

CHAPTER 2.115

SUBDIVISION OF LAND

Sections:

Editor's Note to Chapter 2.115

- 2.115.01 Purpose; Administrative Agency; Definitions; Statement of purpose; interpretation.
- 2.115.02 Purpose; Administrative Agency; Definitions; Administrative agency.
- 2.115.03 Purpose; Administrative Agency; Definitions; Definitions.
- 2.115.04 Submission Procedure; Sketch plat.
- 2.115.05 Submission Procedure; Preliminary plat for major subdivision.
- 2.115.06 Submission Procedure; Improvement or guaranties required prior to final approval.
- 2.115.07 Submission Procedure; Final plat
- 2.115.08 Plat Details; Sketch plat.
- 2.115.09 Plat Details; Preliminary plat.
- 2.115.10 Plat Details; Final plat.
- 2.115.11 Plat Details; General improvement standards.
- 2.115.12 Plat Details; Required improvements.
- 2.115.13 Plat Details; Grading.
- 2.115.14 Plat Details; roadway construction.
- 2.115.15 Plat Details; Curbs and gutters.
- 2.115.16 Plat Details; Sidewalks and driveways.
- 2.115.17 Plat Details; Street lighting.
- 2.115.18 Plat Details; Street Signs.
- 2.115.19 Plat Details; Landscaping and shade trees.
- 2.115.20 Plat Details; Water mains; storm sewers; sanitary sewers; septic tanks; cesspools.
- 2.115.21 Plat details; fire hydrants.
- 2.115.22 Plat Details; Monuments.
- 2.115.23 Plat Details; Easements.
- 2.115.24 Plat Details; As-built drawings.
- 2.115.24.1 Plat Details; Proper owner notification prior to release of refunding Bond.
- 2.115.25 Plat Details; Off-site and off-tract improvements.
- 2.115.26 Design Standards; Observance required.
- 2.115.27 Design Standards; Streets.
- 2.115.28 Design Standards; Blocks.
- 2.115.29 Design Standards; Lots.
- 2.115.30 Design Standards; Public use and service areas.
- 2.115.31 Design Standards; Landmarks.
- 2.115.32 Design Standards; Playground space.
- 2.115.33 Design Standards; Buffer areas.
- 2.115.34 Building Permits; Issuance requirements. 1

- 2.115.35 Administration and Enforcement; Construal of provisions; variances.
- 2.115.36 Administration and Enforcement; Interpretation of statutory references.
- 2.115.37 Administration and Enforcement; Pending applications
- 2.115.38 Administration and Enforcement; filing with county.
- 2.115.39 Administration and Enforcement; Application fees.

GENERAL REFERENCES

- Land use procedures – See Ch. 19.
- Uniform construction codes – See Ch. 63.
- Flood damage prevention – See Ch. 76.
- Sewers – See Ch. 106.
- Site plan review – See Ch. 109.
- Streets and sidewalks – See Ch. 112.
- Vehicles and traffic – See Ch. 121.
- Water – See Ch. 126.
- Zoning – See Ch. 130.

ARTICLE I

Purpose; Administrative Agency; Definitions

2.115.01 Purpose; Administrative Agency; Definitions; Statement of purpose; interpretation.

- A. The purpose of this chapter shall be to provide rules, regulations and standards to guide land subdivision and building development in the borough in order to promote the public health, safety, convenience and general welfare of the municipality. It shall be administered to insure the orderly growth and development, conservation, protection and proper use of land in the borough and adequately provide for circulation, utilities and services.
- B. This chapter shall be read and interpreted in conjunction with the Land Use Procedures Ordinance of Englishtown Borough and Zoning of the Borough of Englishtown, New Jersey. *

(Ord. 82-1, Added 2/17/1982)

2.115.02 Purpose; Administrative Agency; Definitions; Administrative agency.

- A. The approval provisions of this chapter shall be administered by the Planning Board of the Borough of Englishtown and the Zoning Board of Adjustment of the Borough of Englishtown in accordance with the powers and provisions of the Land Use Procedures Ordinance of Englishtown Borough, which ordinance was adopted in accordance with N.J.S.A. 40:55D-1, et seq.
- B. Approval of final plats by the approving agency shall not constitute an acceptance of proposed dedications of land for streets, parks and other public uses or purposes

without specific acceptance thereof by the Borough Council of the Borough of Englishtown.

(Ord. 82-1, Added 2/17/1982)

2.115.03 Purpose; Administrative Agency; Definitions; Definitions.

The definitions as set forth in the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., are incorporated herein by reference. In addition, as used in this chapter, the following terms shall have the meanings indicated hereinafter.

ADMINISTRATIVE OFFICER – The Englishtown Borough Clerk unless the use of the term in this chapter clearly means some other officer or officers of the borough.

DRAINAGE RIGHT-OF-WAY – The lands required for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage in accordance with Chapter 1 of Title 58 of the Revised Statutes.

FINAL PLAT – The final map of all or a portion of the subdivision which is presented to the Planning Board for final approval in accordance with these regulations and which, if approved, shall be filed with the proper county recording officer.

MINOR SUBDIVISION - Any subdivision resulting in a total of not more than three (3) lots [two (2) new lots in addition to the remainder] fronting on an existing street, and not involving any new street or road or the extension of off-tract municipal facilities, and not adversely affecting the development of the remainder of the parcel or adjoining property, nor in conflict with any provision or part of the Master Plan, Official Zoning Map, Zoning Ordinance or this chapter. In addition thereto, all planned developments, as defined by Chapter 291 of P.L. 1975 of New Jersey, where subdivision or resubdivision approval is required shall be major subdivision.

PERFORMANCE GUARANTY – Any security which may be accepted by the borough in form and manner of execution acceptable to the Borough Attorney, including performance bonds, cash deposits not exceeding ten percent (10%) of the total performance guaranty, escrow agreements and other similar collateral or surety agreements to guarantee the installation of required improvements and in an amount sufficient, allowing for inflationary cost increases, to enable the Borough of Englishtown to complete the guaranteed improvements in the event of the default of a developer. For procedure and requirements, see the Land Use Procedures Ordinance of Englishtown Borough.

PLANTING STRIP – The area between the sidewalk pavement and the property line, or between the curb and side and sidewalk pavement.

PRELIMINARY PLAT – The preliminary map indicating the proposed layout of the subdivision drawn in accordance with the requirements of this chapter and as provided for in the Land Use Procedures Ordinance of Englishtown Borough.

SKETCH PLAT—The plat of a subdivision to be of sufficient accuracy for the purposes of discussion and classification and meeting the requirements of this chapter.

SUBDIVIDER:

- A. Any individual firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under this chapter to effect a subdivision of land hereunder for himself, itself, or for another.
- B. The legal or beneficial owner or owners of a lot or any land proposed for development by an applicant filing an application for development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

(Ord. 82-1, Added 2/17/1982)

2.115.04 Submission Procedure; Sketch plat.

- A. Any owner of land within the Borough of Englishtown shall, prior to subdividing or re-subdividing land, as defined in this chapter, submit to the Secretary of the Planning Board, at least two (2) weeks prior to the regular meeting of the Board, twelve (12) copies of a sketch plat of the proposed subdivision for purposes of classification and preliminary discussion.
- B. If classified and approved as a minor subdivision, a notation to that effect will be made on the sketch plat. Where County Planning Board approval is required, it will be forwarded to that Board for its consideration. The plat will then be forwarded to the Chairman of the Planning Board for their signatures and returned to the sub divider. No further Planning Board approval shall be required.
- C. The Secretary of the Planning Board shall make distribution of the copies of the sketch plat to each of the following:
 - (1) The Borough Clerk.
 - (2) The Borough Engineer.
 - (3) The Building Inspector or Zoning Officer.
 - (4) The Tax Assessor.
- D. The applicant shall be responsible for sending sketch plat to the County Planning Board and Soil Conservation District, if applicable.
- E. If the plat is classified as a major subdivision, a notation to that effect shall be made on the plat, which will be returned to the sub divider for compliance with the procedure in §§ 2.115.05 and 2.115.06 of this chapter.

(Ord. 82-1, Added 2/17/1982)

2.115.05 Submission Procedure; Preliminary plat for major subdivision.

- A. At least twelve (12) black on white prints of the preliminary plat, together with five (5) completed application forms for preliminary approval, shall be submitted to the Secretary of the Planning Board for the meeting at which consideration is desired. At the time of filing the plat, a filing fee determined in accordance with the fee schedule herein shall be paid. All fees shall be payable to the Borough of Englishtown and given to the Secretary of the Planning Board.
- B. Notice shall be given in compliance with the Land Use Procedures Ordinance of Englishtown Borough.*
- C. Copies of the preliminary plat shall be forwarded by the Secretary of the Planning Board prior to the hearing to the following persons:
 - (1) The Borough Engineer
 - (2) The Secretary of the Board of Health.
 - (3) The Fire Department.
 - (4) The Police Chief
 - (5) Such other municipal, county or state officials as directed by the Planning Board.
- D. If the Planning Board acts favorably on a preliminary plat, the Chairman and Secretary of the Planning Board shall affix their signatures to the plat with a notation that it has received preliminary approval and return it to the sub divider for compliance with final approval requirements.
- E. After approval of the preliminary plat of a major subdivision and prior to the start of construction of any of the improvements required by the provisions of this chapter if the developer seeks to install the improvements prior to bonding the improvements and prior to obtaining final approval, the developer shall tender to the Borough Council a fee, in cash, of five percent (5%) of the estimated costs of the improvements to cover costs of the engineering inspection thereof.

(Ord. 82-1, Added 2/17/1982)

2.115.06 Submission Procedure; Improvements or guaranties required prior to final approval.

Before consideration of a final subdivision plat, the sub divider shall have installed the public improvements required hereunder or the Planning Board shall require the posting of adequate performance guaranties with Englishtown Borough to assure the installation of the required improvements.

(Ord. 82-1, Added 2/17/1982)

2.115.07 Submission Procedure; Final plat.

- A. The final plat shall be submitted to the Secretary of the Planning Board for final approval within three (3) years from the date of preliminary approval. The Secretary of the Planning Board shall immediately notify the Planning Board upon receipt of a final plat, and the Planning Board shall act upon the final plat within the time prescribed by the Land Use Procedures Ordinance of Englishtown Borough.
- B. The original tracing, one (1) translucent tracing copy, two (2) cloth prints, twelve (12) blue-on-white prints and five (5) copies of the application form for final approval shall be submitted to the Secretary of the Planning Board at least two (2) weeks prior to the date of a regular Planning Board meeting. Unless the preliminary plat was approved without changes, the final plat shall have incorporated all changes or modifications required by the Planning Board.
- C. The final plat shall be accompanied by a statement by the Borough Engineer that he is in receipt of a map showing all utilities in exact location and elevation, identifying those to be installed, and that the sub divider has complied with one (1) or both of the following:
 - (1) Installation of all improvements in accordance with the requirements of these regulations; or
 - (2) A performance guaranty has been posted with the Borough Clerk in sufficient amount to assure the completion of all required improvements.
- D. Any plat which requires County Planning Board approval pursuant to N.J.S.A. 40:27-12 shall be forwarded by the applicant to the County Planning Board for its adoption prior to final approval by the Planning Board.
- E. If the Planning Board approves the final plat, a notation to that effect shall be made on each plat and shall be signed by the Chairman and Secretary of the Planning Board.
- F. Upon final approval, copies of the final plat shall be filed by the Planning Board with the following:
 - (1) The Borough Clerk.
 - (2) The Borough Engineer.
 - (3) The Building Inspector.
 - (4) The Tax Assessor.
 - (5) The official issuing certificates for approved lots.
- G. The final plat, after final approval, shall be filed by the sub divider with the county recording officer in accordance with the requirements of the Land Use Procedures of Englishtown Borough* and the applicable New Jersey statutes.

(Ord. 82-1, Added 2/17/1982)

2.115.08 Plat Details; Sketch plat.

The sketch plat shall be based on a deed description and a survey with metes and bounds of the minor subdivision plotted at a scale, preferably not less than one hundred (100) feet to the inch to be shown on one (1) sheet, and shall show or include the following information.

- A. The location of that portion which is to be subdivided in relation to the entire tract on a key map with all existing streets within five hundred (500) feet to be shown thereon.
- B. All existing structures, streets and wooded areas within the portion to be subdivided and within two hundred (200) feet thereof.
- C. The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax record.
- D. The Tax Map sheet, block and lot numbers or such other tax data as is shown on the tax bill.
- E. All proposed lot lines and lot lines to be eliminated by the proposed subdivision.
- F. The location, size and direction of flow of all streams, brooks, drainage structures and drainage ditches in the proposed subdivision and within two hundred (200) feet of the boundary thereof.
- G. The location and width of all existing and proposed utility easements within the proposed subdivision.
- H. Date, North point and scale of plat.
- I. Acreage of the entire tract and of the area being subdivided.
- J. The number of new lots created.
- K. Name and address of the owner, sub divider and person preparing the plat.
- L. A copy of any existing or proposed covenants or deed restrictions applying to the land being subdivided.
- M. The front yard setback line for all lots laid out on the sketch plat.
- N. All proposed lot lines, with the dimensions thereof and the areas of all lots shown in square feet as determined scale.
- O. Conservation easements proposed.

(Ord. 82-1, Added 2/17/1982)

2.115.09 Plat Details; Preliminary Plat

The preliminary plat shall be clearly and legibly drawn or reproduced at a scale of not less than one (1) inch equals one Hundred (100) feet. Preliminary plats shall be designed and drawn by a licensed New Jersey engineer holding full or associate membership in the American Institute of Planners. The plat shall be designed in compliance with the provisions of Articles III and IV of this chapter and shall show or be accompanied by the following information:

- A. A key map showing the entire subdivision and its relation to surrounding areas, including proposed street patterns to existing and surrounding streets.
- B. The tract name; Tax Map sheet, block and lot numbers or other data as is shown on the tax bill; date; reference meridian; graphic scale; and the following names and addresses:
 - (1) The name and address of the record owner and owners.
 - (2) The name and address of the sub divider.
 - (3) The name and address of the person who prepared the map.
- C. Acreage of tract to be subdivided, to nearest tenth of an acre, number of lots to be created and zoning district.
- D. Two-foot scale elevations or contours to determine the general slope and natural drainage of the land and the high and low points, and tentative cross sections and center-line profiles for all proposed new streets, curbing and sidewalks. All contour lines are to be referenced to United States Coast and Geodetic Survey datum.
- E. The location of existing and proposed property lines, streets, buildings, watercourses, railroads, bridges, culverts, drainpipes and any natural features such as wooded areas and rock formations.
- F. Plans of proposed utility layouts (sewers, storm drains, water, gas and electricity) showing feasible connections to existing or any proposed utility systems. When an individual water supply or sewage disposal system, or both, is proposed, the plan for such system must be approved by the appropriate local, county or state health agency. Any subdivision or part thereof which does not meet the established requirements of this chapter or other applicable regulations shall not be approved. Any remedy proposed to overcome such a situation shall first be approved by the appropriate local, county or state health agency.
- G. A copy of any protective covenants or deed restrictions applying to the land being subdivided shall be submitted with preliminary plat.
- H. All existing watercourses shall be shown and accompanied by the following information or data:

- (a) When a brook or stream is proposed for alteration, improvement or relocation, or when a structure or fill is proposed over, under, in or along a running stream, evidence of submission and approval of the improvement to the Department of Environmental Protection, Division of Water Resources, shall accompany the subdivision application.
- (2) Cross sections of watercourses at an appropriate scale showing extent of flood plan (if defined), top of bank, normal water level and bottom elevations at the following locations:
 - (a) At any point where a watercourse crosses a boundary of the subdivision.
 - (b) At fifty-foot intervals for a distance of three hundred (300) feet upstream and downstream of any proposed culvert or bridge within or adjacent to the subdivision.
 - (c) Immediately upstream and downstream of any point or juncture of two (2) or more watercourses.
 - (d) At a maximum of five-hundred-foot interim's along all watercourses which run through or adjacent to the subdivision.
- (3) 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 as well as typical ditch sections and profiles shall be shown on the plan or accompany it.
- (4) The boundaries of the floodplains of all watercourses within or adjacent to the subdivision (if defined).²
- I. The total acreage in the drainage basin of any watercourses running through or adjacent to a subdivision in the area upstream of the subdivision.
- J. The total acreage in the drainage basin to the nearest downstream drainage structure and the acreage in the subdivision which drains to the structure.
- K. The location and extend of drainage and conservation easements and stream encroachment lines.
- L. The preliminary plat shall show or be accompanied by plans for any storm-drainage systems including the following:
 - (1) All existing or proposed storm-sewer lines within or adjacent to the subdivision showing size and profile of the lines, and the location of each catch basin, inlet and manhole.
 - (2) The location and extent of any proposed dry wells, groundwater recharge basins, retention basins or other water conservation devices.
- M. Identification of lands to be dedicated or reserved for public use.

- N. The location and description of any other underground utilities and the easements to accommodate them shall be clearly indicated on the plan. All new utilities installed shall be underground.
- O. The locations and dimensions of existing and proposed watercourses, railroad rights-of-way, bridges, culverts, drainpipes and natural features such as wooded areas, lakes, ponds and extensive rock formations. The location and species of all existing individual specimen shade trees over fifteen (15) feet in height throughout the subdivision shall be shown. The height and diameter at a height two (2) feet above ground level shall be shown for the individual specimen shade trees. If the tract is heavily and densely wooded, the general location of the wooded area shall be shown on the plat together with a general note as to height, species and diameter of the trees within the densely wooded area.
- P. The names, locations and widths of existing and proposed streets, easements and rights-of-way in the subdivision.
- Q. All proposed lot lines, with the dimensions thereof, and the areas of all lots shown in square feet.
- R. Locations of all existing and proposed structures showing existing and proposed front, rear and side yard dimensions, the names of adjacent subdivisions, if any, and the owners of adjoining parcels of land.
- S. All parcels proposed for either general or limited public use, such as parks, playgrounds, building sites, and the like, with their respective areas to within one one-hundredth (1/100) of an acre and a statement of the purpose of each.
- T. Proposed final construction plans and final construction profiles at a scale of one (1) inch equals fifty (50) feet horizontal and one (1) inch equals five (5) feet vertical showing the following detailed information to be approved by the Planning Board Engineer:
- (1) Existing elevations with a minimum contour interval of two (2) feet when slope exceeds ten percent (10%) or one (1) foot when slope is less than ten percent (10%).
 - (2) Proposed spot elevations or finished elevations at all property corners, curb opposite property corners, corners of all proposed structures or dwellings, first floor elevation of all proposed structures or dwellings and drainage arrows designating direction of overland drainage flow on each lot.
 - (3) Complete information for storm drainage and sanitary sewer systems, including but not limited to invert, rim and top of casting elevation for all drainage structures, and size, length, class of pipe and slope for all pipe.
 - (4) Slope, typical section and materials of construction for all streams, swales and ditches.

- (5) Final street centerline profile grades, correct to zero and one-hundredth (0.01) feet with full information concerning vertical curve elevations.
- (6) All centerline elevations of each street at a minimum interval of fifty (50) feet.
- (7) Complete construction details for all structures, including but not limited to manholes, inlets, headwalls, yard drains, culverts, bridges and pumping stations.
- (8) Complete off-site information including calculations concerning final disposition of storm water run-off from the downstream end of the property being developed to a point two thousand (2,000) feet downstream of and from the property being developed or the borough boundaries, whichever is less. The information shall include culverts, slopes and cross-section areas for the length specified. Complete off-site information and disposition of sanitary sewers, including connections of all proposed facilities.

1 – Editor’s Note: As to regulations in these areas, see Ch. 106, Sewers and Ch. 126 Water.

2 – Editor’s Note: For the location of floodplains and construction requirements in floodplain areas see Ch. 76, Flood Damage Prevention.

(Ord. 82-1, Added 2/17/1982)

2.115.10 Plat Details; Final plat.

The final plat shall be drawn in ink or tracing cloth at a scale of not less than one (1) inch equals one hundred (100) feet and in compliance with all the provisions of N.J.S.A. 46:23-9.1 to 46:23-9.8. The final plat to be titled “Final Plat,” shall show, be accompanied by, and conform to the following:

- A. A title containing the tract name, subdivision application number, a key map showing the general location of the subdivision, Tax Map sheet, block and lot number, date, North point, number of building lots, written and graphic scales. Acreage of the tract being subdivided and the names and addresses of the owner, the sub divider and the professional engineer or licensed land surveyor who made the map.
- B. Certification by a professional engineer or land surveyor’ licensed to practice in the State of New Jersey, as to the accuracy of the details of the plat, and that the outer boundaries of the tract are surveyed.
- C. Certification in writing that the applicant is the owner or the authorized agent of the owner of land, or that the owner has given consent by way of written sales agreement or other form of written agreement, the pertinent provisions thereof to be disclosed to the Planning Board and governing body upon request.
- D. Tract boundary lines; exterior lines of streets, casements and other rights-of-way; street names; land reserved or dedicated to public use; all lot lines and

other site lines, with accurate dimensions, bearings or deflection angles and radii, arcs, central angles and tangents of all curves. All dimensions, both linear and angular, the exterior boundaries of the subdivision; and all lots shall balance and close within a limit of error of one (1) in ten thousand (10,000).

- E. The purposes of all easements and rights-of-way and all land reserved for or dedicated to public use, and the proposed use of lots other than residential shall be noted.
- F. Any building setback lines.
- G. Block numbers and lot numbers in accordance with established standards and in conformity with the Borough tax Maps and as approved by the Tax Assessor.
- H. The names, exact locations and widths along the property lines of all existing or recorded streets intersecting the tract boundaries or lying within two hundred (200) feet thereof; the delineation, name and block and lot numbers of all bordering subdivisions; the names of the owners of all bordering unsubdivided acreage.
- I. Complete off-site information, including calculations concerning final disposition of storm water runoff from the downstream end of the property being developed to a point two thousand (2,000) feet downstream of and from the property being developed or the borough boundaries, whichever is greater distance. The information shall include culverts, slopes and cross-section areas for the length specified. Complete off-site information and disposition of sanitary sewers, including connections of all proposed facilities.
- J. Existing elevations with a minimum contour interval of two (2) feet when slope exceeds ten percent (10%), or one (1) foot when slope is less than ten percent (10%).
- K. Proposed spot elevations or finished elevations at all property corners, curb opposite property corners, corners of all proposed structures or dwellings, first floor elevation of all proposed structures or dwellings, drainage and arrows designating direction of overland drainage flow on each lot.
- L. Complete information fro storm drainage and sanitary sewer system, including but not limited to invert, rim and top of casting elevation for all drainage structures and size, length, class of pipe and slope for all pipe.
- M. Slope, typical sect ion and materials of construction for all streams, swales, ditches and the watercourses.
- N. Final centerline profile grades, correct to zero and one-hundredth (0.01) feet with full information concerning vertical curve elevations.

- O. All centerline elevations of each street at a minimum interval of fifty (50) feet; cross sections and profiles of streets.
- P. Complete construction details for all structures, including but not limited to manholes, inlets, headwalls, yard drains, culverts, bridges and pumping stations.
- Q. Location and description of all survey monuments.
- R. Certifications of approval by the governing body, the Planning Board, and all other bodies or agencies, approval by which are required by law.
- S. Certificate by the Tax Collector that all taxes levied against the land being subdivided have been paid to date.
- T. The location of the portion of the subdivision for which final approval is required in relation to the entire subdivision of which it is a part (if the subdivision is being completed in sections as shown on the approved preliminary plat).
- U. Copy of executed restrictive covenants, easements and proposed restrictions to the free use of the land to be recorded.
- V. Such other requirements as required by law or the terms of the preliminary approval.

(Ord. 82-1, Added 2/17/1982)

2.115.11 Plat Details; General improvement standards.

- A. *General.* All improvements shall be installed in complete accordance with the standards of this chapter, with other particular specifications approved by the municipal agency and Borough Engineer and with all other applicable municipal, county, state and federal regulations. Should improvements be required which are not provided for within the particular sections of this chapter, they shall be designed and constructed in accordance with good engineering practice and recognized design standards. The developer (or his engineer) shall submit detailed design calculations and construction specifications in each such instance. Prior to the initiation of such specialized design, the particular standards to be utilized shall be submitted for review by the municipal agency and Borough Engineer.
- B. *Standard specification and construction details.* The Standard Specifications for Road and Bridge Construction of the New Jersey Department of Transportation (latest edition), including all addenda, and the Standard Construction Details of the New Jersey Department of Transportation (latest revision) as modified, supplemented, amended or superseded by the requirements of this chapter, by the approval final plat, by particular agreement among the municipal agency, Borough Council and sub divider or by other applicable municipal, county, state or federal regulations, shall govern the completion of the required improvements. Such

Standard Specifications and Standard Construction Details are made a part of this chapter by reference and will not be herein repeated. It is the responsibility of all developers to familiarize themselves with these standards, copies of which may be examined at the offices of the Borough Clerk, Administrative Officer and Borough Engineer and may be obtained, upon payment of the cost thereof, from New Jersey Department of Transportation. The requirements of this chapter, of an approved final plat or of particular municipal, county, state or federal regulations shall govern and prevail in the case of conflict between them and the Standard Specifications or Standard Construction and Details. Should the borough adopt, subsequent to the effective date of this chapter, particular and specific standard construction details for the borough, they shall govern and prevail over the Standard Construction Details of the New Jersey Department of Transportation previously referred to.

- C. *Precertification.* Prior to the time that any owner or sub divider, his agents, servants, employees or contractor shall install any of the required improvements, the owner or sub divider, his agents, servants, employees or contractor shall be approved and accepted by the Borough Council and provide the Borough Council with a prequalification statement in respect to experience and financial ability to perform the scope of the work to be performed or contracted for with the owner or sub divider. The borough Council reserves the right to refuse to allow the improvements to be installed by any owner or sub divider, his agents, servants or employees or contractor, where, in the opinion of the Borough Council, such owner or sub divider, his agents, servants or employees or contractor, do not have sufficient experience or financial ability to perform the work, The Borough Council, in such an event, shall, within fifteen (15) days of receipt of the prequalification form, state in writing its reasons for such refusal.

(Ord. 82-1, Added 2/17/1982)

2.115.12 Plat Details; Required improvements.

Prior to granting the final approval of a final plat, the sub divider or developer shall have installed or furnished performance guaranties for the installation of the following:

- A. Grading
- B. Roadway construction.
- C. Curbs and gutters.
- D. Sidewalks and driveways.
- E. Street lighting.
- F. Street signs.
- G. Landscaping and shade trees.
- H. Utilities, including the installation of water mains or other means of water supply, culverts, storm sewers, sanitary sewers or other means of sewage disposal consistent with drainage structures, and all appurtenances to such facilities properly connected with approved systems of water supply, sewerage and storm water drainage, as the case may be, and adequate to handle all present and probable future development, shall be accomplished in accordance with the Master Plan adopted by the borough related thereto.
- I. Fire hydrants.

- J. Monuments.
- K. Easements.
- L. As-built drawings.
- M. Off-site and off-tract improvements.
- N. All other requirements of preliminary approval.

(Ord. 82-1, Added 2/17/1982)

2.115.13 Plat Details; Grading.

- A. Grades and cross sections shall be such as to provide for the disposal of storm water and such groundwater seepage as may be encountered all in accordance with the plans therefore, inclusive of the soil erosion and sediment control plan, approved at the time of approval of the preliminary plat and as further approved or modified at the time of approval of the final construction plans of the subdivision and as may be required in the field by the Borough engineer as the work progresses.
- B. All construction stakes and grades thereon shall be set by a licensed professional engineer or licensed land surveyor employed by the owner or sub divider.

(Ord. 82-1, Added 2/17/1982)

2.115.14 Plat Details; Roadway construction.

- A. *General requirements.* Roadways and all appurtenances, including sub grade, sub base, base courses and pavements, shall be constructed in accordance with the applicable requirements of the Standard Specifications as modified herein. All subsurface utilities, including service connections [terminating at least two (2) feet behind sidewalk] to each lot, and all storm drains shall be installed in all roadway areas prior to the construction of final pavement surfaces.
- B. *Type of pavement.* All roadways shall be constructed with either a bituminous concrete flexible pavement structure or a Portland cement concrete rigid pavement structure. Only one (1) type of pavement shall be utilized throughout any development.
- C. *Pavement structure design.*
 - (1) The pavement structure design for each particular development utilizing either a flexible or rigid pavement type shall be the responsibility of the developer or his engineer. The pavement design shall be based upon traffic-loading projections and field sampling and laboratory analysis of the sub grade soils to be encountered in roadway areas in the development and shall follow current design recommendations of the Asphalt Institute, the Portland Cement Concrete Association or such other generally recognized standards as may be acceptable to the Borough Engineer.
 - (2) As minimum requirements, rigid Portland cement paving shall be expansion joint type paving utilizing joints similar to Type A expansion joints, according to the Standard Construction Details of the New Jersey Department of Transportation, shall be reinforced, constructed with Class B air-entrained concrete and shall have

a minimum thickness of six and one-half (6 ½) inches for local, local collector and minor collector streets and eight (8) inches for other classifications. Flexible bituminous concrete pavements shall have an equivalent structural depth of at least ten (10) inches for local, local collector and minor collector streets; having a minimum wearing surface of not less than one and one-half (1 ½) inches of pavement, Type FABC-1, and a minimum bituminous stabilized base course of not less than two and one-half (2 ½) inches and a dense graded aggregate base course to provide the remaining depth; and an equivalent structural depth of at least thirteen (13) inches for other street classifications, having a minimum wearing surface of not less than two (2) inches of pavement, Type FABC-1; z minimum bituminous stabilized base course of not less than three (3) inches, and a dense, graded aggregate base to provide the remaining depth. Bituminous stabilized base may be substituted for aggregate base on a one to three (1:3) ratio (stabilized base to aggregate base) all in accordance with the applicable requirements of the Standard Specifications.

- D. *Subgrades.* All subgrade shall be prepared in accordance with the applicable requirements of the Standard Specifications for bituminous concrete and reinforced concrete pavements. Prior to the construction of any subbase, base or pavement course, all soft or unyielding portions of the subgrade which do not attain the required stability will be removed and replaced with the suitable material, and the whole surface of the subgrade shall be compacted. The provision of a uniform roadway subgrade meeting the requirements of the Standard Specifications shall be the full responsibility of the developer. In certain cases, special treatment may be required because of the character or nature of the subsoil. Such special treatment may include lime or cement stabilization, wet excavation or construction of underdrainage fields. Any proposal by the developer to stabilize subgrade shall be subject to the approval of the Borough Engineer.
- E. *Subbase and/or aggregate base courses.* Where granular subbase courses are included in the pavement design section proposed by the developer, they shall be constructed in accordance with the applicable requirements of the Standard Specifications. Bituminous concrete pavements (and stabilized bases) may be constructed on subgrade without subbase or aggregate base courses, provided that the subgrade can be satisfactorily prepared as hereinbefore described. Dense graded aggregate base courses shall comply with the requirements of the Standard Specifications for Soil Aggregate, Type 5, Class A, or Type 2, Class A or B. Portland cement concrete pavements must be constructed with a minimum of six (6) inches of a granular type subbase meeting the requirements of the Standard Specifications for Soil Aggregate, Type 4, Class E. Any subbase course of aggregate base course to be utilized with any type of pavement shall have a minimum thickness of four (4) inches.
- F. *Bituminous base courses.*
- (1) Bituminous base courses for use with bituminous concrete pavements shall consist of plant-mixed bituminous stabilized base course (stone mix or gravel mix) in accordance with the requirements of the Standard Specifications, except that the requirements for the construction of the base course shall be amended to allow the laying of

the base course with a single lift maximum thickness not exceeding four (4) inches.

- (2) Prior to placement of any bituminous stabilized base course, the finished surface of any underlying subbase or aggregate base shall receive a prime coat in accordance with the requirements of Standard Specifications.

G. *Bituminous pavement.* Bituminous pavements shall consist of a bituminous concrete surface course Type FABC –1, in accordance with the requirements of the Standard Specifications. The bituminous pavement wearing-surface should generally not be installed until just prior to the time the streets are prepared for final acceptance. Prior to the installation of a bituminous concrete surface, the bituminous base course shall be inspected by the Borough Engineer. Any areas of the base course in need of repair shall be removed and replaced at the direction of the Borough Engineer. If the Borough Engineer directs, a leveling course of FABC material shall be placed on any uneven or below-grade base courses prior to the placement of finished pavement. No pavement surfaces shall be placed unless permission to do so has been granted by the Borough Engineer.

H. *Concrete pavements.* Concrete pavements shall be constructed in accordance with the requirements of the Standard Specifications. Expansion joints shall be New Jersey State Department of Transportation Type A expansion joints. The developer may submit, at the time of the submission of the preliminary plat, an alternative expansion joint detail. The use of such an alternate detail must be recommended by the Borough Engineer and approved by the municipal agency. Where existing concrete roadways are being widened as the result of the development of abutting properties, the widened pavement shall be required to be of Portland cement concrete. The remaining pavement in the development may, if the subdivider elects, be bituminous concrete. This will be an exception to the requirements that all pavement constructed within a development be of one (1) type.

I. *Alternate pavement types.* In areas where alternate pavement types are proposed or desired either for decorative purposes, because of physical restrictions or existing conditions, or because of limitations or shortages in certain types of construction materials, a detail of the type and/or location of alternate pavement types proposed shall be submitted for approval with the preliminary and/or final plat. The use of alternate pavement types may only be permitted if the applicant submits for review and approval details and specifications concerning the equipment, materials and methods proposed for use and if the Borough Engineer has inspected the installation of, and tested and approved a suitable sample section of such pavement. In the event the Borough Engineer does not approve the sample section of the pavement, the developer shall remove the same section and replace it with a type of pavement permitted by this chapter or such other alternate as may be approved by the municipal agency.

J. Streets shall have a fifty-six (56) foot right of way width and shall be divided into a roadway area of thirty-six (36) feet with a sidewalk area on each side of nine (9) feet. The sidewalk area shall be graded to an elevation of two (2) inches above the finished

centerline grade. Off-street parking i.e. driveways of twenty (20) feet minimum width shall also be provided for the use of any owners fronting on streets. Parking along any such street shall be permitted, subject, however, to the ordinance power of the Borough with respect to the regulation of parking, which power may be exercised at any time notwithstanding this provision or any inference that might be otherwise drawn here from [Amended 7-27-94, by Ord. 94-09]

(Ord. 94--9, Amended 7/27/1994; Ord. 82-1, Added 02/17/1982)

2.115.15 Plat Details; Curbs and gutters.

Curbs shall be constructed of Class B concrete 4000 PSI air entrained in accordance with New Jersey State Highway Department Standard Specifications for Road and Bridge Construction, 1961 and addenda. They shall be constructed to approved line and grade and on approved (prepared) sub grade. They shall have a top dimension of six (6) inches, a total depth of eighteen (18) inches, a bottom dimension of eight (8) inches and be constructed to have a face of curb from pavement to top of curb from pavement to top of curb of six (6) inches. All edging shall have a minimum of one (1) inch of radius. Bituminous fiver expansion joints one-half (1/2) inch thick shall be provided at intervals of twenty (20) feet. Full-cut joints shall be provided at equal spaces between expansion joints.

(Ord. 82-1, Added 2/17/1982)

2.115.16 Plat Details; Sidewalks and driveways.

A. Sidewalks.

(1) Sidewalks shall have a minimum width of four (4) feet and four (4) inches thickness, except at driveways and aprons where the sidewalk shall be six (6) inches in thickness. The sidewalk at driveways and aprons shall be reinforced with six-inch No. 6 gauge welded mesh reinforcement or equivalent placed four (4) inches below the finished sidewalk surface. Sidewalks shall be constructed at the locations and to the prescribed lines and grades as approved on the preliminary plat, but sidewalks shall be constructed after the adjacent curb has first been installed. The sub grade shall be smooth and even and shall be compacted by rolling and three-quarter-inch broken stone shall be spread to a depth of not less than four (4) inches and compacted where directed by the borough Engineer. Concrete for sidewalks shall be State Mix Class B air entrained four thousand (4,000) pounds per square inch concrete, and shall be manufactured in accordance with New Jersey State Highway department's Standard Specifications for Road and Bridge Construction, 1961 and addenda, and shall originate in a ready-mixed plant that has been certified and approved by the National Ready-Mixed Concrete Association.

(2) Concrete shall be placed to a thickness of four (4) inches, tamped, screened and finished to true grade. The finish shall be with a wood float, followed by brushing with a set of soft-haired brushes to a neat workmanlike surface. Expansion joints one-half (1/2) inch wide shall be provided at intervals of sixteen (16) feet and filled with preformed bituminous expansion joint filler. Surface

grooves shall be cut perpendicular to the line of the sidewalk at intervals of eight (8) feet and full cuts at sixteen-foot intervals. Exposed edges shall be neatly rounded to a radius of one-half (1/2) inch.

- (3) The sidewalks will be located within the street right-of-way one (1) foot from the street right-of-way line as measured toward the centerline of the street.
 - (4) At street intersections, the sidewalks shall be placed so that pedestrian traffic can cross the street by stepping directly from the sidewalk to the street. The minimum width of the additional sidewalk required at the street intersection of effect this, shall be four (4) feet.
- B. Driveways shall have a minimum width of twelve (12) feet and shall consist of not less than two (2) inches of FABC-1, over six (6) inches of dense aggregate base (Type 5, Class A or Type 2, Class A or B), all in accordance with the specifications for streets. Bituminous stabilized base may be substituted for aggregate base on a one-to-three (1:3) ratio. If concrete driveways are constructed, they will be twelve (12) feet wide and shall be six (6) inches throughout. The entire length of the driveway shall be reinforced (or equivalent) placed four (4) inches below the finished driveway surface. All driveways will be of adequate length and width to provide off-street parking for a minimum of one-fourth (1/4) inch per foot toward the street curb.

(Ord. 82-1, Added 2/17/1982)

2.115.17 Plat Details; Street lighting.

- A. Streetlights shall be of a type and at locations approved by the Planning Board and the electric utility company.
- B. Streetlights shall be installed prior to certificates of occupancy being issued. The cost of electricity for street lighting in all streets within the development shall be paid for by the owner or sub divider until such streets are accepted by the borough.

(Ord. 82-1, Added 2/17/1982)

2.115.18 Plat Details; Street signs.

- A. Street signs shall be installed within the street right-of-way wherever two (2) or more streets intersect.
- B. Street signs shall be metal and of the size and type standard within the borough.
- C. The signs shall be firmly placed on a two and one-half-inch outside diameter, two-inch inside diameter, galvanized steel pipe. The pipe shall be a minimum length of thirteen (13) feet and shall be firmly set in a concrete footing eight (8) inches in diameter, to a depth of three (3) feet.

(Ord. 82-1, Added 2/17/1982)

2.115.19 Plat Details; Landscaping and shade trees.

- A. No topsoil shall be removed from the site or used as spoil. Topsoil moved during the course of construction shall be redistributed on the surface to a minimum depth of six (6) inches so, as to provide an even cover, and shall be stabilized by seeding or planting within the time period provided in the Soil Erosion and Sediment Control Plan as submitted to the Planning Board and, by resolution, adopted by it.
- B. Any tree on the site having a trunk diameter of more than four (4) inches at a height of five (5) feet from the ground shall not be removed unless such removal is in accordance with a plan approved by the Shade tree Commission. [Amended 3-15-88 by Ord. 88-07]

Stripping trees from a lot or filling soil around trees on a lot shall not be permitted unless it can be shown that grading requirements necessitate removal of trees. Where trees are removed, an equivalent number of new trees shall be planted, placed in appropriate locations considering soil stabilization, existing trees remaining reestablishing the tone of the area, and compatibility with adjacent lots. Dead or dying trees shall be replaced by the developer during the next recommended planting season.

Maximum effort should be made to save fine specimens (because of size or relative rarity). No material or temporary soil deposits shall be placed within four (4) feet of shrubs or ten (10) feet of trees designated to be retained on the preliminary and/or final plat. Protective barriers or tree wells shall be installed around each plant and/or group of plants that are to remain on the site. Barriers shall not be supported by the plants they are protecting, but shall be self-supporting. They shall be a minimum of four feet high and constructed of a durable material that will last until construction is completed. Snow fences and silt fences are examples of acceptable barriers.

- C. No tree stumps or portions of trees or limbs shall be buried on any lot or streets.
- D. Shade trees shall be located outside the street right-of-way in accordance with a plan approved by the Planning Board and Shade Tree Commission. In approving the locations and types of shade trees, the Planning Board shall consider:
 - (1) Safety and vehicular and pedestrian traffic, including visibility and sight distances.
 - (2) Breakage of limbs of brittle trees.
 - (3) Interference with existing utility lines (**Note:** All new utilities must be underground).
 - (4) Consistency with the general character of the area.
- E. Street trees shall be installed on both sides of all streets in accordance with an approved landscape plan. Trees shall either be massed at critical points or spaced evenly along the street, or both. [Amended 3-15-88 by Ord. 88-07]

When trees are planted at predetermined intervals along streets, spacing shall depend on tree size as follows:

Tree Size (in feet)

Planting Interval (in feet)

| | |
|----------------------------|-------|
| Large trees (40+) | 50-70 |
| Medium-sized trees (30-40) | 40-50 |
| Small trees (to30) | 30-40 |

When the spacing interval exceeds 40 feet, small ornamental trees can be spaced between the larger trees. If a street canopy effect is desired, trees may be planted closer together, following the recommendations of a certified landscape architect. Tree location, and landscaping design, and spacing plan shall be approved by the Planning/Zoning Board as part of the landscape plan.

All trees shall have at least a caliper of two (2) to two and one-half (2 ½) inches and they shall be balled and bur lapped, nursery grown, of substantially uniform size and shape, free from insects and disease, have straight trunks and true to species and variety. Trees shall be properly planted and staked and provision made by the applicant for regular watering and maintenance until they are established. Dead or dying trees shall be replaced by the applicant during the next planting season.

- F. Trees shall be of a type approved by the Planning/Zoning Board and Borough Engineer. [Amended 3-15-99 by Ord. 88-07]
- G. The Planning Board, after examination and review, may waive all or any part of the provisions of this section because of exceptional surrounding conditions after receiving a report from the Shade Tree Commission.
- H. All owners or sub dividers shall be required to consult with the Borough Shade Tree Commission relative to the time and method of planting the required shade trees before proceeding with the planting, and the planting shall thereafter be done under the direct supervision of the Englishtown Borough Shade Tree Commission.

(Ord. 88-7, Amended 3/15/1988; Ord. 82-1, Added 2/17/1982)

2.115.20 Plat Details. Water mains; storm sewers; sanitary sewers; septic tanks; Cesspools.

The following shall comply with the provisions of this chapter:

- A. **Cesspools.** Cesspools or any other type of open or exposed sanitary systems are prohibited.
- B. **Sanitary sewer.** All new development shall be connected to the borough sewer system where possible, and shall be adequate to handle all present and probable future usage and development.

(1) All installations of sewer mains and connections thereto shall conform as to size and grade and in detail to the Plumbing Code of the State of New Jersey and current rules and regulations of the State Department of Health or as they may be amended and supplemented after adoption of this chapter.

- (2) Upon letter of advice by the Borough Engineer or other properly designated official that the sewer mains have been completed in accordance with the standards herein set forth in a satisfactory way, the Mayor and Borough Council shall acquire, by dedication, the improvement with all of its component parts or so much the same as it deems best for the benefit of the inhabitants of the Borough of Englishtown, in the following manner and on the following basis. The owner or owners shall give a bill of sale to the borough, transferring title absolutely to the Borough of Englishtown, or transfer of ownership may be accomplished by incorporation in a deed conveying a street to the borough.

C. Septic Systems. Where allowed by the Planning Board for special reasons proven by the developer, the location, size and type of septic system shall be in conformance with the laws, rules and regulations of the New Jersey Department of Environmental Protection.

D. Water. Water mains shall be connected to the borough water system and shall be installed in accordance with the following:

- (1) Engineering requirements or all water extensions shall conform in detail to the rules and regulations of the State Department of Health as contained in its rules and regulations for water supplies.
- (2) Class 150 cast-iron pipe, its equivalent or better of not less than six (6) inches in diameter meeting the specifications of the American Water Works Association shall be used.
- (3) All joints shall be sealed with lead or leadite or its equivalent.
- (4) The depth of pipe beneath the surface shall be not less than three (3) feet six (6) inches measured from the top of the pipe.
- (5) Valves shall be furnished and installed with all fire hydrants.
- (6) Water extensions must be of the same size pipe as the main being tapped into; provided, however that no pipe may be used that is less than six (6) inches in diameter.
- (7) Water extensions on all house service connections to the curb line shall be laid and compacted before surfacing at the street.
- (8) No backfilling shall be done until the installed extension, fully exposed, is examined by the Borough Official whose approval is required.

E. Storm drainage facilities.

1. All stormwater management measures for a development regardless of use, including structural stormwater management strategies, detention basins and other stormwater management facilities and stormwater collection and conveyance structures, shall be designed in accordance with and comply with the provisions of Chapter 2.54 of the Code of the Borough of Englishtown entitled "Municipal Stormwater Control" and the Residential Site Improvement Standards, N.J.A.C.5:21-7 et seq.
2. In a development not defined as a "major development", stormwater management measures shall only be developed to meet the stormwater runoff quantity requirements in Chapter 2.54 of the Code of the Borough of Englishtown entitled "Municipal Stormwater Control".

(Ord. 2006-13, Amended 5/10/2006; Ord. 82-1, Added 2/17/1982)

2.115.21 Plat Details; Fire hydrants.

- A. Fire hydrants shall be installed at locations and of such type and specifications as approved by the Borough Engineer, the Fire Insurance Rating Organization of the State of New Jersey and/or the Board of Fire Commissioners. Hydrants shall be the improved type meeting the requirements of A.W.W.A. Specification C-502 as manufactured by the Mueller Company or approved equal and shall close with the system pressure. A valve opening of four-and-one-half-inch Mueller Company No. A-24009 shall be furnished for water mains of eight (8) inches in diameter and a valve opening four-and-one-half-inch Mueller Company No. 1-24105 shall be furnished for water mains ten (10) inches or greater in diameter. One (1) four-and-one-half-inch outlet and two (2) two-and-one-half-inch outlets with National Standard threads shall be provided. Hydrants shall be furnished with hexagonal operating nuts. Hydrants shall be set with the four-and-one-half-inch outlet facing the street and the centerline of the outlet sixteen (16) inches above the finished grade.
- B. Hydrants shall be shop tested under three hundred (300) pounds per square inch applied above and below the compression valve. Any hydrant showing sweating of metal or leaking or any other defect shall be rejected. A break-off flange and valve stem shall be provided at the ground line.
- C. All parts of hydrants shall be interchangeable with similar parts of hydrants of the same size and type. Hydrants shall be painted to conform to the existing hydrants in the borough.

(Ord. 82-1, Added 2/17/1982)

2.115.22 Plat Details; Monuments.

The subdivider shall install surveyor's monuments of a size and shape required by the provisions of N.J.S.A. 46:23-94. Such monuments shall be placed in accordance with the above provisions and shall be subject to approval of the Borough Engineer.

(Ord. 82-1, Added 2/17/1982)

2.115.23 Plat Details; Easements.

A. Drainage easements.

- (1) If the property on which a proposed development is to be located is or is proposed to be traversed by a drainage facility of any kind, including a pipe, channel, stream or swale, the municipal agency may require that a stormwater and drainage easement or right-of-way along said facility be provided by the developer. If existing land drainage structures, such as French drains, are encountered during the course of construction of any development, such drainage structures shall either be removed entirely or a revised final plat showing the location of such drainage structures and accompanied with detailed cross sections thereof shall be filed with the Borough engineer for consideration by the municipal agency. The municipal agency, after consulting its Engineer and other appropriate agencies, shall either require a drainage easement, require that the structure be removed in part or in its entirety, or recommend such other action to the governing body, as it deems appropriate.
- (2) All easements shall be shown on the final plat with a notation as to the purpose and restrictions of the easement. Easement lines on the final plat shall be shown with accurate dimensions and bearings unless the easement lines are parallel or concentric with lot lines.
- (3) The land which is the subject of an easement or right-of-way shall, in the case of storm drains or constructed channels, be of a suitable width meeting the requirements for design of drainage facilities, or be a strip which conforms substantially to the floodplain of any watercourse along both sides of the watercourse to a width of thirty-five (35) feet in each direction from the centerline of the watercourse, whichever is greatest; except, however, that if the location of such watercourse is at or near the boundary of the subdivision, the dimensions of the easement and right-of-way shall be modified to retain it within the confines of the development.
- (4) Said easement and right-of-way shall include provisions assuring the following:
 - (a) Preservation of the channel of the watercourse.
 - (b) Except in the course of an authorized drainage improvement, prohibition of alteration of the contour, topography or composition of the land within the easement and right-of-way.
 - (c) Prohibition of construction within the boundaries of the easement and right-of-way, which will obstruct or interfere with the natural flow of the watercourse.

- (d) Reservation of a public right-of-entry for the purpose of maintaining the storm drain, drainage channel or the natural flow of drainage through the watercourse, of maintaining any and all structures related to the exercise of the easement and right-of-way and of installing and maintaining a storm or sanitary sewer system or other public utility.

B. Conservation easement.

- (1) Conservation easements may be required along all drainage and stormwater rights-of-way in the development and may be required also along ponds, marshes, swamps and streams or other watercourses along which drainage rights-of-way are not required. Such easements are intended to help prevent the siltation of streams and other courses and the erosion of stream banks, other watercourses and adjacent lands. The land subjected to a conservation easement shall be a strip at least twenty-five (25) feet but not more than one hundred (100) feet in width independently located or running adjacent to each side of any required drainage or stormwater right-of-way. Such conservation easement shall contain provisions to restrict the removal of trees and ground cover except for the following purposes: removal of dead or diseased trees; thinning of trees and other growth to encourage the more desirable growth; removal of trees to allow for structures designed to impound water; and removal of trees in areas to be flooded for the creation of ponds or lakes. The easements shall also prohibit filling or grading of the lands or the disposal of refuse or waste material of any type within the limits of the easements.
- (2) The easement shall be indicated on the plat and shall be marked on the land by iron stakes wherever the lines of such easement change direction or intersect lot lines.

C. Sight triangle easements. In addition to right-of-way widths required for the full design of all streets and the wider intersections as specified, sight triangle easements may be required on all corners at all street intersections. Such easements shall include provisions to restrict the planting of trees or other plantings or the location of structures exceeding thirty (30) inches in height that would obstruct the clear sight across the area of the easements and a reservation to the public right-of-entry for the purpose of removing any object, natural or otherwise, that obstructs the clear sight. Such easements shall include the area on each street corner that is bounded by the right-of-way lines and a straight line connecting points on each right-of-way line fifty (50) feet from the intersection of the right-of-way lines with points on the intersecting right-of-way, which points are the following distances from the intersection of the right-of-way lines (or of their prolongations):

- (1) On local streets: fifty (50) feet.
- (2) On collector streets: one hundred (100) feet.
- (3) On arterial streets: two hundred (200) feet.

- (4) Where intersections occur on highways or roadways under the jurisdiction of the State of New Jersey or County of Monmouth, the sight triangle easements required by the state or the County of Monmouth may be substituted in lieu of the requirements above.

(Ord. 82-1, Added 2/17/1982)

2.115.24 Plat Details; As-built drawings.

Upon completion of construction of the required improvements and prior to the release of the performance bond, the owner or developer shall submit to the Borough Engineer final as-built reproducible drawings of all utility systems installed.

(Ord. 82-1, Added 2/17/1982)

2.115.24.1 Plat Details; Proper owner notification prior to release of refunding Bond.

Prior to the release or reduction of any performance guarantee, the developer shall notify all property owners located within two hundred (200) feet of his property. The developer will further be required to publish a notice of public hearing in the official newspaper circulated within the Borough of Englishtown. Said publication should be at least twenty (20) days prior to the date of the proposed public hearing.

The developer shall further serve a copy of this notice of hearing by certified mail, return receipt requested, or by personal service upon all owners of land within two hundred (200) feet of his property. The notice shall contain language that the public hearing is concerning the release and/or reduction of performance guarantee concerning his property. The developer shall also send by certified and regular mail notice to any homeowner associations involved. This aforementioned notification shall be served not less than twenty (20) days prior to the scheduled public hearing date. Any individual persons who wish to be heard at the public hearing shall be given the opportunity to speak prior to the Mayor and Council acting on the request to release and/or reduce performance bond. It shall be within the sole discretion of the Mayor and Council of the Borough of Englishtown as to whether the performance guarantee in question, be either reduced and/or released.

(Ord. 96-5, Added 9/25/1996)

2.115.25 Plat Details; Off-site and off-tract improvements.

1. Any application for development before the Unified Planning/Zoning Board of Adjustment of the Borough Of Englishtown for final approval of a major or minor subdivision or site-plan shall be subject to the Board's requirement of the payment of the developers pro rata share of the following off-site and off-tract improvements: street improvements, water system, sewage, drainage facilities and easements.
2. When the Board finds that off-site and off-tract improvements would be advisable although not essential and the improvements would promote the objectives of this Ordinance and can be most appropriately accomplished in connection with the

development and particularly where the off-site and off-tract improvements couldn't be required to be made as a local improvement by the Borough with the cost thereof to be assessed against all properties specifically benefited thereby including the property of the developer the following provisions shall apply:

- A. During the processing of this application the Board shall refer its recommendations for off-site and off-tract improvements to the Mayor and Council of the Borough of Englishtown. If the Mayor and Council of the Borough of Englishtown concurs then the Municipal Engineer or other authority retained by the Borough shall determine the nature of the off-site and off-tract improvements including the needs created by the applicant's proposed development and the then existing needs in the area, notwithstanding any work of the applicant.
- B. The Municipal Engineer or other authority retained by the Borough shall estimate the costs of such work including costs to be assigned to the developer and those to be assessed to others. This shall include costs for construction, engineering, easements or right of way acquisition, legal work, advertising, contingencies, bonding and assessments.
- C. Once the Municipal Engineer has made his assessments, the Board shall then proceed in the following manner:
 - 1. The Board shall determine the anticipated amount that the lands of the applicant would be expected to be assessed and said amount shall then be deposited by the applicant with the Borough prior to final approval.
 - 2. Such deposits shall be made concurrent with an agreement between the applicant and the Borough concerning the uses of the deposit which shall include the following stipulations: said funds shall be used by the Borough solely for the expenses of such off-site and off-tract improvements; said deposit may be appropriated by the Borough with other funds of the Borough and may be commingled with other appropriated funds and expended by the Borough in connection with such purposes; if said deposit is not used by the Borough within a specified time agreed to by the applicant said funds shall be distributed in accordance with the terms of the agreement; once the work is completed, the properties specifically benefited by such improvement shall be assessed as provided by law including the property of the applicant; the applicant's deposit shall be credited against the assessment made upon applicant's property whether or not applicant is the owner thereof; if the deposit was less than the amount ultimately assessed against such property then the owners of said property shall pay the difference between the deposit and such assessment. If the deposit exceeded the amount assessed the excess shall be refunded to the applicant without interest.

3. When said off-site and off-tract improvements are found by the Board to be advisable and important to the sound development of the site but the developer is unwilling to made such deposit as specified above then there shall be no final approval granted by the Board. However, final approval may be granted if the funds are deposited by the developer under protest and legal action is instituted within one year of such payment in order to preserve the right to a judicial determination as to the fairness and reasonableness of such amount pursuant to N.J.S.A. 40:55D-42.*

***Editor's Note:** See Ch. 109, Site Plan Review.

(Ord. 95-02, Replaced 1/17/1995; Ord. 88-10, Amended 4/19/1988; Ord. 88-6, Replaced 3/15/1988; Ord. 82-1, Added 2/17/1982)

2.115.26 Design Standards; Observance required.

The subdivider shall observe the following requirements and principles of land subdivision in the design of each subdivision or portion thereof, in addition to the requirements of the Master Plan and ordinances of the Borough of Englishtown, and the Official Map of the County of Monmouth.

(Ord. 82-1, Added 2/17/1982)

2.115.27 Design Standards; Streets.

- A. The arrangement of streets not shown on the Master Plan or Official Map shall be such as to provide for the appropriate extension of existing streets.
- B. Streets shall be so designed as to discourage through traffic unless a contrary intention is delineated on the Master Plan.
- C. Subdivisions that adjoin or include existing streets that do not conform to widths as shown on the Master Plan or Official Map or the street width requirements of this chapter shall dedicate additional width along either one (1) or both sides of the road. If the subdivision is along one (1) side only, one-half (1/2) of the required extra width shall be dedicated or improved and dedicated if required by the Planning Board.
- D. The right-of-way shall be measured from lot line to lot line and shall not be less than fifty (50) feet.
- E. No subdivision showing reserve strip controlling access to streets shall be approved except where the control and disposal of land comprising such strips has been placed in the Borough Council under conditions approved by the Planning Board.
- F. No street shall have a minimum grade of less than one-half of one percent (1/2 of 1%).

- G. Street intersections shall be as nearly at right angles as is possible and in no case shall be less than sixty degrees (60°). The block corners at intersections shall be rounded at the curb line with a curve having a radius of not less than twenty-five (25) feet.
- H. Street jobs with centerline offsets of less than one hundred twenty-five (125) feet shall be prohibited.
- I. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on streets.
- J. When connecting street lines deflect from each other at any one (1) point by more than ten degrees (10°) and not more than forty-five degrees (45°), they shall be connected by a curve.
- K. All changes in grade shall be connected by vertical curves of sufficient radius to provide a smooth transition and proper sight distance.
- L. Dead-end streets (cul-de-sac) shall not be longer than six hundred (600) feet and shall provide a turnaround at the end with a radius of not less than sixty (60) feet and tangent whenever possible to the right side of the street. If a dead-end street is of a temporary nature, and a similar turnaround shall be provided and provisions made for future extension of the street and reversion of the excess right-of-way to the adjoining properties.
- M. No street shall have a name, which will duplicate or so nearly duplicate as to be confused with the names of existing streets. The continuation of an existing street shall have the same name.

(Ord. 82-1, Added 2/17/1982)

2.115.28 Design Standards; Blocks.

- A. Block lengths and width or acreage within bounding roads shall be such as to accommodate the size of lot required in the area as hereinafter stated, and to provide for convenient access, circulation control and safety of street traffic.
- B. In blocks over one thousand (1,000) feet long, pedestrian crosswalks may be required in locations deemed necessary by the Planning Board. Such walkway shall be ten (10) feet wide and be straight from street to street.
- C. For commercial, group housing or industrial use, blocks shall be sufficient to meet all area and yard requirement for such use.

(Ord. 82-1, Added 2/17/1982)

2.115.29 Design Standards; Lots.

- A. Lots in subdivisions shall have a minimum frontage and a minimum depth in accordance with the Zoning Ordinance.*

- B. Insofar as is practical, side lot lines shall be at right angles to straight streets and radial to curved streets.
- C. Each lot must front upon an approved and installed street.
- D. Where extra width has been dedicated for widening of existing streets, lots shall begin at such extra-width lines 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 rock formations, flood conditions or similar circumstances, the Planning Board may, after adequate investigation, withhold approval of such lots.

***Editor's Note:** See Ch. 130, Zoning.

(Ord. 82-1, Added 2/17/1982)

2.115.30 Design Standards; Public use and service areas.

- A. In large-scale development, easements along rear property lines or elsewhere for utility installations may be required. Such easements shall be at least twenty (20) feet wide and located in consultation with the companies or municipal departments concerned.
- B. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose.
- C. Natural features such as trees, brooks, hilltops and views shall be preserved whenever possible in designing any subdivision containing such features.
- D. No buildings or dwelling shall be constructed in any right-of-way or easement area.

(Ord. 82-1, Added 2/17/1982)

2.115.31 Design standards; Landmarks.

Wherever possible, subdividers shall preserve trees, groves, waterways, scenic points, historic spots and other community assets and landmarks.

(Ord. 82-1, Added 2/17/1982)

2.115.32 Design Standards; Playground space.

In subdivisions which provide or are intended to provide housing facilities for more than ten (10) families, the Planning Board shall consider the need for suitable open areas for recreation. The standards to be used by the Planning Board as a guide in determining space needed for recreation shall be zero and twenty-five hundredths (0.25) acres per

family. However, the Borough Council need not accept any open area of less than two (2) acres in size.

(Ord. 82-1, Added 2/17/1982)

2.115.33 Design Standards; Buffer areas.

If a subdivision cuts or abuts an area zoned for a use different from the use permitted in the area of the subdivision, the Planning Board shall consider the need to provide a separation to promote the public safety and general welfare of the borough. The Planning Board may require:

- A. A buffer strip at least one hundred (100) feet in width to be shown on the plat of the subdivision and conveyed to the borough or maintained in common ownership to be maintained in its natural state or planted with appropriate trees, or other buffering materials.
- B. Such other means of separation as the Planning Board may deem appropriate.

(Ord. 82-1, Added 2/17/1982)

2.115.34 Building Permit; Issuance requirements. 1

No permit for the erection of any building shall be issued unless the building abuts a street giving access to such proposed structure which has been duly placed on the Official Map, or, if there be no Official Map, unless such street is:

- A. An existing state, county or municipal street or highway.
- B. A street shown upon a plat approved by the governing body or Planning Board, as provided in the Municipal Planning Act (1953)" or any act repealed thereby.
- C. A street on a plat duly filed in the office of the County Recording Officer prior to the passage of an ordinance under the Municipal Planning Act (1953)²

- 1. Editor's Note:** See also Ch. 64, Construction Codes, Uniform.
- 2. Editor's Note:** N.J.S.A. 40:55-1.1 et seq.

(Ord. 82-1, Added 2/17/1982)

2.115.35 Administration and Enforcement; Construal of provisions; variances.

These rules, regulations and standards shall be considered the minimum requirements for the protection, promotion and conservation of the public health, morals, safety and general welfare of the citizens of the Borough of Englishtown. Any action taken by the Planning 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, if the subdivider or developer can clearly demonstrate that, because of peculiar conditions pertaining to his land, the literal enforcement of one (1) or more of these regulations is impractical or will exact undue hardship, the Planning Board may permit such waiver or waivers as may be reasonable and within the general purpose and intent of the rules,

regulations and standards established by this chapter and as shall not be in conflict with the provisions of any other ordinance of the Borough of Englishtown.
(Ord. 82-1, Added 2/17/1982)

2.115.36 Administration and Enforcement; Interpretation of statutory references.

Whenever reference is made to Chapter Laws of the New Jersey statutes, such reference shall be construed as including the words “as it may be amended or supplemented.”
(Ord. 82-1, Added 2/17/1982)

2.115.37 Administration and Enforcement; Pending applications.

All applications for minor and major subdivisions filed prior to the effective date of this chapter on which preliminary and/or final subdivision approval has not been granted shall be subject to the provisions of this chapter.
(Ord. 82-1, Added 2/17/1982)

2.115.38 Administration and enforcement; Filing with county.

Immediately upon adoption of this amended chapter, the Borough Clerk shall file a copy of this chapter with the County Planning Board as required by law. Any amendments or supplements adopted by the Borough of Englishtown in the future shall also be filed with the County Planning Board as required by law.
(Ord. 82-1, Added 2/17/1982)

2.115.39 Administration and Enforcement; Application fees.

A. Minor subdivision: one hundred dollars (\$100.00).

B. Major subdivision.

- (1) Preliminary application: one hundred dollars (\$100.00), plus twenty-five dollars (\$25.00) per lot.
- (2) Final application: one hundred dollars (\$100.00), plus twenty-five dollars (\$25.00) per lot.
- (3) Upon approval of the final plat of a major subdivision, a fee for construction inspection and administration shall be due and any such approval (or signing of plats) shall be conditioned upon the payment of such fee. Such fee shall be determined from the following schedule:

| <u>LOTS</u> | <u>FEE PER LOT</u> |
|---------------------|---------------------------|
| 5 or less | \$300.00 |
| 6 but less than 10 | \$250.00 |
| 10 but less than 20 | \$225.00 |
| 20 or more | \$200.00 |

C. Extensions of time. Upon application, within the time provided by law, for an extension of time to file (or record) a previously approved subdivision, the applicant shall pay a fee of fifteen dollars (\$15.00).

D. Revisions to previously approved plats.

- (1) Where there are only minor changes in the plat which do not affect or involve significant changes in the layout of the site, or require additional engineering, planning or technical review, an application fee of twenty-five dollars (\$25.00) will be required, along with sufficient copies of the proposed changes for distribution.
- (2) Where the changes are major in scope or will require further engineering, planning or technical review, as determined by the Planning Board, a resubmission of a complete new site plan and payment of fees as provided for new applications shall be required.
- (3) Where the changes are only minor and technical in nature and do not affect the basis upon which the original approval was given, the Board, upon advise of its staff and/or Borough Engineer, may waive all additional fees and consider the changes as administrative not requiring approval of a revised plat.

E. Variance and/or conditional use in conjunction with subdivision:

Seventy-five dollars (\$75.00) in addition to the applicable subdivision application fee.

(Ord. 82-1, Added 2/17/1982)