08.040 Procedure for preliminary major subdivision approval.

A. Any application for approval of a major subdivision shall be in accordance with the requirements of Section 16.12.030 of this title.

B. The plat and any other engineering documents to be submitted shall be submitted in tentative form for discussion purposes for preliminary approval. If the application for development is found to be incomplete, the developer shall be notified thereof within forty-five (45) days of submission of such application or it shall be deemed to be properly submitted.

C. If the planning board requires any substantial amendment in the layout of improvements proposed by the developer, an amended application shall be submitted and proceeded upon, as in the case of the original application for development.

D. Upon the submission to the administrative officer of a complete application for a subdivision of ten (10) or fewer lots, the planning board shall grant or deny preliminary approval within forty-five (45) days of the date of such submission or within such further time as may be consented to by the developer. Upon submission of a complete application for subdivision of more than ten (10) lots, the planning board shall deny or grant preliminary approval within ninety-five (95) days of the date of such submission or within the further time as may be consented to by the developer. Otherwise, the planning board shall be deemed to have granted preliminary approval to the subdivision.
(Ord. 89-9 § 504)

16.08.050 Informal submission of preliminary plat or site plan.

Informal discussion prior to submission of plat. Any owner or developer who desires to obtain approval of a subdivision or site plan for land within the township may appear at a regular meeting of the planning board or the subdivision and site plan committee for informal discussion with reference to same with an informally prepared plat. The purpose of such a plat is to review overall development concepts in order to assist the applicant in the preparation of his or her preliminary plan. No decisions will be made and no formal action taken on such informal presentation.
(Ord. 89-9 § 505)

16.08.060 Preliminary plat approval.

Any developer applying for approval of a major subdivision or site plan shall submit to the administrative office at least twenty-one (21) days prior to the regular meeting of the planning board twelve (12) copies of the preliminary plat of the proposed subdivision or site plan, three completed copies of township application form for preliminary approval, two completed copies of the Burlington County planning board application forms, and three copies of any protective covenants, deed restrictions or easements applying to the land being subdivided or site planned. The submission shall be accompanied by three copies of the drainage calculations as described in Sections 16.20.040 and 16.12.040(F) and five copies of the environmental impact report as set forth in Section 16.20.090. At the time of filing this plat, a nonrefundable fee of three hundred

dollars (\$300.00) or twenty dollars (\$20.00) per lot based on the total number of lots in the subdivision, whichever is greater, shall be paid by the developer to the township in the form of a certified check or a bank money order. In the case of site plan not requiring extensive detail, a portion of this fee may be waived by vote of the board. The administrative officer shall, within two working days, forward said material to the planning board subdivision committee retaining one copy for his or her file.
(Ord. 89-9 § 506)

16.08.070 Hearings--Procedure.

- A. No hearing shall be required on the approval of a minor subdivision or for final approval on any development for which preliminary approval has already been granted. All other applications for development shall require a hearing pursuant to this section.
- B. The planning board or the board of adjustment, as the case may be, shall hold a hearing on each application for development other than those for which an exception is created in subsection A of this section.
- C. Any maps, documents or other materials for which application is sought at a hearing shall be on file with the administrative official and available for public inspection at least ten (10) days before the date of the hearing during normal business hours.
- D. The officer presiding at the hearing shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses in the production of relevant evidence, including witnesses and documents presented by the parties in accordance with the provisions of the County and Municipal Investigation Law, N.J.S.A. 2A:67A-1 et seq., shall apply.
- E. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer and the right of cross examination shall be permitted to all interested parties through their attorneys if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to the time and number of witnesses.
- F. Technical rules of evidence shall not be applicable to the hearing, but the agency may exclude irrelevant, immaterial or unduly repetitious evidence.
- G. The municipal agency shall provide for the verbatim recording of the proceedings by either stenographer or electronic means. The municipal agency shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at his or her expense.
- H. Each decision on any application for development shall be in writing and shall include findings of fact and conclusions based thereon.
- I. A copy of the decision shall be mailed by the municipal agency within ten (10) days of the date of the decision to the applicant, or if represented, then to his or her attorney, without charge. A copy of the decision shall also be filed in the office of the administrative officer. The administrative officer shall make a copy of such final decision available to any interested party for a reasonable fee.
- J. A brief notice of the decision shall be published in the official newspaper of the municipality.

Such publication shall be arranged and paid for by the applicant. The period of time in which an appeal of the decision may be made shall run from the first publication of the decision.
(Ord. 89-9 § 507)

16.08.080 Notice of hearing.

A. Notice of hearing required under this title shall be given to the owners of all real property as shown on the tax duplicate, located within two hundred (200) feet in all directions of the property which is the subject of such hearing. Notice shall be given by: (1) Serving a copy thereof on the property owner as shown on the current tax duplicate or his or her agent in charge of the property; (2) Mailing a copy thereof by certified mail to the property owner at the address on the current tax duplicate. Upon the written request of the applicant, the municipal tax collector shall, within seven days, make and certify a list from the tax duplicate of names and addresses of owners whom the applicant is required to give notice pursuant to this title. The applicant shall be entitled to rely upon the information contained in such list and failure to give notice to the owners not on the list shall not invalidate any hearing or proceedings. A sum of ten dollars (\$10.00) shall be charged for the preparation of such list. Notice of all hearings and applications for development involving property located within two hundred (200) feet of an adjoining municipality shall be given to the clerk of the adjoining municipality by personal service or certified mail. Notice shall be given by personal service or certified mail to the county planning board of a hearing on an application for development of the property adjacent to an existing county road or proposed county road shown on the official county map on the county master plan, property adjoining the county land or situate within two hundred (200) feet of a municipal boundary. Notice shall be given by personal service or certified mail to the commissioner of transportation of a hearing on an application for development of property adjacent to a state highway. Notice shall also be given to the Pinelands Commission pursuant to Section 16.08.160(D) and where required by law, the New Jersey Department of Environmental Protection and CAFRA review agency. Notice shall be given by personal service or certified mail to the Director of the Division of State and Regional Planning in the New Jersey Department of Community Affairs where an application for development involves in excess of one hundred fifty (150) or five hundred (500) dwelling units. Such notice shall include a copy of any map or documents required to be on file within the application.

B. The applicant shall file an affidavit of proof of service with the municipal agency holding the hearing on the application for development setting forth that the notices required under this section have been given.
(Ord. 89-9 § 608)

16.08.090 Content of notice of hearing.

Notice of hearing to be held pursuant to this title shall state the date, time, and place of the hearing, the nature of the matters to be considered and an identification of the property proposed for development by a street address and reference to the tax block and lot number as shown on the current municipal tax map, if any, and shall state the location and times at which maps and documents for which approval is sought are available for inspection by the public.
(Ord. 89-9 § 509)

16.08.100 Time of notice.

Notice of hearing pursuant to this title shall be given at least ten (10) days prior to the date of the hearing. Public notice shall be given by publication in the newspaper of the municipality at least ten (10) days prior to the hearing. It shall be the responsibility of the applicant to place such newspaper notice and to pay for same.

(Ord. 89-9 § 510)

16.08.110 Procedure on approval of preliminary plat.

If the board acts favorably on a preliminary plat, the chairman of the board and secretary of the board shall affix their signatures to the plat with a notation that it has been given preliminary approval and the applicant shall be notified within ten (10) days of such action. After approval of the preliminary plat, the secretary of the board shall forward copies of the signed plat to each of the following: township clerk, township engineer, township board of health, county planning board, building inspector, board of education, township environmental commission and applicant.

(Ord. 89-9 § 511)

16.08.120 Effect of preliminary approval.

Preliminary approval of a major subdivision or a site plan pursuant to this title confers upon the applicant the following rights for a three year period from the date of preliminary approval: (A) That the general terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to use requirements; layout and design standards for streets, curbs, and sidewalks, lot size, yard dimensions and off-tract improvements and in the case of a site plan, any requirements peculiar to that site except that nothing herein shall be construed to prevent the municipality from modifying by ordinance such general terms and conditions of preliminary approval as relate to public health and safety; (B) That the applicant may submit for final approval on or before the expiration date of preliminary approval a whole or a section or sections of the preliminary plat or site plan as the case may be; and (C) That the applicant may apply for and the planning board may grant extension on such preliminary approval for additional periods of at least two years provided that if the design standards have been revised by ordinance such revised standards may govern.

(Ord. 89-9 § 512)

16.08.130 Final approval of site plans and major subdivisions.

A. The municipal agency shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval, the conditions of preliminary approval, and in the case of major subdivisions, the standards prescribed by the Map Filing Law, N.J.S.A. 46:23-9.9 et seq., are in accordance with this title and applicable statutes.

B. Final approval shall be granted or denied within forty-five (45) days after submission of a complete application to the administrative officer or within such further time as may be consented to by the applicant. Failure of the administrative agency to act within the period prescribed shall constitute final approval and a certificate to the administrative officer as to the failure of the board to act shall be issued on request to the applicant.

C. Whenever review or approval of the application by the county planning board is required, the municipal planning board shall condition any approval that it grants upon timely receipt of a favorable report on

the application by the county planning board or approval by the planning board by its failure to report thereon within the required time period.
(Ord. 89-9 § 513)

16.08.140 Exceptions in application for subdivision or site plan approval.

The municipal agency, upon applications for a preliminary or minor subdivision approval, shall have the power to grant such exceptions from the requirements for subdivision approval as may be reasonable within the general purpose and intent of the provisions for subdivision and site plan review.
(Ord. 89-9 § 514)

16.08.150 Effect of final approval of site plan or major subdivision.

The zoning requirements applicable to the preliminary approval first granted and all other rights conferred pursuant to Section 16.08.110 shall not be changed for a period of two years after the date of approval; provided that in the case of major subdivision the rights conferred by this section shall expire if the plat has not been duly recorded within the time required by law. If the developer has followed the standards prescribed for final approval and in the case of a subdivision has duly recorded the plat as required by law, a planning board may extend such period of protection for extensions of one year but not to exceed three extensions. Notwithstanding any other provisions of this Act, the granting of a final approval terminates the time period of preliminary approval pursuant to Section 16.08.110 under this Act.
(Ord. 89-9 § 515)

16.08.160 Special procedures for subdivisions and site plans on land within the pinelands area.

- A. Applicability of Procedures.
 - 1. No person shall carry out any development within the Pinelands area without obtaining approval from an approval agency and without obtaining development approval in accordance with the procedures set forth in this section.
 - 2. Except as provided in subsection A(3) of this section, the following shall not be subject to the procedures set forth in this section:
 - a. The improvement, expansion or reconstruction within five years of destruction or demolition of any single-family dwelling unit or appurtenance thereto;
 - b. The improvement, expansion, construction, or construction of any structure accessory to a single-family dwelling;
 - c. The improvement, expansion, construction, or reconstruction of any structure used exclusively for agricultural or horticultural purposes;
 - d. The construction, repair or removal of any sign, except for the construction or replacement of any off-site commercial advertising sign;

- e. The repair of existing utility distribution lines and the installation of utility distribution lines to serve existing development or development which has received all necessary approvals and permits;
 - f. The clearing of less than one thousand five hundred (1,500) square feet of land;
 - g. The construction of any addition or accessory structure for any nonresidential use or any multi-family residential structure, provided that the addition or structure will be located on or below an existing impermeable surface, that the existing use is served by public sewers and that the addition or structure will cover an area of no more than one thousand (1,000) square feet; or
 - h. The demolition of any structure that is less than fifty (50) years old.
3. The exceptions contained in subsection A(2) of this section shall not apply to any historic resources designated by the Pinelands Commission pursuant to N.J.A.C. 7:50-6.154.
4. Nothing herein shall preclude any local or state agency from reviewing, in accordance with the provisions of any applicable ordinance or regulation, any proposed development which does not require an application to the Pinelands Commission pursuant to this section.
- B. Application Requirements for Minor Development.
1. Any application for approval of minor development shall include at least the following information:
- a. The applicant's name and address and his or her interest in the subject property;
 - b. The owner's name and address, if different from the applicant's, and the owner's signed consent to the filing of the application;
 - c. The legal description, including block and lot designation and street address, if any, of the subject property;
 - d. A description of all existing uses of the subject property;
 - e. A brief written statement generally describing the proposed development;
 - f. A USGS Quadrangle map, or copy thereof, and a copy of the municipal tax map sheet on which the boundaries of the subject property and the Pinelands management area designation and the zoning designation are shown;
 - g. A plat or plan showing the location of all boundaries of the subject property, the location of all proposed development, and existing or proposed facilities to provide water for the use and consumption of occupants of all buildings and sanitary facilities which will serve the proposed development. The following information shall be included with respect to

existing or proposed sanitary facilities:

- i. On-Site Treatment Facilities. Location, size, type and capacity of any proposed on-site wastewater treatment facilities, and
- ii. Soil Borings and Percolation Tests. If on-site sewage disposal is proposed, results of soil borings and percolation tests in accordance with N.J.S.A. 58:11-23 et seq., and the regulations adopted pursuant thereto, shall be submitted at suitable location with a tract map showing location, logs, elevations of all test holes, indicating where groundwater was encountered, estimating the seasonal high water table and demonstrating that such facility is adequate to meet the water quality standards contained in Section 17.20.190 of the zoning title. The township engineer shall receive ten (10) days' written notice prior to any soil testing;
- h. A location map, including the area extending at least three hundred (300) feet beyond each boundary of the subject property, showing ownership boundary lines, the boundary of the proposed development, owners of holdings adjoining and adjacent to the subject property, existing facilities, buildings and structures on the site, all proposed development, wetlands, streams (including intermittent streams), rivers, lakes and other water bodies and existing roads;
- i. A soils map including a county soils survey which conforms to the guidelines of the United States Department of Agriculture Soil Conservation Service, showing the location of all proposed development;
- j. A map showing existing vegetation, identifying predominant vegetation types in the area, and showing proposed landscaping of the subject property, including the location of the tree line before and after development and all areas to be disturbed as a result of the proposed development;
- k. A certificate of filing from the Pinelands Commission issued pursuant to N.J.A.C. 7:50-4.34 or until January 14, 1991, evidence of prior approval from the Pinelands Development Review Board or the Pinelands Commission pursuant to the interim rules and regulations; and
- l. When prior approval for the development has been granted by an approval agency, evidence of Pinelands Commission review pursuant to subsection E of this section.

C. Application Requirements for Other Development. All applications for major development shall be accompanied by the information required in N.J.A.C. 4.2(b)5, as well as the following:

1. A certificate of filing from the Pinelands Commission issued pursuant to N.J.A.C. 7:50-4.34 or until January 14, 1991, evidence of prior approval from the Pinelands Development Review Board or the Pinelands Commission pursuant to the interim rules and regulations; and
2. When prior approval for the development has been granted by an approval agency, evidence of

Pinelands Commission review pursuant to subsection E of this section,

D. Notices to the Pinelands Commission.

1. Application Submission and Modifications. Written notification will be given by the approval agency to the Pinelands Commission within seven days after a determination is made by the approval agency that an application for development is complete or if a determination is made by the approval agency that the application has been modified. Such notice shall contain:
 - a. The name and address of the applicant,
 - b. The application number of the certificate of filing issued by the Pinelands Commission and the date on which it was issued,
 - c. The date on which the application, or any change thereto, was filed and any application number or other identifying number assigned to the application by the approval agency,
 - d. Any written reports or comments received by the approval agency on the application for development which have not been previously submitted to the Commission,
 - e. The content of any change made to the application since it was filed with the Commission, including a copy of any revised plan or reports, and
 - f. The nature of the municipal approval being sought;
2. Meetings and Hearings. Where a meeting, hearing, or other formal proceeding on an application for development approval in the Pinelands area is required, the applicant shall provide notice to the Pinelands Commission by regular mail or delivery of the same to the principal office of the commission at least five days prior to such meeting or hearing. Such notice shall contain at least the following information:
 - a. The name and address of the applicant,
 - b. The application number of the certificate of filing issued by the Pinelands Commission and the date on which it was issued,
 - c. The date, time and location of the meeting, hearing or other formal proceeding,
 - d. The name of the approval agency or representative thereof which will be conducting the meeting, hearing or other formal proceeding,
 - e. Any written reports or comments received by the approval agency on the application for development which have not been previously submitted to the commission, and
 - f. The purpose for which the meeting, hearing or other formal proceeding is to be held;

3. Notice of Approvals and Denial. The Pinelands Commission shall be notified of all approvals or denials of development in the Pinelands area, whether the approval occurs by action or inaction of any approval agency or an appeal of any agency's decision. The applicant shall within five days of the approval give notice by certified mail to the Pinelands Commission. Such notice shall contain the following information:
 - a. The name and address of the applicant,
 - b. The legal description and street address, if any, of the property which the applicant proposes to develop,
 - c. The application number of the certificate of filing issued by the Pinelands Commission and the date on which it was issued, if any,
 - d. The date on which the approval agency's approval or denial was issued,
 - e. Any written reports or comments received concerning the application for development approval not previously submitted to the Commission,
 - f. Any revisions to the application not previously submitted to the Commission,
 - g. A copy of the resolution, permit or other documentation of the approval or denial which was granted, and
 - h. The names and addresses of all persons who actively participated in the proceedings.

E. Review by the Pinelands Commission.

1. Upon receipt by the Pinelands Commission of a notice of approval pursuant to subsection (D)(3) of this section, the application for development approval shall be reviewed in accordance with the provisions in N.J.A.C. 7:50-4.37 through N.J.A.C. 7:50-4.42. The approval of the township shall not be effective and no development shall be carried out prior to a determination of whether the development approval will be reviewed by the Commission. If the applicant is notified that the Commission will review the application for development, no development shall be carried out until such review has been completed.
2. Until January 14, 1991, approvals issued by the Pinelands Development Review Board or the Pinelands Commission under the interim rules and regulations shall serve as the basis for Pinelands Commission review of the local approval under this section.
3. Although the Pinelands Commission shall be notified of all denials, no such denial actions are subject to further review and action by the Pinelands Commission.

F. Condition on Prior Approvals. Where a prior approval has been granted by an approval agency, no subsequent approval of an application for development approval shall be obtained until one of the following is satisfied.

1. Notification is received from the Pinelands Commission that review of the development approval is not required; or
2. Review of the development approval has been completed pursuant to N.J.A.C. 7:50-4.37 through 4.42 and a final order regarding the approval is received by the township from the Pinelands Commission.

G. Effect of Pinelands Commission Decision on Development Approval. If the Pinelands Commission disapproves an application for development previously approved by an approval agency, such approval shall be revoked by the approval agency within thirty (30) days and the agency shall thereafter deny approval of the application. If the Commission approves the decision of an approval agency subject to conditions, the approval agency which had previously approved the application shall, within thirty (30) days, modify its approval to include all conditions imposed by the Commission and, if final approval of the application is required, shall grant final approval only if the application for approval demonstrates that the conditions specified by the Commission have been met by the applicant.

H. Participation of Pinelands Commission in Public Hearings. The Pinelands Commission may participate in a hearing held in the township involving the development of land in the Pinelands area pursuant to N.J.A.C. 7:50-4.36.

I. Environmental Commission Review. All applications for major development shall be referred to the Environmental Commission for review and comment.

J. Public Development. All development proposed by the township or any agency thereof will comply with all the requirements for public development set forth in N.J.A.C. 7:50-4.51 et seq. and all the standards set forth in this title.

K. Amendments. In amending the township's master plan, or this title, the township shall comply with all of the requirements of N.J.A.C. 7:50-3.45.
(Ord. 90-16 § 1; Ord. 89-9 § 516)

Chapter 16.12

PLAT STANDARDS

Sections:

16.12.010 Plat conformity.

16.12.020 Standards for minor subdivision plat for classification and approval.

16.12.030 Standards for sketch plat of major subdivision submitted for classification.

16.12.040 Standards for preliminary plat of major subdivision.

16.12.050 Standards for final plat of major subdivisions.

16.12.060 Standards for preliminary plat of site plan.

16.12.070 Standards for final plat of site plan.

16.12.010 Plat conformity.

No subdivision or site plan approval request shall be accepted unless submitted in plat form and no plat

shall be accepted for consideration unless it conforms to the following requirements as to form, content and accompanying information, and complies with the provisions of N.J.S.A. 46:23 et seq. (Map Filing Law), as amended. The plat shall be drawn by an engineer or land surveyor as required by law, licensed to practice in the state of New Jersey, and shall bear the signature, seal, license number and address of the engineer and/or land surveyor. Within the Pinelands area all plats, upon submission, must comply with the requirements of Section 16.08.160.

(Ord. 89-9 § 601)

16.12.020 Standards for minor subdivision plat for classification and approval.

A minor subdivision plat shall be clearly and legibly drawn at an accurate scale of not less than one inch equals one hundred (100) feet and shall be based on an actual survey certified by a land surveyor licensed in New Jersey. Plats shall be presented on sheet(s) of one of the following dimensions: thirty (30) inches by forty-two (42) inches; twenty-four (24) inches by thirty-six (36) inches; fifteen (15) inches by twenty-one (21) inches; or eight and one-half inches by thirteen (13) inches. The plat shall be designed in compliance with the provisions of Chapter 16.20 and shall show the following information:

- A. All lots being subdivided together with the boundary and acreage of the entire original tract, and the number of new lots being created. The area of each lot shall be shown correct to within one square foot;
- B. All existing and proposed property lines within and immediately adjoining the tract and all lot lines to be eliminated. All lot lines shall be shown correct to one-hundredth of a foot;
- C. All existing buildings and structures and their use(s), vegetation types and locations, rock outcrops and isolated trees with a diameter of six inches or more measured five feet above ground level. All streams, lakes, drainage rights-of-way, and streets within the limits of the tract(s) being subdivided and within one thousand (1,000) feet thereof, including the location, width and direction of flow of all streams, brooks, drainage structures and drainage rights-of-way. Any existing features to be removed or relocated shall be indicated. Flood hazard area lines and wetlands and swamps within the tract shall be shown. Contours at two foot intervals and general drainage systems shall be shown;
- D. The shortest distance from any existing building(s) to any proposed and existing lot line;
- E. The existing and proposed rights-of-way of all easements and all streets within and adjoining the premises, with dimensions, together with existing driveways, street names, and the purpose for any easement. Sight triangles shall be shown;
- F. The names of the owner and all adjoining property owners as disclosed by most recent township tax records;
- G. The tax map sheet, block and lot number for the tract and all adjacent lots; date, title, graphic scale; north arrow; and space for the subdivision application number;
- H. Zoning district(s) and if the property lies in more than one zoning district, the plat shall indicate

all the zoning district lines;

- I. The name, address, phone number, and signature of the owner, subdivider, and person preparing the plat;
- J. When on-lot water and/or on-lot sewage disposal are proposed, the plat shall be accompanied by the results of the soil borings and percolation test(s) as required by N.J.S.A. 58:11-23 et seq. and the regulations of the Burlington County health department. The percolation test(s) shall have been located on each proposed lot and at the site of the proposed septic tank and appropriate additional locations in the leaching field within each site and shall be accompanied by the approval of the Burlington County department of health. The percolation test(s) include all data required by the Burlington County health department including but not limited to the date of the test(s), the location of each test shown on the plat, cross-section of the soil to a depth of at least ten (10) feet below finished grade, groundwater level, seasonal high water table level, the rate of percolation, the weather conditions prevailing at the time of the test(s) as well as for the preceding forty-eight (48) hours, and a cross-section of the proposed septic field, and the S.C.S. Soils Map for the area in which its system is proposed. The test(s) shall be performed at the applicant's expense. Each lot proposed shall show the location, size, design and capacity in gallons per day of the proposed individual water supply and sewage disposal system. The township engineer shall be given ten (10) days written notice prior to any soil testing.
- K. A key map with north arrow showing the entire subdivision and its relation to surrounding areas at a scale of not less than one inch equals one thousand feet.

(Ord. 89-9 § 602)

16.12.030 Standards for sketch plat of major subdivision submitted for classification.

The sketch plat shall be titled as such and shall be based on tax map information or some other similarly accurate base, at a scale of not less than four hundred (400) feet to the inch in order to enable the entire tract to be shown on one sheet, and shall show or include the following information. Plats shall be presented on sheet(s) of one of the following dimensions: thirty (30) inches by forty-two (42) inches; twenty-four (24) inches by thirty-six (36) inches; fifteen (15) inches by twenty-one (21) inches; or eight and one-half inches by thirteen (13) inches.

- A. All the data required under Section 16.12.020 except lot areas need only be measured to the nearest one-tenth acre, lot line dimensions need only be measured to the nearest whole foot, the data under subsection J of Section 16.12.020 shall not be required and contours shall be based on U.S.G.S. or similarly available datum. The location of that portion which is to be subdivided shall be shown in relation to the entire tract. Contour lines shall be shown when required by the planning board, and all existing structures and wooded areas within the portion to be subdivided and within two hundred (200) feet thereof. A tentative lot and street layout, with dimensions, and all streets, roads, streams, watercourses, and drainage rights-of-way within five hundred (500) feet of the subdivision shall be shown.
- B. A key map with north arrow showing the entire subdivision and its relation to surrounding areas, at a scale of not less than one (1) inch equals one thousand (1,000) feet.

(Ord. 89-9 § 603)

16.12.040 Standards for preliminary plat of major subdivision.

The preliminary plat shall be titled as such and shall be clearly and legibly drawn or reproduced by a licensed (New Jersey) engineer and/or land surveyor at a scale of not less than one inch equals fifty (50) feet. Plats shall be presented on sheets of one of the following dimensions: thirty (30) inches by forty-two (42) inches; twenty-four (24) inches by thirty-six (36) inches; fifteen (15) inches by twenty-one (21) inches; or eight and one-half by thirteen (13) inches. If more than one sheet is required to show the entire subdivision, a separate composite map shall be drawn showing the entire subdivision and the sheets on which the various sections are shown. The plat shall be designed in compliance with the provisions of Chapter 16.20 in addition to the following information. The preliminary plat shall be accompanied by a certificate of filing with the Pineland Commission as required under Section 16.08.160.

- A. A key map with north arrow showing the entire subdivision and the proposed street pattern and its relation to surrounding areas and streets, including political boundaries, at a scale of not less than one inch equals one thousand (1,000) feet.
- B. All existing and proposed watercourses (including lakes, ponds, and marsh areas) shall be shown and accompanied by the following information or data:
 1. When a running or intermittent or natural drainage way stream with a drainage area of one-half square miles or greater is proposed for alteration, improvement, or relocation or when a structure or fill is proposed over, under, in or along such a running stream, evidence of approval, required alterations, lack of jurisdiction, or denial of the improvement by the New Jersey Division of Water Policy and Supply shall accompany the subdivision;
 2. Cross-sections and profiles of watercourses at an appropriate scale showing the extent of the floodway fringe area, top of bank, normal water level and bottom elevations at the following locations:
 - a. All watercourses within or adjacent to the subdivision and at any point where a watercourse crosses a boundary of the subdivision,
 - b. At fifty (50) foot intervals for a distance of three hundred (300) feet upstream and downstream of any proposed culvert or bridge within the subdivision,
 - c. At fifty (50) foot intervals up to three hundred (300) feet upstream and downstream of any proposed culvert or bridge and any point of juncture or two or more watercourses within and/or within one thousand (1,000) feet of the subdivision,
 - d. At a maximum of three hundred (300) foot intervals, but no less than two locations, along each watercourse which runs through or adjacent to the subdivision,

- e. When ditches, streams, brooks or watercourses are to be altered, improved or relocated, the method of stabilizing slopes and measures to control erosion and siltation during construction as well as typical ditch section and profiles shall be shown on the plan or accompany it;
 3. The total acreage in the drainage basin of any watercourse running through or adjacent to a subdivision in the area upstream of the subdivision;
 4. The total acreage in the drainage basin in the nearest downstream drainage structure and the acreage in that portion of the subdivision which drains to the structure;
 5. The location and extent of all existing or proposed drainage and conservation easements and flood hazard area lines;
 6. The location, extent and water level elevation of all existing or proposed lakes or ponds within or adjacent to the subdivision;
 7. Plans and computations for any storm drainage systems including the following:
 - a. All existing or proposed storm sewer line within or adjacent to the subdivision showing, size, profile and slope of the lines, direction of flow, and the location of each catch basin, inlet, manhole, culvert and headwall,
 - b. The location and extent of any proposed groundwater recharge basins, retention basins, detention basins, flood control devices, sedimentation basins and other water conservation devices.
- C. The names, locations and dimensions (cartway and right-of-way widths) of all existing streets within a distance of two hundred (200) feet of the boundaries of the subdivision and showing existing driveways and any connections from proposed streets, sidewalks, and bike routes in the subdivision to any adjoining street(s), sidewalk(s) or bike route(s) and what off-site extensions, if any, will be made to nearby arterial and collector streets as those streets are shown on the adopted master plan. Plans, cross-sections, center line profiles, tentative grades and details of all proposed streets and of the existing streets abutting the subdivision based on the vertical datum specified by the township engineer, together with full information as to the disposal of surface drainage and including plans, cross-sections and profiles of curbing, sidewalks, storm drains and drainage structures. Typical street cross-sections shall indicate the type and width of pavement and the location of curbs, sidewalks, bike routes, and shade tree planting. At intersections, the sight triangles, radii of curb lines, and street sign locations shall be clearly indicated.
- D. The names, locations, right-of-way widths, and purpose(s) of existing and proposed easements and other rights-of-way in the subdivision and the location and description of all monuments.
- E. All proposed lot lines, including existing lot lines to remain and those to be eliminated, and all setback lines required by the zoning ordinance with the dimensions thereof. Any lot(s) to be

reserved or dedicated to public use shall be identified. Each block shall be numbered and the lots within each block shall be numbered consecutively beginning with number one.

- F. Locations of all existing structures and their use(s) in the tract and within two hundred (200) feet thereof, showing existing and proposed front, rear and side yard setback distances, structures of potential historic significance and an indication of all existing structures and uses to be retained and those to be removed.
- G. Plans and profiles of proposed improvements and utility layouts (sanitary sewers, storm sewers, erosion control, storm water control, excavation, water mains, gas, telephone, electricity, fire hydrants and water supply for firefighting purposes, showing location, size, slope, pumping stations and other details as well as feasible connections to any existing or proposed utility systems). If private utilities are proposed, they shall comply fully with all township, county and state regulations. If service will be provided by an existing utility, a letter from that utility shall be submitted stating that service will be available before occupancy of any proposed structures. When on-lot water or sewage disposal is proposed, the plan for such system shall be approved by the appropriate township and state agencies, and the results of percolation tests shall be submitted with the preliminary plat in accordance with the procedures outlined in Section 16.12.020(J).
- H. Zoning district(s) and if the property lies in more than one zoning district, the plat shall indicate the zoning district lines.

(Ord. 89-9 § 604)

16.12.050 Standards for final plat of major subdivisions.

The final plat titled as such shall be submitted in the form of one mylar, two cloth or mylar, and nine black on white paper prints on sheets of uniform size of one of four standard sizes (namely, thirty (30) inches by forty-two (42) inches; twenty-four (24) inches by thirty-six (36) inches; fifteen (15) inches by twenty-one (21) inches; or eight and one-half inches by thirteen (13) inches; provided that when more than one sheet is required an index sheet of the same dimensions shall be filed showing the entire subdivision on one sheet and each separate sheet shall show references to the adjoining sheets, at a scale of not less than one inch equals two hundred (200) feet, and in compliance with the provisions of N.J.S.A. .46:23 et seq. (Map Filing Law), as amended. The final plat shall show the same information required for preliminary approval in addition to the following:

- A. Tract boundary lines, streets, sight triangles, easements and other rights-of-way, street names, land reserved or dedicated to public use, all lot lines and other site lines with accurate dimensions, bearing or deflection angles and radii, arcs and center angles of all curves shall be based on an actual survey by a land surveyor licensed to practice in the state of New Jersey. All dimensions, both linear and angular of the exterior boundaries of the subdivision shall be balanced and closed within a limit of error of one to ten thousand (10,000) and of all lot lines to within one to twenty thousand (20,000). All dimensions, angles and bearings, given on the map must be referred to at least one permanent monument which shall be indicated on the map;
- B. Block and lot numbers in accordance with established standards and in conformity with the

township tax map as approved by the township engineer;

- C. Cross-section, profiles and establishing grades of all streets as approved by the township engineer;
- D. Plans and profiles of all storm and sanitary sewers and water mains as approved by the township engineer;
- E. Location and description of all monuments as required under Section 16.20.050(D) with at least one corner of the subdivision tied to a U.S.G.S. benchmark(s) with data on the plan as to how the bearings were determined.

(Ord. 89-9 § 605)

16.12.060 Standards for preliminary plat of site plan.

- A. The preliminary plat of any site plan required under this title will be in accordance with the requirements for design and drawings set forth in Sections 16.12.030 and 16.12.040 of this chapter, except that any reference in those sections to subdivisions shall be interpreted to apply to site planning.
- B. Planning board approval of the site plan shall be subject to compliance by the developer with the following standards and regulations:
 - 1. The applicant has submitted a site plan containing all of the information and data as provided for in this title.
 - 2. The details of the site plan are in accordance with the standards of the zoning ordinance and any amendments thereto, and any and all other ordinances of the township and amendments thereto, which may be in existence at the time of the application, and in harmony with the officially adopted comprehensive master plan of the township.
 - 3. That all parking and traffic problems shall be kept at a minimum by the use of engineering design features such as acceleration and deceleration lanes, jug-handles, marginal access streets and other techniques deemed appropriate by the planning board.
 - 4. That adequate provisions are made so as to prevent any drainage problems.
 - 5. That a reasonable screening at all seasons of the year, of all playgrounds, parking and service areas, from the view of adjacent properties and streets be provided where necessary, for the purpose of protecting the health, safety and general welfare, comfort and convenience of the public.
 - 6. That the location, power, and directions and time of any outdoor lighting will not have an adverse effect upon any properties in any adjoining residential districts by impairing the established character or the potential use of properties in such districts. Lighting shall be provided at a minimum of two footcandles on all parking areas and pedestrian walkways.

7. That the details of the site plan for the authorized use will be such that the operation will not offend the public interest.
8. In reaching a decision, the planning board shall also take into consideration the effect of applicant's proposed project upon all aspects of the environment as well as the sufficiency of applicant's proposals for dealing with any immediate or projected adverse environmental effects.

(Ord. 89-9 § 606)

16.12.070 Standards for final plat of site plan.

The standards for preparation of final plat shall be in accordance with those set forth in Section 16.12.050 of this chapter except that any reference to subdivision therein shall be interpreted to apply to site planning.

(Ord. 89-9 § 607)

Chapter 16.16

IMPROVEMENTS

Sections:

16.16.010 Performance guarantee and inspections.

16.16.020 Conditions and acceptance of improvements.

16.16.010 Performance guarantee and inspections.

A. No final plat shall be approved by the board until the complete and satisfactory installation of all items required in Chapter 16.20 such as, but not limited to, streets, street signs, curbs, gutters, culverts, trees, surveyors' monuments, soil erosion and stormwater control measures, water mains, storm sewers, sewage treatment plant, pumping stations, sanitary sewers, dry sanitary sewers and such other improvements, on-site and off-site required by the board in the public interest have been installed, inspected, certified and approved by the township engineer and accepted by the governing body and a maintenance guarantee has been filed and accepted by the governing body in accordance with the requirements of this section, or their installation shall have been provided for by a performance guarantee accepted and approved by the governing body in accordance with the requirements of this section before approval of the final plat. No maintenance guarantee shall be accepted nor shall any partial facility be accepted for any item which has further stages of work to be completed or which will need to be altered or reworked in any manner due to the installation or connection of any other facility. Any improvements installed prior to final plat application that do not meet township standards shall be added to the performance guarantee.

B. A performance guarantee estimate shall be submitted to the board by the township engineer as part of his or her report on preliminary plat review completely detailing the material and work required for the subdivision improvements and an estimated cost of providing them. The board may request the township engineer to review and update this estimate from time to time as required.

C. The proposed performance guarantee accompanying the final plat shall be submitted to the board by the subdivider. The board shall review the proposed performance guarantee and submit it to the township engineer and township attorney for recommendations as to accuracy and form and then to the governing body

for approval and acceptance by resolution. Final approval shall not be granted until the performance guarantee has been accepted and approved by the governing body.

1. The performance guarantee shall consist of the performance guarantee estimate and a performance bond, in which the subdivider shall be principal and an acceptable surety company licensed to do business in the state of New Jersey and/or cash or certified check which shall be deposited with the township by payment to the township treasurer shall be surety. The township treasurer shall issue a receipt for such deposits and shall cause the same to be deposited in a bank approved by the governing body in the name of the township to be retained as security for completion of all requirements and to be returned to the subdivider on completion of all required work or in the event of default on the part of the subdivider, to be used by the township completing the requirements. If the required improvements have not been installed or constructed in accordance with the standards of the township or within the stipulated time, the obligor and surety for any bond shall be liable thereto to the township for the reasonable costs of the improvements or of the uncompleted portions thereof, and upon authorization by the governing body, the township attorney shall take the necessary steps to obtain such costs from the obligor and surety.
2. The total performance guarantee shall equal one hundred twenty (120) percent of the performance guarantee estimate plus an amount equal to fifteen (15) percent of the cost of any facilities installed prior to final submission. Ninety (90) percent of this total shall be in either cash, certified check or surety bond of a bonding company approved by the governing body. In addition to the performance guarantee whether with surety company or cash surety, the subdivider shall deposit cash with the Township equal to ten (10) percent of the amount of the approved performance guarantee estimate and the same shall be paid and deposited in like manner and under the same conditions as the security aforesaid. In the event of default, the ten (10) percent fund herein mentioned shall be first applied to the completion of the requirements and the cash, certified check, or surety bond shall thereafter be resorted to, if necessary, for completion of the requirements. The cash or surety bond may recite the foregoing provision. The township engineer's determination that the principal has defaulted in meeting the required standards of construction shall be the basis for the governing body action which accepts or rejects the improvements, grants, partial approval, or withholds approval.

D. The township clerk shall notify the secretary of the planning board and the township engineer prior to the board's next regular meeting that the performance guarantee has been approved and accepted by the governing body.

E. All improvements and utility installations shall be inspected during the time of their installation under the supervision of the township engineer to insure satisfactory completion. The township engineer shall be notified by the subdivider at least three days in advance of the start of construction. The cost of such inspection shall be the responsibility of the subdivider and he or she shall deposit with the township treasurer cash equal to six percent of the amount of the performance guarantee estimate prior to beginning construction but an amount not less than two hundred fifty dollars (\$250.00). This deposit shall be in addition to the amount for the performance guarantee outlined in subsection (C)(2) of this section. If the inspection costs exceed such funds, the subdivider shall deposit with the township treasurer additional sums upon notice from the township engineer and approval of the governing body. All inspection fees shall be determined in accordance with the

engineer's prevailing hourly rate on file with the township clerk.

F. In no case shall any paving work (including prime and seal coats) be done without permission from the township engineer prior to any such construction so that a representative of the township engineer's office may be present at the time the work is to be done. No underground installation shall be covered until inspected and approved. The township engineer's office shall be notified after each of the following phases of the work has been completed so that he or she or a qualified representative may inspect the work: Road subgrade, curb and gutter forms; curbs and gutters; road paving, after each coat in the case of priming and sealing; drainage pipes and other drainage structures before backfilling; shade trees and planting strips; street name signs; and monuments. Electrical, gas and telephone utility distribution supply lines installed by the utility companies are exempt from the above requirements. Occupancy permits will be issued only when the installation of curbs, utilities, functioning water supply and sewage treatment facilities, necessary storm drainage to insure proper drainage of the lot and surrounding land, rough grading of lots, base course for the driveway, and four-inch compacted macadam base course for the streets or such other design standard as may have been approved are installed to serve the lot and structure for which the permit is requested. Streets, if installed prior to final approval shall not be paved until all heavy construction is completed. Shade trees shall not be planted until all grading and earth moving is completed. Seeding of grass areas shall be the last operation.

G. Inspection by the township of the installation of improvements and utilities by the subdivider shall not subject the township to liability for claims, suits or liability of any kind that may arise because of defects or negligence it being recognized that the responsibility to provide proper utilities and improvements and to maintain safe conditions at all times on all parts of the tract whether construction is waiting to start, is in progress or is completed, or any combination of conditions on all or part of the tract is upon the subdivider and his or her contractors or subcontractors, if any.

H. After completing the construction of the public improvements covered by the performance guarantee, the subdivider shall prepare two sets of the public improvements and utility plans and the profiles amended to read "as constructed" and apply to the township engineer for final inspection of the work. The township engineer shall, within thirty (30) days of completing the inspection (and within sixty-five (65) days of notice of completion of improvements) report to the governing body on the condition of the work and recommend that the performance guarantee be released, extended or declared in default in the whole or in part.

I. The governing body shall by resolution, release, extend or declare in default, in whole or in part each performance guarantee. Such performance guarantee shall remain in effect until released by the governing body. The amount of the performance guarantee may be reduced by the governing body by resolution when portions of the required improvements have been installed and have been inspected and approved by the township engineer provided, however, that no such reduction shall be approved until the township engineer shall have certified the estimated cost of completing any remaining required improvements and provided further that no reduction shall be approved that will result in the performance guarantee or any portion of the performance guarantee being reduced to less than fifteen (15) percent of the original cost of any improvement(s) until all improvements have been completely installed, approved, and accepted by the governing body and a maintenance guarantee secured as outlined below. If any improvements have not been installed in accordance with the performance guarantee, the obligor and surety shall be liable thereon to the township for the reasonable cost of completing the improvement(s).

(Ord. 89-9 § 701)

16.16.020 Conditions and acceptance of improvements.

The approval of any plat under this title by the board shall in no way be construed as acceptance of any street, drainage system, or other improvement required by this title, nor shall such plat approval obligate the township in any way to maintain or exercise jurisdiction over such street, drainage system, or other improvement. Acceptance of any street, drainage system or other improvement shall be implemented only by favorable action by the governing body. No improvement shall be accepted by the governing body unless and until all of the following conditions have been met:

- A. The township engineer shall have certified in writing that all the improvements are complete and that they comply fully with the requirements of this title and of other applicable local ordinances.
- B. The subdivider shall have filed with the governing body and the governing body shall have accepted and approved a maintenance guarantee of not more than fifteen (15) percent of the original estimate of the cost of installing the improvements and shall run for a period of two years. The final amount of the maintenance guarantee shall be based on the recommendation(s) of the township engineer which shall consider, among other things, the length of time the improvement has been installed prior to filing of the maintenance guarantee. The procedures and requirements governing such maintenance guarantee shall be identical to the procedures and requirements for a performance guarantee set forth in Section 16.16.010.

(Ord. 89-9 § 702)

Chapter 16.20

DESIGN STANDARDS

Sections:

16.20.010 Conformance with requirements and principles.

16.20.020 General.

16.20.030 Streets.

16.20.040 Drainage.

16.20.050 Additional design standards.

16.20.060 Blocks.

16.20.070 Lots in major subdivisions.

16.20.080 Public utility easements, natural features, erosion and conservation efforts and service areas in minor and major subdivision.

16.20.090 Environmental impact report.

16.20.100 Rural residential development.

16.20.010 Conformance with requirements and principles.

The subdivider shall observe the following requirements and principles of land subdivision in the design of each minor and major subdivision or portion thereof in a manner also conforming with other ordinances of the township.

(Ord. 89-9 § 801)

16.20.020 General.

Any minor or major subdivision shall demonstrate conformance to design standards that conforms to the

zoning ordinance and will encourage sound development patterns within the township. Where either an official map or master plan 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, scenic sites, historic sites, and flood control basins shown on the officially adopted master plan or official map shall be considered in the approval of subdivision plats. In accordance with good subdivision design practices, extreme deviations from rectangular lot shapes and straight lot lines shall not be allowed unless made necessary by special topographical conditions or other special conditions acceptable to the board. All improvements shall be installed and connected with existing facilities, or installed in required locations to enable future connections with approved systems or contemplated systems, and shall be adequate to handle all present and probably future development.

(Ord. 89-8 § 802)

16.20.030 Streets.

A. Major and minor subdivisions shall be served by paved public streets with an all weather base and pavement with an adequate crown. 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, and should conform with the topography as far as practicable.

B. Local streets shall be designed to discourage through traffic.

C. In all residential zones, all major subdivisions bounded by any arterial, primary or secondary street, shall control access to such streets by having all driveways intersect minor streets. In addition, that portion of the subdivision abutting such arterial, primary or secondary street, right-of-way shall either be planted with nursery grown trees to a depth of not more than twenty-five (25) feet from the right-of-way line and for the full length of the subdivision so that in a reasonable period of time a buffer will exist between the development and the highway, or, where topography permits, create earthen berms at a sufficient height to establish a buffer between the development and the highway. Berms shall not be less than six feet in height, and they shall be stabilized by ground cover and trees to prevent soil erosion. All trees shall meet the requirements set forth in the general provisions section of the zoning ordinance under buffers, Driveway entrances to arterial, primary or secondary streets shall be prevented as much as possible. Where the size, shape, location or some other unique circumstances may dictate, no other alternative than to have a driveway enter an arterial, primary or secondary street, the lot shall provide on-site turnaround facilities so it is not necessary to back any vehicle onto an arterial, primary or secondary street. All lots requiring reverse frontage shall have an additional twenty-five (25) feet of depth to allow for the establishment of the buffers outlined in this section, unless such buffers are established in a reverse strip controlled by the township or county.

D. In all major and minor subdivisions the minimum street right-of-way shall be measured from lot line to lot line and shall be in accordance with the following schedule, but in no case shall a new street that is a continuation of an existing street be continued at a width less than the existing street although a greater width may be required in accordance with the following schedule. In addition, where any arterial primary or secondary street intersects another arterial, primary or secondary street, the right-of-way and cartway requirements shall be increased by ten (10) feet on the right side of the street(s) approaching the intersection for a distance of three hundred (300) feet on the right side of the street(s) approaching the intersection for a distance of three hundred (300) feet from the intersection of the centerline:

Street Classification	Row Width	Traffic Lanes
Arterial		
Primary	66 feet	4 at 11 feet
Secondary	66 feet	2 at 12 feet
Minor	50 feet	2 at 10 feet

Shoulders Within Curbs	Total Utility and Right-of-Way Outside the Curb	Width Between Curbs
2 at 10 feet	22 feet	64 feet
2 at 10 feet	22 feet	44 feet
2 at 7 feet	16 feet	34 feet

1. Shoulders shall be grass stabilized, topsoil, minimum four inches deep, where no curbs are present and paved where curbs are present.
2. Route 9 is the only arterial shown on the adopted master plan. Its design standards are dictated by the New Jersey Department of Transportation.

E. No minor or major subdivision or site plan showing strips of land reserved by the developer controlling access to streets or another area, either developed or undeveloped, shall be approved, except where the control and disposal of land comprising such strips has been given to a public body.

F. In the event that a minor or major subdivision adjoins or includes existing township streets that do not conform to widths as shown on either the master plan or official map or the street width requirements of this title, additional land along both sides of such street sufficient to conform to the right-of-way requirements shall be anticipated in the subdivision design. The additional widening may be offered to the township for the location installation, repair and maintenance of streets, drainage facilities, utilities and other facilities customarily located on street rights-of-way and shall be expressed on the plat as follows:

Street right-of-way easement granted to the Township of Bass River permitting the township to enter upon these lands for the purposes provided for and expressed in the Land Subdivision Ordinance of the Township of Bass River.

This statement on an approved plat shall in no way reduce the subdivider's responsibility to provide, install, repair or maintain the facilities in the area dedicated by ordinance or as shown on the plat or as provided for by any maintenance or performance guarantee. If the subdivision is along one side only, one-half of the required extra width shall be anticipated. For a major subdivision that portion of the existing street or road adjoining or included within a subdivision shall be improved, including excavation, grading, gravel base and surfacing, in accordance with the road improvement standards of this title.

G. Longitudinal grades on all minor streets shall not exceed ten (10) percent nor four percent on arterial, primary and secondary streets. No street shall have a longitudinal grade of less than one-half of one percent. Maximum grades within intersections shall be four percent. The slope of the cartway from the center line to the curb line or edge of the paving shall be two percent. Where the cartway is banked to facilitate a curve in the street alignment, the slope toward the curb line or shoulder shall conform to accepted engineering practice.

H. Intersecting street center lines shall be as nearly at right angles as possible and in no case shall they be less than sixty (60) degrees to the point of intersection. The curb lines shall be parallel to the center line. Approaches to all intersections shall follow a straight line for at least one hundred (100) feet measured from the curb line of the intersecting street. No more than two street center lines shall meet or intersect at any one point. Streets intersecting another street from opposite sides shall not be offset unless measuring from the point of intersection of the street center lines, the two intersections shall be spaced a sufficient distance to permit a minimum of two lot depths between the two street rights-of-way, but not less than two hundred (200) feet between rights-of-way. Any subdivision abutting an existing street which is classified as an arterial, primary or secondary street shall be permitted not more than one new street every eight hundred (800) feet within the boundaries of the tract being subdivided on the same side of the street. In the spacing of streets, consideration will be given to the location of existing intersections on both sides of the development. Intersections shall be rounded at the curb line with the street having the highest radius requirement as outlined below determining the minimum standard for all curb lines: Arterial, forty (40) feet; primary or secondary, thirty (30) feet; and minor streets, twenty (20) feet. In the spacing of streets, consideration shall be given to the location of existing intersections on both sides of the development. No local streets shall be part of a four-way intersection.

I. For both major and minor subdivision, sight triangle easements shall be required at all intersections, in addition to the right-of-way width outlined above, in which no grading, planting or structure shall be erected or maintained between thirty (30) inches and eight feet above the street center line except for street name signs and official traffic regulation signs. The sight triangle is defined as that area outside the right-of-way which is bounded by the intersecting street lines and the straight line connecting "sight points" one each located on the two intersecting street center lines: arterial, primary and secondary streets at one hundred (100) feet; and minor streets at thirty (30) feet. Where the intersecting streets are both arterial, primary or secondary, or one of each, two overlapping sight triangles shall be required formed by connecting the "sight point" noted above with a "sight point" thirty (30) feet on the intersecting street. Such easement dedication shall be expressed on the plat as follows:

Sight triangle easement to which the area is subject to the provisions of the Land Subdivision Ordinance of the Township of Bass River.

J. A tangent at least two hundred (200) feet long shall be introduced between reverse curves on arterial, primary and secondary streets. When connecting street lines deflect in any direction from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius conforming to standard engineering practice so that the minimum sight distance within the right-of-way shall be three hundred fifty (350) feet for a minor street, five hundred (500) feet for a primary or secondary street, and eight hundred (800) feet for an arterial street.

K. All changes in grade where the difference in grade is one percent or greater shall be connected by a vertical curve having a length of at least fifty (50) feet for each two percent difference in grade or portion thereof and providing minimum sight distances of three hundred fifty (350) feet for a minor street, five hundred (500) feet for a primary or secondary street, and eight hundred (800) feet for an arterial street.

L. Dead-End (Cul-De-Sac) Streets.

1. Dead-end streets of a permanent nature (where provisions for the future extension of the street to the boundary of the adjoining property is impractical or impossible) or of a temporary nature

(where provision is made for the future extension of the street to the boundary line of adjoining property) shall provide a turnaround at the end with a right-of-way radius of not less than fifty (50) feet and a cartway radius of not less than forty-five (45) feet. The center point for the radius shall be on the center line of the associated street or, if off-set to a point where the radius becomes a tangent to one of the curb lines of the associated street.

2. If a dead-end street is of temporary nature, provisions shall be made for removal of the turnaround and reversion of the excess right-of-way to the adjoining properties when the street is extended.
3. A dead-end street shall serve no more than fourteen (14) lots.

M. No street shall have a name which will duplicate or so nearly duplicate in spelling or phonetic sound another street as to be confused with the names of existing streets. The continuation of an existing street shall have the same name. The names of new streets must be approved by the township.

N. Township streets shall be constructed in accordance with the following standards and specifications:

1. Primary Streets:
 - a. Six inch quarry blend stone base;
 - b. Four inch bituminous stabilized gravel intermediate course;
 - c. Two inch FABC -- one surface course.
2. Secondary and Minor Streets:
 - a. Five inch quarry blend stone base;
 - b. Three inch FABC -- two surface course.

(Ord. 89-9 § 803)

16.20.040 Drainage.

All streets shall be provided with catch basins and pipes where the same may be necessary for proper surface drainage. The requirements of this section shall not be satisfied by the construction of dry wells. The system shall be adequate to store the stormwater and natural drainage water which originates within the subdivision boundaries and to carry off or store that which originates beyond the subdivision boundaries and passes through the subdivision calculated on the basis of maximum potential development as permitted under the zoning ordinance. No stormwater run-off or natural drainage water shall be so diverted as to overload existing drainage systems or create flooding or the need for additional drainage on other lands.

1. Stormwater run-off shall be calculated in the following manner:

- a. The volume and rate of run-off generated from the parcel shall be calculated based from a fifty (50) year storm of a twenty-four (24) hour duration as calculated in accordance with the United States Soil Conservation Service Technical Release No. 55 of the S.C.S. National Engineering Handbook Section 4.
 - b. No development shall be approved unless it is demonstrated, according to the above method of calculation, that the volume and rate of run-off will not increase beyond the boundaries of the parcel as a result of any development of the parcel.
2. The pipe size determined to be adequate for the run-off computed shall be increased by at least one standard pipe size for the type of pipe being used in order to provide adequate allowance for the normal accumulation of sediment and debris in the storm drainage system. In no case shall the pipe size in a surface water drainage system be less than fifteen (15) inches in diameter.
 3. Catch basins shall be located at all intersections and located in streets with inlets on both sides of the street at intervals of not more than four hundred (400) feet or such shorter distance required to prevent the flow of surface water from exceeding six cubic feet per second at the catch basin inlet. Access manholes shall be placed at maximum five hundred (500) foot intervals throughout the system and at pipe junctions where there are no catch basins.
 4. Dished gutters on township streets shall be permitted only at intersections involving minor streets. Dished gutters shall not be permitted on arterial, primary or secondary streets.
 5. Storm drain pipes running longitudinally along streets shall not be located under curbing.
 6. Storm drain pipes shall be reinforced concrete pipe except where aluminum culvert pipe is permitted as hereinafter specified, and shall be of the size specified and laid to the exact lines and grades approved by the township engineer. Reinforced concrete pipe shall conform to A.S.T.M. specifications C76-61 Class IV. Joints shall be made with "O-ring" rubber gaskets. In locations other than within the right-of-way of public roads, where because of severe topographic conditions or the desire to minimize the destruction of trees and vegetation, corrugated aluminum pipe, pipe arch or helical corrugated pipe may be used. The material used shall comply with the Standard specifications for Corrugated Aluminum Alloy Culvert Pipe and Pipe Arch AASHO designation M196-62 or the Standard Specifications for Aluminum Alloy Helical Pipe AASHO designations M-211-65. When approved, the use of aluminum or corrugated metal pipe or pipe arch (fully coated) the following standards shall be used as to the pipe gauges:

Size	Gauge Aluminum	Gauge Corrugated Metal
15' Round or 18" × 11" Arch	14	16
18' Round or 22" × 13" Arch	12	16
21' Round or 25" × 16" Arch	12	16
24' Round or 29" × 18" Arch	12	14
30' Round or 36" × 22" Arch	12	14
36' Round or 43" × 27" Arch	10	12

42' Round or 50" × 31" Arch	10	12
48' Round or 58" × 36" Arch	10	10
54' Round or 65" × 40" Arch	8	10
60' Round or 72" × 44" Arch	8	8

Minimum and maximum depths of cover shall be determined according to H-20 for highways and streets.

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

C. For both major and minor subdivisions, blocks and lots shall be graded to secure proper drainage away from all buildings and to prevent the collection of stormwater in pools.

D. For both major and minor subdivisions, land subject to periodic or occasional flooding shall not be plotted for residential occupancy nor for any other purpose which may endanger life or property or aggravate the flood hazard. Such land within a lot shall be considered for open spaces, yards, or other similar uses.

E. Where a minor or major subdivision is traversed by a watercourse, surface or underground drainage way or drainage system, channel or stream, there shall be provided and dedicated a drainage right-of-way easement to the township conforming substantially with the line of such watercourse, and such further width or construction, or both as will be adequate to accommodate expected storm-water run-off in the future based upon reasonable growth potential in the township and, in addition, thereto, a minimum of fifteen (15) feet beyond the bank top on at least one side for access to the drainage right-of-way and, in any event, meeting any minimum widths and locations shown on any adopted official map and master plan. Such easement dedication shall be expressed on the plat as follows:

Drainage and utility right-of-way easement granted to the township of Bass River for the purposes provided for and expressed in the Land Subdivision Ordinance of the Township of Bass River.
(Ord. 89-9 § 804)

16.20.050 Additional design standards.

A. Street Signs. The location and type of the street signs shall be determined by the board but there shall be at least two street signs furnished at each four way intersection and one street sign at each "T" intersection. All signs shall be installed free of visual obstruction.

B. Curbs and Gutters. Concrete curb with gutter, or concrete curb shall be installed along every street within the development and at intersections with township roads, county roads and state highways. The standard curb section to be used shall be not more than ten (10) feet in length, shall be set in accordance with approved lines and grades and radial curbs shall be formed in an arc segment, in a smooth curve. Chord segments are prohibited.

Concrete curbs shall be nine inches by twenty (20) inches (eight inch exposed face) on primary streets, eight inches by eighteen (18) inches (six inch exposed face) on secondary and minor streets using concrete having a twenty-eight (28) day compressive strength of four thousand five hundred (4,500) psi and shall be air-entrained. All concrete will have a slump of no greater than five inches in accordance with testing procedure outlined in ASTM C143-58 Standard Method of Test for Slump of Portland Cement Concrete. Calcium-chloride is limited to one percent for winter protection.

C. Shade Trees. Shade trees shall be planted where required. All shade trees shall meet the standards set forth in the general provisions section of the zoning ordinance under buffers. Stripping trees from a lot or filling around trees on a lot shall not be permitted unless it can be shown that grading construction requirements necessitate removal of trees, in which case those lots shall be replanted with trees to re-establish the tone of the area and to conform with the adjacent lots. Dead or dying trees shall be replaced by the subdivider during the next recommended planting season.

D. Monuments shall be the size and shape required by Section 4 of Chapter 141 of the Laws of 1960, as amended, and shall be placed in accordance with such statute and indicated on the final plat. All lot corners shall be marked with a metal alloy pin of permanent character.

E. Water Mains, Culverts, Storm Sewers and Sanitary Sewers. All such installations shall be properly connected with an approved system and shall be adequate to handle all present and probable future development. The township may require easements or rights-of-way of sufficient width along drainage and utility courses for vehicular access and maintenance needs.

F. Sidewalks.

1. Sidewalks shall be required at the board's discretion depending on the probable volume of pedestrian traffic, the development's location in relation to other populated areas, and the general type of improvement intended. Where required, sidewalks shall be at least four feet wide and located as approved by the board.
2. Sidewalks shall be at least four inches thick (six inches in driveways) having a twenty-eight (28) day compressive strength of four thousand (4,000) psi, be air-entrained and have a slump of five inch maximum. Use of calcium-chloride is limited to one percent for winter protection. Slump test to be in accordance with ASTM C143-58 for Standard Method of test for Slump of Portland Cement Concrete.

G. Public Utilities.

1. All public services shall be connected to an approved public utilities system where one exists. For all major subdivisions the subdivider shall arrange with the servicing utility for the underground installation of the utilities' distribution supply lines and service connections in accordance with the provisions of the applicable standard terms and conditions incorporated as part of its tariff as the same are then on file with the State of New Jersey Board of Public Utility Commissioners, and the subdivider shall provide the township with three copies of a final plat showing the installed location of these utilities. For minor subdivisions, service connections shall be made underground where the supply lines that serve the lands being subdivided are

underground. For major subdivisions, the subdivider shall submit to the board prior to the granting of final approval, a written instrument from each serving utility, which shall evidence full compliance or intended full compliance with improvisations of this paragraph; provided, however, lots which abut existing streets where overhead electric or telephone distribution supply lines and service connections have heretofore been installed may be supplied with electric and telephone service from those overhead lines, but the service connections from the utilities, overhead lines shall be installed underground. In the case of existing overhead utilities, should a road widening or an extension of service, or other such condition occur as a result of the subdivision and necessitate the replacement or relocation of such utilities, such replacement or location shall be underground.

2. An installation under this subsection to be performed by a servicing utility shall be exempt from the provisions of Chapter 16.16 requiring performance guarantees and inspection and certification by the township engineer. Where natural foliage is not sufficient to provide year round screening of any utility apparatus appearing above the surface of the ground, other than utility poles, the applicant shall provide sufficient live screening to conceal such apparatus year round on any lot where by reason of soil conditions, rock formations, wooded area, or other special condition of land, the applicant deems it a hardship to comply with the provisions of this subsection, the applicant may apply to the board for an exception from the terms of this subsection, in accordance with the procedure and provisions of Section 16.24.040 of this title. Where overhead lines are permitted as the exception, the alignments and pole locations shall be carefully routed to avoid locations along horizons, avoid clearing swaths through tree areas by selective cutting and a staggered alignment by planting trees in open areas at key locations to minimize the views of the poles and alignments, by following rear lot lines and other interior locations, and similar design and location considerations to lessen the visual impact of overhead lines.

H. Lakes. The creation of any lakes or ponds shall be performed in accordance with the requirements of the township earth extraction ordinance and the Burlington County soil conservation district.

I. Street Lighting.

1. Wherever this title requires the installation of electric utility installations underground, the applicant shall provide for the installation of underground service for street light.
2. Street lighting standards of a type and number approved by the planning board and township engineer, shall be installed at all street intersections and elsewhere as deemed necessary by the planning board.

J. Off-Site Improvements. Where the area around a proposed subdivision does not have existing drainage facilities, curbs, gutters, sidewalks, water mains, storm sewers, sanitary sewers, and/or streets either within the tract, or up to the lot line, or if they exist but are not of a capacity or design that meets the standards required within the subdivision tract, the board shall require such facilities that are deficient to be constructed off-site up to a point where existing drainage, vehicular and pedestrian ways, storm sewers, water supply, and sanitary sewers can accommodate the needs and products of the proposed subdivision. Where such off-site improvements are required by the board, they shall be confirmed by the governing body, within seventy-seven

(77) days of the date of referral unless the applicant agrees in writing to an extension of time. If the governing body does not confirm the off-site improvements or if the time period of extension expires, the planning board shall proceed to act on the application without consideration of the off-site improvements. The cost of constructing off-site improvements shall be set by the governing body with the advice of the township engineer and shall be prorated to the subdivider in relation to the benefit he or she receives or the extent to which the proposed subdivision creates the need for the improvement. Where partial costs of an off-site improvement are levied on the subdivider, the remaining costs shall be the responsibility of the municipality. In establishing the prorated cost to the subdivider, the governing body shall also establish the method of payment by both parties. The financial considerations shall be resolved prior to final plat approval.

K. Bikeways. Bikeways shall be required at the Board's discretion depending on the probable volume of bicycle traffic, the development's location in relation to other populated areas or its location with respect to any overall bike route planning adopted by the board. Bicycle traffic should be separated from motor vehicle and pedestrian traffic as much as possible. Bikeways should generally not exceed a grade of three percent, except for short distances, and they should be a minimum of five feet wide for one way travel and eight feet wide for two way travel. Bikeways shall have a minimum four inch base of gravel, crushed stone or slag on the subgrade and a two inch FABC-2 surface course. Bikeways designated for one way travel shall only be located along streets. Minimum width for bikeways built in location other than along streets is eight feet. (Ord. 89-9 § 805)

16.20.060 Blocks.

A. Block length, width and acreage within the block's boundary roads shall be sufficient to accommodate the size lot required in that zoning district by the zoning ordinance and to provide for convenient access, circulation control and traffic safety.

B. Blocks over one thousand (1,000) feet long in residential areas shall be discouraged, but where they are used, pedestrian crosswalks or bikeways between lots may be required in locations deemed necessary by the board, and shall be at least ten (10) feet wide and be straight from street to street. Blocks over one thousand five hundred (1,500) feet in residential areas shall be prohibited. For commercial and industrial uses, block lengths shall be sufficient to meet area and yard requirements for such uses and to provide proper street access and circulation patterns.

C. All residential development of twenty-five (25) units or more shall provide:

1. Ten (10) percent of the total acreage of the proposed development as land to be used for recreation purposes;
2. Land provided in accordance with subsection (C)(1) of this section shall be provided in a single area or in individual parcels at least one acre in size;
3. All residential units for which the recreational land is provided in accordance with subsection (C)(1) of this section shall be located within one-fourth mile of such recreational land; and
4. At least fifty (50) percent of the recreational land provided in accordance with subsection (C)(1) of this section shall be turfed or landscaped with otherwise suitable materials to permit informal

recreational activities.

(Ord. 89-9 § 806)

16.20.070 Lots in major subdivisions.

A. Lot dimensions and area shall not be less than the requirements of the zoning ordinance, and lot design shall be in accordance with CMP, Part 11, Section 6-1103 A and E as to Fire Hazard Mitigation Standards.

B. Insofar as is practical, side lot lines shall be either at right angles or radial to street lines.

C. Each lot must front upon an approved, paved public street at least fifty (50) feet in width. Through lots with frontage on two streets will be permitted only under the following conditions: (1) Where the lot abuts an arterial, primary or secondary street; (2) Where the length of the lot between both streets is of a length that future division of the lot into lots is improbable; and (3) Where access shall be to one street only, which street shall be the one with the lower traffic function, and the portion of the lot abutting the other street shall be clearly labeled on the plat, and in any deed that street access is prohibited.

D. Where extra width has either been dedicated or provided for widening of existing streets, lots shall begin at such new street line and all setbacks shall be measured from such line.

E. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as poor drainage conditions or flood conditions, or where percolation tests or soil logs show the ground conditions to be adequate for proper on lot sewage treatment, rock formations, slopes in excess of twenty-five (25) percent, or similar circumstances, the board may, after adequate investigation withhold approval of such lots. If approval is withheld, the board shall give its reasons, notify the applicant and enter its action in the minutes and on each denied lot on the plat.

F. Energy Conservation.

1. Lot Orientation. To the maximum extent practicable all subdivisions hereinafter created shall be designed so that the lots are oriented to permit new structures to maximize the effective use of solar energy.
2. Orientation of Residential Dwellings. To the maximum extent practicable all new detached residential dwellings shall be oriented with their axis running in an east-west direction or within twenty-two and one-half (22.5) degrees thereto so that the greatest area of the roof and walls of the buildings receive solar radiation from the south.
3. Street Orientation. The layout of new streets shall provide the greatest practicable opportunity for a southern orientation of new buildings.
4. Landscaping. To the maximum extent practicable, landscaping shall be installed to maximize winter solar access. Adequate provision shall be made through window treatment and landscaping to shade the windows and south walls from the summer sun. Consideration shall be given to the selection of the species of trees, the size, length and intensity of their shadows, the

siting of new trees and removal of existing trees. This subsection shall not be deemed to alter the buffer requirements of the zoning ordinance.

5. Restrictive Covenants. All residential development utilizing solar energy facilities involving two units or more shall impose restrictive covenants to protect solar access to those facilities.
6. Solar Easements. To the maximum extent practicable solar easements shall be recorded, in accordance with N.J.S.A. 46:3-24 et seq., to protect solar access prior to the installation of solar collectors for residential development.

G. Energy Conservation Plan. All commercial and industrial facilities greater than fifteen thousand (15,000) square feet and all residential development greater than twenty-five (25) units shall submit an energy conservation plan to the planning board with an application for development approval. Review of this plan shall include consideration of the following:

1. The extent to which the site design enables the maximum number of buildings to receive sufficient sunlight for using solar energy systems for space, water, or industrial process heating or cooling;
2. The extent to which existing vegetation, topography and landscaping are utilized to maximize the use of solar energy systems for space, water, or industrial process heating or cooling;
3. The extent to which the site design minimizes the impact on potential use of solar energy by adjacent buildings or property;
4. The extent to which energy efficient building techniques including building color, materials and insulation are proposed; and
5. The extent to which energy efficient lighting, heating and cooling techniques are proposed for the site.

(Ord. 89-9 § 807)

16.20.080 Public utility easements, natural features, erosion and conservation efforts and service areas in minor and major subdivision.

A. In large scale developments, easements along rear property lines or elsewhere for utility installation may be required. Such easements shall be at least fifteen (15) feet wide and located in consultation with the companies or township departments concerned and to the fullest extent possible, be centered on or adjacent to rear or side lot lines. Easement dedication shall be expressed on the plat in accordance with the provisions of Section 16.20.040(E) of this chapter.

B. Natural features, such as trees, brooks, swamps, hilltops and views shall be preserved whenever possible in designing any subdivision containing such features. On individual lots, care shall be taken to preserve selected trees to enhance soil stability and the landscape treatment of the area.

C. Where the master plan or official map of the township delineates floodplains and other critical

areas, floodplains and conservation easements shall be delineated on the plat. A conservation easement of floodplain shall prohibit the removal of trees and ground cover except for the following purposes: The removal of dead or diseased trees; Limited thinning of trees and growth to encourage the most desirable growth; and The removal of trees to allow for structures designed to impound water or in areas to be flooded in the creation of ponds or lakes. These areas shall be indicated on the preliminary and final plats and shown in such a manner that their boundaries can be accurately determined. The boundary line of any easement shall be monumented at its intersection with all existing or proposed street lines. Such easement dedication shall be expressed on the plat as follows:

Conservation easement granted to the Township of Bass River.

D. Where streams or ponds exist, or are proposed on lands to be subdivided, facilities shall be provided to draft water for township fire fighting purposes that are usable all seasons of the year. This shall include access to a public street suitable for use by firefighting equipment and construction of or improvements to ponds, dams or similar on-site developments, where feasible. Such hydrants shall be spaced at intervals of approximately five hundred (500) feet within the development. Such facilities shall be constructed to the satisfaction of the township engineer and in accordance with Fire Insurance Rating Organization Standards.

E. Erosion, Stormwater Control and Excavation.

1. The development shall adhere to the standards set forth in the soil removal, soil erosion and sediment control and floodplain ordinances of the township.
2. Tracts where permanent stormwater detention basins are either proposed or required shall be constructed in the following manner (more than one facility may be required): Each detention pool shall contain a primary water depth with a capacity to accept all the surface water directed to it from a four inch rain in twenty-four (24) hours. Vertical holes filled with course rock may be provided within the detention pool(s) to assist water percolation into the soil for the detained water at the primary water level. Each detention pool shall be designed for a secondary water depth which shall provide for water to be drained off through outlets. The secondary water depth shall, together with the primary water depth capacity, accept all the surface waters directed to it from a five inch rain in twenty-four (24) hours. Each detention pool shall also have a tertiary water depth which will allow water levels in excess of the secondary water depth capacity to drain out one or both ends along the surface of a spillway to a natural drainage course. The rate of discharge from the secondary and tertiary depths shall not exceed the rate and volume at which stormwater left the property when the property was in its natural state. The tertiary water depth capacity shall, together with the primary and secondary water depth capacities, accept all the surface water directed to it from a 6.6 inch rain in twenty-four (24) hours.

F. Water Supply.

1. Where water is accessible from a servicing utility, the subdivider shall arrange for the construction of water mains in such a manner as to make adequate water service available to each lot or dwelling unit within the subdivision or development. The entire system shall be designed in accordance with the requirements and standards of the township, county and/or state agency having approval authority and shall be subject to their approval. The system shall also be

designed with adequate capacity and sustained pressure. Such system shall also contain fire hydrants spaced at approximately five hundred (500) foot intervals.

2. Where public water is not available, water shall be provided by the lot owner on an individual well basis. Such wells shall be designed in accordance with the requirements and standards of the township and/or state agency having jurisdiction. In addition any major subdivision or site plan shall provide wells of five inch diameter at intervals of approximately seven hundred (700) feet, readily accessible to the roadways for fire fighting purposes.

G. Sanitary Sewers and Septic Systems.

1. If a sewage treatment and distribution system is available, the subdivider shall construct facilities in such a manner as to provide adequate sewerage within the subdivision to transport all sewage from each lot and the total development to the treatment and distribution system. Where a proposed treatment and distribution system has been approved by the municipal utilities authority and such system will be accessible to the proposed subdivision, the subdivider shall install dry sewerage designed to tie into the proposed facility upon its completion.

- a. A connection fee of five thousand dollars (\$5,000.00) per lot is hereby established, and said sum shall be paid by the subdivider prior to the issuance of final approvals and building permit.

2. Any treatment plant and collection system, including individual on-lot septic systems, shall be designed in accordance with the requirements of the State Department of Environmental Protection and township ordinances.

(Ord. 2003-3 § 1; Ord. 89-9 § 808)

16.20.090 Environmental impact report.

Such report shall accompany all preliminary plats of major subdivisions, and site plans shall provide the information needed to evaluate the effects of a proposed development upon the environment and shall include data, be distributed, reviewed and passed upon as follows:

- A. A description of the subdivision which shall specify what is to be done and how it is to be done, during construction and operation, as well as a recital of alternative plans deemed practicable to achieve the objective.
- B. An inventory of existing environmental conditions at the project site and in the immediate surrounding region which shall describe air quality; water quality; water supply; hydrology; geology; soils and properties thereof, including capabilities and limitations; sewerage systems; topography; slope; vegetation; wildlife; habitat; aquatic organisms; noise characteristics and levels; demography; land use; aesthetics and history. Air and water quality shall be described with reference to standards promulgated by the Department of Environmental Protection of the state of New Jersey and the Pinelands Commission, and soils shall be described with reference to criteria contained in the Burlington soil conservation district standards and specifications.

- C. 1. An assessment of the probable impact of the development upon all items set forth in subsection B of this section and a statement specifically demonstrating compliance with all performance standards of this title and the township zoning ordinance, plus the fiscal impact on the municipality, including taxes to be paid and municipal service required.
2. As a direct result of the investigations made under the environmental impact report, a listing shall be provided which shall be all inclusive stipulating the licenses, permits and approvals needed to be furnished by state, county or municipal law. The status of these permits and approvals shall also be included. During the preparation of the impact report, the applicant shall contact all concerned federal, state, county or other municipal agencies or officials adjacent thereto or affected by the proposed development. The report shall include as a result thereof the conclusions and comments of all concerned governmental officials and agencies. All apropos correspondence between the applicant and these officials and agencies shall be included in the report.
- D. A listing and evaluation of adverse environmental impacts which cannot be avoided, with particular emphasis upon air or water pollution, increase in noise, damage to natural resources, displacement of people and businesses, displacement of existing farms, increase in sedimentation and siltation and increase in municipal services. Offsite impact shall also be set forth and evaluated.
- E. A description of steps to be taken to minimize adverse environmental impacts during construction and operation both at the subdivision site and in the surrounding region, such description to be accompanied by necessary maps, schedules and other explanatory data as may be needed to clarify and explain the action to be taken. The developer or its consultants in overall charge of the environmental impact report shall include therein all steps that the applicant or developer must undertake to successfully implement the report. Recommended steps must include a positive statement affirming the developer's intent to undertake this work by using terms "shall be, must, etc."
- F. A statement concerning any irreversible and irretrievable commitment of resources which would be involved in the proposed subdivision which might avoid some or all of the adverse environmental effects, including a no action alternative.
- G. A map of the same size as required for preliminary plat submission under Section 16.12.040 showing the soil types on the site based on soil strata test borings of at least one hole per acre to a depth of eight feet, any open water courses, the nature and location of vegetation on the site, any floodplains or drainageways on the site, the depth of the seasonal high water table resulting from a test boring of at least one test hole per acre. Such test boring holes shall be kept open and made available for monitoring by the township.
- H. Upon receipt of the Environmental Impact Report it shall be forwarded, within two days, to the township environmental commission for comments. The environmental commission shall report thereon within thirty (30) days. Upon completion of all reviews and public hearings the planning board shall either approve or disapprove the environmental impact report as a part of its underlying function with respect to subdivision review. In reaching a decision the planning board

shall take into consideration the effect of applicant's proposed subdivision or site plan upon all aspects of the environment as outlined above as well as the sufficiency of applicant's proposals for dealing with any immediate or projected adverse environmental effects.

- I. Notwithstanding the foregoing, the planning board may, at the request of an applicant, waive the requirement for an environmental impact report in the case of a subdivision or site plan, but not in the case of a major subdivision if sufficient evidence is submitted to support a conclusion that the proposed development will have a slight or negligible environmental impact. Portions of such requirement may likewise be waived upon a finding that the complete report need not be prepared in order to evaluate adequately the environmental impact of a particular project.

(Ord. 89-9 § 809)

16.20.100 Rural residential development.

Any person desiring to subdivide property may elect to apply to the board for a major subdivision under the following reduced improvement hearing unless the appellant consents in writing to an extension of such period. The appellant shall arrange for a transcript for use by the governing body. Failure of the governing body to hold a hearing and conclude a review of the record below and to render a decision within such specified period without such written consent of the appellant shall constitute a decision affirming the action of the board.

- A. The governing body may reverse, remand, or affirm, wholly or in part, or may modify the final decision of the planning board or board of adjustment as the case may be. The affirmative vote of a majority of the full authorized membership of the governing body shall be necessary to reverse, remand, or modify any final action of either board.
- B. An appeal to the governing body shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made unless the board from whose action the appeal is taken certifies to the governing body, after notice of appeal shall have been filed with such board, that by reason of facts stated in the certification, a stay would, in its option, cause imminent peril to life or property. In such case proceedings shall not be stayed other than by an order of the Superior Court of New Jersey.
- C. The governing body shall mail a copy of the decision to the appellant or if represented then to his or her attorney, without separate charge, and for a reasonable charge, to any party who has requested it, not later than ten (10) days after the date of the decision. A brief notice of the decision shall be published in the official newspaper of the requirements of this section, with all other major subdivision requirements applying. The board shall examine each request to determine whether it meets the following minimum standards and requirements:
 1. Every lot in the development shall have a minimum area of at least five acres or such greater area as may be required in the area by the zoning ordinance with frontage only on a new street.
 2. Each lot shall have a minimum frontage and width of four hundred (400) feet and a depth of four hundred (400) feet.

3. The design of the development shall blend with the agricultural and rural atmosphere of the township.
4. The development will not adversely affect the development of adjacent or adjoining property.
5. The proposed minor streets will not interconnect with existing or proposed streets or higher classifications to form continuous routes. They will be designed to discourage any through traffic, will have the exclusive function of providing access to properties abutting the proposed street, and will follow the contours of the land to the greatest extent possible.
6. If it is determined by the board that the proposed development conforms with the standards established for rural residential development, the following reduction in standards and improvements for the local streets will be allowed:
 - a. The right-of-way for all local streets, which are entirely within the subdivision shall be fifty (50) feet.
 - b. The pavement width for all such local streets shall be reduced to twenty-four (24) feet, with a stabilized grass shoulder thirteen (13) feet in width on each side thereof, and may reduce or waive paving requirements as may be consistent with the use of the development as may be approved by the township engineer.
 - c. Subject to approval by the board in each specific case, surface stormwater drainage from streets, may be carried in open ditches outside the right-of-way of local streets, or other suitable drainage structures within the right-of-way as approved by the township engineer.
 - d. Curbs and/or gutters will not be required except where excessive grades or other conditions require their installation.
 - e. Sidewalks will not be required.
 - f. Street lighting requirements may be relaxed.
7. Any further subdivision of any lot(s) created under these standards which further subdivision provides for an area of less than five acres per lot shall be conditioned upon the widening of the street to full width in accordance with current street standards, the provision for piped surface water drainage facilities, and total compliance with all other zoning and subdivision ordinance provisions, all at the expense of the subdivider. These conditions shall apply to all local streets constructed under these reduced requirements in the circulation pattern affected by the lot(s) in question as well as the complete drainage system serving the lot(s) in question. The subdivider shall include those provisions as deed restrictions in the deeds associated with the lots originally subdivided in accordance with these reduced standards.

(Ord. 89-9 § 810)

Chapter 16.24

ADMINISTRATION AND ENFORCEMENT

Sections:

16.24.010 Approving agency.

16.24.020 Violations and penalties.

16.24.030 Validity.

16.24.040 Administration.

16.24.050 Exemption.

16.24.060 Conditional approval.

16.24.070 Appeal.

16.24.080 Development for public purposes.

16.24.010 Approving agency.

The provisions of this title shall be administered by the township planning board or board of adjustment herein referred to as "the board" in accordance with N.J.S.A.

(Ord. 89-9 § 300)

16.24.020 Violations and penalties.

A. If before final approval has been obtained, any person transfers or sells, or agrees to transfer or sell, as owner, subdivider, or agent, any land which forms a part of a subdivision on which, by ordinance, the board is required to act, such person shall be subject to a fine not to exceed two thousand dollars (\$2,000.00) and each parcel, plot or lot so disposed of shall be deemed a separate violation.

B. In addition to the foregoing, the municipality may maintain and institute a civil action:

1. For injunctive relief;

2. To set aside and invalidate any conveyance made pursuant to such a contract of sale if a certificate of compliance has not been issued in accordance with Section 44 of this Act, but only if the municipality (a) Has a planning board and (b) Has adopted by ordinance standards and procedures in accordance with Section 29 of this Act.

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

C. Except as otherwise provided herein, any person who shall violate this chapter or do any act or thing therein prohibited shall for each and every violation be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment in the county jail for a term not exceeding six months or both. Each and

every day that such violation continues shall be considered a separate violation of this chapter.
(Ord. 2006-06 § 1 (part); Ord. 89-9 § 901)

16.24.030 Validity.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this chapter.
(Ord. 89-9 § 1001)

16.24.040 Administration.

These rules, regulations and standards shall be considered the minimum requirements for the protections of the public health, safety and welfare of the citizens of the township. Any action taken by the planning board or zoning board under the terms of this chapter shall give primary consideration to the above mentioned matters and to the welfare of the entire community. However, no additional right-of-way or improvements will be required for subdivisions with minor adjustments in boundaries between two existing lots which do not result in the creation of any new lots. Also, if the subdivider or his or her agent can clearly demonstrate that, because of peculiar conditions pertaining to his or her land, the literal enforcement of one or more of these regulations is impracticable or will exact undue hardship, the board may permit such exception or exceptions as may be reasonable and with the general purpose and intent of the rules, regulations and standards established by this chapter.
(Ord. 89-9 § 1101)

16.24.050 Exemption.

Divisions of land that shall not be considered a subdivision as defined in this chapter shall be exempt from compliance with the requirements of this chapter only after affirmative action by the planning board. Such action shall be taken following submission of documentation to the board showing the division of land for agricultural purposes as defined by this chapter and resulting in parcels five acres or larger in size; divisions by testamentary or intestate provisions; or divisions of property by court order, as the case may be. Until exemption from the subdivision ordinance by the planning board, no person can transfer, sell, or agree to sell, as owner or agent, any land which forms a part of a division of land as a result of being classified in one or more of the above categories. Violation of this provision shall subject the person to the penalties as set forth in this chapter.
(Ord. 89-9 § 1102)

16.24.060 Conditional approval.

The planning board may approve, with a recorded roll call vote, the conditional approval of a subdivision which contains one or more zoning violations requiring action by the zoning board of adjustment. Any such action shall be by resolution with a recorded roll call vote. Such conditional approval shall be subject to all of the following requirements, limitations and conditions:

- A. A notation shall be made on the plat, and also upon the deed if a deed has been submitted to the board that the approval is conditional. No transfer of the land shall proceed unless and until the requested zoning relief shall have been granted. If the zoning relief is granted, the subdivider

shall present a certified copy of the plat showing the zoning board of adjustment's action, and the action of the governing body as the case may be, to the planning board for the final approval of the subdivision.

- B. Such conditional approval shall expire unless the subdivider shall file an application with the zoning board of adjustment for the zoning relief within ten (10) days following such conditional approval and applied for or, in the case of a variance requiring governing body approval to be effective, shall expire if the governing body shall disapprove such recommended variance.

(Ord. 89-9 § 1103)

16.24.070 Appeal.

A. Any final decision of a board of adjustment or planning board on any class of application for development shall be appealable to the governing body. Such appeal shall be made within ten (10) days of the date of publication of such final decision pursuant to this chapter. The appeal to the governing body shall be made by serving the municipal clerk in person or by certified mail with a notice of appeal specifying the grounds thereof and the name and address of the appellant and the name and address of his or her attorney, if represented. Any appeal from either the final decision of the planning board or from the final decision of the zoning board of adjustment as provided for hereinabove to the governing body shall be accompanied by a fee with the amount of one hundred dollars (\$100.00). Such appeal shall be decided by the governing body only upon the record established before the planning board or the board of adjustment.

B. Notice of the meeting to review the record below shall be given by the governing body by personal service or certified mail to the appellant to those who have requested written notice of the decision, and to the board from which the appeal is taken at least ten (10) days prior to the date of the meeting. The appellant shall also serve notice on all those required to receive notice pursuant to N.J.S.A 4):55D-12, in the manner prescribed therein. The parties may submit oral and written argument on the record at such meeting, and the governing body shall provide for verbatim recording and transcripts of such meeting.

C. The governing body shall conclude a review of the record below not later than forty-five (45) days from the date of receipt of the transcript of the municipality. Such publication shall be arranged and paid for by the applicant. The period of time in which an appeal to a court of competent jurisdiction may be made shall run from the first publication whether arranged by the applicant or the municipality.

D. All appeals, within the Pinelands area, shall conform to the requirements of Section 16.08.160 of this title.

(Ord. 89-9 § 1105)

16.24.080 Development for public purposes.

Development undertaken by any governmental entity within the Pinelands area shall conform to the provisions of this title and N.J.A.C. 7:50-4.51 et seq.

(Ord. 89-9 § 1200.1)