

CHAPTER 5**SUBDIVISION REGULATIONS****Authority**

N.J.S.A. 13:17-1 et seq., specifically 13:17-6(i).

Source and Effective Date

R.1999 d.302, effective September 7, 1999.
See: 31 N.J.R. 1167(a), 31 N.J.R. 2627(a).

Executive Order No. 66(1978) Expiration Date

Chapter 5, Subdivision Regulations, expires on September 7, 2004.

Chapter Historical Note

Chapter 5, Subdivision Regulations, was adopted as R.1970 d.46, effective May 1, 1970. See: 1 N.J.R. 17(b), 2 N.J.R. 52(a).

Pursuant to Executive Order No. 66(1978), Chapter 5, Subdivision Regulations, was readopted as R.1999 d.302, effective September 7, 1999. See: Source and Effective Date.

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SUBCHAPTER 1. TITLE**19:5-1.1 Chapter title**

This Chapter shall be known and may be referred to as the Subdivision Regulations of the Hackensack Meadowlands District.

SUBCHAPTER 2. PURPOSE

19:5-2.1 Purposes enumerated

(a) This Chapter sets forth procedures, engineering and planning standards, rules and regulations in accordance with which the Commission shall review and approve or disapprove applications for the subdivision of land within the District.

(b) It is designed to serve the following purposes:

1. To provide for the comprehensive and orderly development of the District in accordance with the master plan and any applicable redevelopment plans for the District;
2. To provide for adequate drainage facilities and easements;
3. To provide for road improvements and the proper location and width of streets in subdivisions;
4. To provide for public water and sewer systems where necessary to protect public health and to insure an adequate supply of water;
5. To provide for performance guarantees, maintenance bonds and agreements specifying minimum standards of construction for required improvements; and
6. Generally to provide for the exercise of the powers regarding the review and regulation of subdivisions conferred upon the Commission by N.J.S.A. 13:17-1 et seq.

SUBCHAPTER 3. DEFINITIONS

19:5-3.1 Words and phrases defined

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Arterial street” means any street serving major traffic movements which is designed primarily as a traffic carrier between cities, or between various sections of the city, which forms part of a network of through streets, and which provides service and access to abutting properties only as a secondary function.

“Block” means a tract of land bounded by streets, or by a combination of streets, railway rights-of-way, waterways, or adjoining properties.

“Chief engineer” means a professional engineer registered in the State of New Jersey appointed by the Commission having responsible charge of all matters carried out by the Office of the Chief Engineer as expressed or implied in accordance with N.J.S.A. 13:17-1 et seq.

“Collector street” means any street designed primarily to gather traffic from local or residential streets and carry it to the arterial system.

“Commission” means the Hackensack Meadowlands Development Commission or any board, body, commission, department or officer succeeding to the principal functions thereof or to whom the powers and duties conferred upon the Commission shall be given by law.

“Constituent municipality” means a municipality with lands in the District.

“Cross walk” means a way dedicated for public use which is reserved across a block for the purpose of providing pedestrian access to adjacent areas.

“Cul-de-sac” means a street having only one outlet and being permanently terminated by a vehicle turn-around at the other end.

“Dead-end street” means a street having only one outlet.

“Design standards or design requirements” means all requirements and regulations relating to design and layout of subdivisions contained in N.J.A.C. 19:5-7, Design Standards.

“District” means the Hackensack Meadowlands District as defined in N.J.S.A. 13:17-1 et seq.

“Expressway” means any divided street or highway with no access from abutting property and which has either separated or at grade access from other public streets and highways.

“Fill” means any material placed by controlled methods, which raises the elevation of the land surface from its natural state or condition. Such materials include, but are not limited to, earth, sand, gravel and rock.

“Final plat” means the final map of all or a portion of a subdivision which is presented to the Commission for final approval and meeting the requirements of N.J.A.C. 19:5-6, Contents of Plats.

“Freeway” means any divided street or highway with complete access control and grade separated interchanges with all other public streets and highways.

“Frontage” means the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street; or with a dead-end street, all property abutting one side of such street measured from the nearest intersecting street and the end of the dead-end street.

“Frontage lot” means that portion of the frontage which lies between the side lot lines of a single lot.

"Half street" means a street bordering one or more property lines or a subdivision tract to which the subdivider has allocated only a portion of the ultimate and intended street width.

"Improvements" means all facilities constructed or erected by a subdivider within a subdivision to permit or facilitate the use of lots or blocks for a principal residential, business or manufacturing purpose. Improvements shall include all facilities listed in N.J.A.C. 19:5-8, Installation of Required Improvements.

"Limited access highway" means an expressway or freeway, as defined in this Chapter.

"Local street" means any street designed primarily to provide access to abutting property.

"Lot" means a designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit.

"Lot, double frontage" means a lot, two opposite lot lines of which abut upon streets which are more or less parallel.

"Major subdivision" means all subdivisions not classified as minor subdivisions.

"Marginal access street" means a local street or roadway generally parallel with and adjacent to a limited access highway or arterial street which provides access to abutting properties and protection from fast through traffic on the limited access highway or arterial street, and which promotes safety by eliminating unlimited ingress and egress to such highway or arterial street by providing points of ingress and egress at more or less uniformly spaced intervals.

"Minor subdivision" means any subdivision containing not more than three building plots fronting on an improved street, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the master plan or any applicable redevelopment plan of the District, any zoning code that may be adopted by the Commission or this Chapter.

"Municipal approval authority" means the body within any constituent municipality that is authorized to approve subdivision applications respecting land within that municipality.

"Office of the chief engineer" means the Office of the Chief Engineer of the Hackensack Meadowlands Development Commission.

"Owner" means any individual, firm, association, syndicate, copartnership or corporation having sufficient proprietary interest in the land sought to be subdivided to com-

mence and maintain proceedings to subdivide the same under this Chapter.

"Plat" means the map of a subdivision.

"Preliminary plat" means the preliminary map indicating the proposed layout of the subdivision which is submitted to the Commission for tentative approval and meeting the requirements of N.J.A.C. 19:5-6, Contents of Plats.

"Sanitary landfill" means an engineered area or facility designed for the disposal of solid waste on land, in a manner that protects the environment, by spreading the waste in layers, compacting it to the smallest practical volume and covering it with soil at the end of each working day.

"Secretary" means the Secretary of the Hackensack Meadowlands Development Commission.

"Sketch plat" means the sketch map of a subdivision of sufficient accuracy to be used for the purpose of discussion and classification and meeting the requirements of N.J.A.C. 19:5-6, Contents of Plats.

"Street" means any street, avenue, boulevard, road, lane, parkway, viaduct, alley or other way which is an existing street, county or municipal road, or a street or way shown upon a plat heretofore approved pursuant to law or approved by official action or a street or way on a plat duly filed and recorded in the office of a county recording officer prior to the appointment of a planning board in any constituent municipality and the grant to such board of the power to review plats, 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.

"Subdivider" means any individual, firm, association, syndicate, copartnership, corporation, trust or any other legal entity commencing proceedings under this Chapter to effect a subdivision of land hereunder for himself or for another.

"Subdivision" means the division of a lot, tract or parcel of land into two or more lots, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development, except that the following divisions shall not be considered subdivisions within the meaning of this Chapter; provided, however, that no new streets or roads are involved: divisions of land for agricultural purposes where the resulting parcels are three acres or larger in size, divisions of property by testamentary or intestate provisions, or divisions of property pursuant to court order. Subdivision also includes resubdivision and where appropriate to context, relates to the process of subdividing or to the lands or territory subdivided.

"Turn-around" means an area at the closed end of a dead-end street or cul-de-sac within which vehicles may reverse their direction without any backing up.

Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

SUBCHAPTER 4. ADMINISTERING AGENCIES

19:5-4.1 Administration

The administration of this Chapter is vested in the Office of the Chief Engineer.

19:5-4.2 Duties of Office of the Chief Engineer

(a) The Office of the Chief Engineer shall administer the provisions of this chapter in the manner set forth herein and in furtherance of such authority shall:

1. Maintain permanent and current records with respect to this Chapter, including amendments thereto;
2. Receive and file all sketch plats, preliminary plats, and final plats, together with applications therefor;
3. Review sketch plats, all preliminary plats to determine whether such plats comply with this Chapter, all final plats to determine whether they comply with the preliminary plat and this Chapter. In conjunction with its review of preliminary plats, the Office of the Chief Engineer shall hold a hearing in those instances in which a hearing is not required before the appropriate authorities of the municipality in which the subdivision is located, or in such other instances as the Chief Engineer shall deem necessary. Notice and procedures of such hearing shall be governed by N.J.A.C. 19:4-6.22; provided, however, that copies of the maps and other documents to be considered at the hearing and the minutes of the hearing shall be filed with the Office of the Chief Engineer;
4. Review and approve, approve conditionally, or disapprove preliminary plats;
5. Review and approve or disapprove final plats;
6. Transmit a report to the appropriate municipal approval authority within 45 days of the receipt of an application for final plat approval, which report shall indicate the action of the Office of the Chief Engineer with respect to said final plat. If the Office of the Chief Engineer, the municipal approval authority and the applicant agree, the 45-day period may be extended for an additional 45-day period, and any such extension shall extend the time within which a municipal approval authority shall be required by law to act thereon;
7. Set forth in writing and transmit to the applicant a copy of the reasons thereof in the event of withholding of approval, or the disapproval of, a subdivision application;
8. Make such other determinations and decisions as may be required by this Chapter or by the Commission;

9. Promulgate such rules and regulations as may be required to implement the provisions of this Chapter.

As amended, R.1972 d.109, effective June 5, 1972.
See: 4 N.J.R. 55(b), 4 N.J.R. 170(a).
Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:5-4.3 Appeals to Commission

(a) Whenever the Office of the Chief Engineer, pursuant to the authority set forth in this Chapter, disapproves, in whole or in part, an application, the applicant may appeal such action in accordance with N.J.A.C. 19:4-6.25.

Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

SUBCHAPTER 5. PROCEDURE FOR APPROVAL OF SUBDIVISION PLATS

19:5-5.1 Application for subdivision approval

The owner of the land to be subdivided shall file with the Office of the Chief Engineer ten copies of the proposed sketch plat filed with the municipal authority and an application that states the name and address of the person making the application, identifies the location of the land to be subdivided, and describes the proposed subdivision in general terms, including the approximate number of proposed lots and typical lot widths and depths.

Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:5-5.2 Development of sketch plat

Within 15 days after it receives an application for approval of a subdivision, the Office of the Chief Engineer shall be available to confer with the subdivider to develop a mutually acceptable sketch plat of the subdivision.

19:5-5.3 Classification of minor subdivision

(a) At the time a subdivider files his proposed sketch plat with the Office of the Chief Engineer, he may also request that his subdivision be classified as a minor subdivision.

(b) Within 45 days after the receipt of the proposed sketch plat and request for minor subdivision classification, the Office of the Chief Engineer shall review the proposed sketch plat and shall approve or deny the request. If the sketch plat is classified as a minor subdivision, the Chief Engineer shall also, within 45 days after receipt thereof, approve or disapprove the minor subdivision.

(c) If the sketch plat is approved, the Secretary shall affix the seal of the Commission on the face of the sketch plat.

(d) A copy of the approved sketch plat shall be forwarded to the municipal approval authority and to the subdivider within one week.

(e) No further approval of the Office of the Chief Engineer shall be required respecting the subdivision, provided that a deed description or plat map drawn in compliance with P.L. 1953, c.358, as amended or supplemented hereafter, shall be filed or recorded by the subdivider in the proper county recorder's office within 90 days from the date of return of the approved sketch plat.

(f) If the plat is classified as a major subdivision, a notation to that effect shall be made by the Secretary on the plat, which shall be returned to the subdivider for compliance with the procedures set forth in N.J.A.C. 19:5-5.4 through 5.10.

As amended, R.1972 d.109, effective June 5, 1972.
See: 4 N.J.R. 55(b), 4 N.J.R. 170(a).
Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:5-5.4 Filing of preliminary plat

Within five days of submitting a preliminary plat and an application for preliminary plat approval to the appropriate municipal authority, and within 18 months after the submission to the Office of the Chief Engineer of the sketch plat pertaining to the preliminary plat the subdivider shall file with the Office of the Chief Engineer ten copies of the preliminary plat and one completed application for preliminary approval.

As amended, R.1972 d.109, effective June 5, 1972.
See: 4 N.J.R. 55(b), 4 N.J.R. 170(a).

19:5-5.5 (Reserved)

Repealed by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

Section was "Distribution and review of preliminary plat".

19:5-5.6 Action by Office of Chief Engineer on preliminary plat

(a) The Office of the Chief Engineer shall review the preliminary plat and the reports and recommendations of the agencies, departments and divisions of the district to whom the preliminary plat has been submitted for review. It shall also conduct a public hearing where required by and in accordance with the procedures set forth in N.J.A.C. 19:4-6.22 at which time interested persons may attend and offer evidence in support of or against the preliminary plat.

(b) The Office of the Chief Engineer shall thereupon determine, on the basis of all of the plats and other documents and material submitted to it by the subdivider and of the information presented at the hearing, if a hearing is held, whether the preliminary plat generally meets the design standards and requirements of this Chapter, or any part of the Master Plan and any applicable redevelopment plans

of the District and provisions of other applicable resolutions and requirements of the District.

(c) If the considerations of subsections (a) and (b) of this Section are satisfied, the Office of the Chief Engineer shall approve the preliminary plat.

(d) If the Office of the Chief Engineer determines that the preliminary plat does not satisfy the conditions of (a) and (b) above, it may suggest modifications so as to satisfy such conditions, and, in such event:

1. The subdivider may amend the preliminary plat so as to incorporate such modifications and resubmit the preliminary plat to the Office of the Chief Engineer which shall approve same, if such amendments satisfactorily incorporate the suggested modifications; or

2. The subdivider may reject the suggested modifications, or, within the time allowed for action by the Office of the Chief Engineer, may refrain from taking any action thereon. In either event, the preliminary plat shall be deemed to have been disapproved, and the Office of the Chief Engineer shall thereupon furnish the subdivider with a written statement setting forth the reasons for disapproval of the preliminary plat.

(e) If the Office of the Chief Engineer determines that the preliminary plat does not satisfy the foregoing conditions, and that modifications would be too extensive or impracticable, it shall disapprove the preliminary plat and immediately notify the subdivider of its action.

(f) The foregoing provisions to the contrary notwithstanding, the Office of the Chief Engineer shall approve or disapprove the preliminary plat within 90 days from the date of the filing of such plat, or from the date the subdivider has submitted the last item of required data, whichever date is later, unless such time is extended by mutual consent. If the preliminary plat is disapproved, then within ten days thereof, the Office of the Chief Engineer shall furnish the subdivider with a statement in writing, setting forth the reason for such disapproval and specifying with particularity the aspects in which the proposed preliminary plat fails to conform to the requirements of this Chapter the Master Plan and any applicable redevelopment plans of the District and provisions of other applicable resolutions or requirements of the District.

(g) If the preliminary plat is approved by the Office of the Chief Engineer, the Secretary shall affix a certification to this effect on the preliminary plat and transmit copies thereof to the subdivider and the appropriate municipal approval authority. If the preliminary plat is approved with modifications, the subdivider may resubmit a preliminary plat incorporating the modifications to the Office of the Chief Engineer within 90 days of its decision to approve the preliminary plat with modifications. If the preliminary plat is disapproved, the Office of the Chief Engineer shall issue a written statement setting forth its reasons for disapproval.

If the Office of the Chief Engineer fails to act upon the preliminary plat within a 45 day period from the date of receipt, then such preliminary plat shall be deemed to have been approved unless the subdivider shall have consented to extend or waive such time limitation.

Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:5-5.7 Effect of approval of preliminary plat

(a) Approval of the preliminary plat shall not constitute approval of the subdivision by the Office of the Chief Engineer, but shall confer the following rights upon the subdivider for a three-year period from the date of tentative approval:

1. That the general terms and conditions upon which the tentative approval was granted will not be changed;
2. That the subdivider may submit on or before the expiration date the whole or part or parts of said plat for final approval.

(b) If a final plat is not submitted to the Office of the Chief Engineer as required by the provisions of this Chapter within such three year period, the preliminary plat must be resubmitted to the Office of the Chief Engineer as if such plat had never been approved together with the appropriate fee.

As amended, R.1972 d.109, effective June 5, 1972.
See: 4 N.J.R. 55(b), 4 N.J.R. 170(a).

19:5-5.8 Filing of final plat

Within three days of submitting a final plat and application for final plat approval to the appropriate municipal authority and within no more than three years from the date on which the preliminary plat was approved, the subdivider shall submit to the Office of the Chief Engineer ten copies of the final plat filed with the appropriate municipal authority; such additional information and documents as may be required by Subchapter 6 (Contents of Plats) of this Chapter and three copies of completed application forms for approval of the final plat.

19:5-5.9 Action by Office of Chief Engineer on final plat

(a) The Office of the Chief Engineer shall review and approve or disapprove the final plat within 45 days after it has been submitted by the applicant.

(b) The Office of the Chief Engineer shall approve a final plat if it is:

1. Substantially the same as the approved preliminary plat;
2. There has been compliance with all the conditions, restrictions and requirements of this Chapter and other applicable resolutions and requirements of the District;

3. There has been compliance with any conditions that may have been attached to the approval of the preliminary plat.

(c) If the Office of the Chief Engineer approves the final plat, the Secretary shall affix the seal of the Commission on the face of the plat. A copy of the approved final plat shall be forwarded to the municipal approval authority and to the subdivider.

(d) If the Office of the Chief Engineer disapproves the final plat, it shall advise the subdivider in writing of the reasons for such disapproval within ten days of its decision.

19:5-5.10 Report to municipal approval authority

(a) The Office of the Chief Engineer shall report to the appropriate municipal authority within 45 days from the date of receipt of the application for final plat approval.

(b) Upon mutual agreement between the Office of the Chief Engineer and the municipal approval authority, with approval of the subdivider, the 45-day period shall be extended for an additional 45-day period.

(c) If the Office of the Chief Engineer shall have taken no action to approve or disapprove the final plat within the aforesaid time period or periods, the Secretary shall, at the request of the subdivider, certify such fact upon the final plat submitted to it and transmit the final plat to the municipal approval authority.

(d) Such certification shall be sufficient authorization for further action by the municipal approving and filing with the appropriate county recording officer.

19:5-5.11 Building and other permits

(a) No building permit, zoning certificate or occupancy certificate shall be issued by any agency or division of the District for a building or structure on any lot of any subdivision that is subject to the provisions of this Chapter until a certified copy of the duly recorded or registered final plat of subdivision has been filed with the appropriate county recording officer.

(b) No such permits or certificates shall be issued until there has been compliance with all of the provisions of this Chapter, including, but not limited to, the provisions of this Chapter relating to approval of plans and specifications for required improvements, and the posting of bonds and establishment of escrows to insure the completion of such improvements.

SUBCHAPTER 6. CONTENTS OF PLATS

19:5-6.1 Form of sketch plat

(a) The sketch plat shall be prepared by a land surveyor licensed to practice in the State of New Jersey.

(b) Such plat shall be based on tax map information or some other similarly accurate base at a scale to enable the entire tract to be shown on one sheet.

(c) In no case shall such scale be less than 200 feet to the inch.

As amended, R.1972 d.109, effective June 5, 1972.
See: 4 N.J.R. 55(b), 4 N.J.R. 170(a).
Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:5-6.2 Contents of sketch plat

(a) The sketch plat shall include or be accompanied by the following information:

1. The location of that portion which is to be subdivided in relation to the entire tract;

2. A certificate signed and acknowledged by all parties having record title or interest in the land subdivided, and consenting to the preparation and recording of the said subdivision map. If the property is subject to the State's riparian interest as shown on a map issued by the New Jersey Department of Environmental Protection and Energy pursuant to N.J.S.A. 13:17-1 et seq. then a copy of a riparian instrument issued pursuant to law shall also be submitted;

3. The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records;

4. The tax map sheet, block and lot numbers;

5. All proposed streets and utilities within and adjoining the proposed subdivision with all rights-of-way and/or easements clearly indicated;

6. A topographic survey including but not limited to the following data;

i. Boundary lines showing bearings and distances;

ii. Existing easements in the area to be subdivided and within 200 feet thereof, showing location, width and purpose;

iii. Existing streets and railroads in the area to be subdivided and within 500 feet of the subdivision with rights-of-way clearly indicated;

iv. Utility facilities (both overhead and underground) on and adjacent to the area to be subdivided, including location, type and size;

v. All existing structures within the portion to be subdivided and within 200 feet thereof;

vi. The location, extent and direction of flow of all streams, brooks, drainage structures and drainage ditches in the area to be subdivided and within 500 feet thereof;

vii. Boundary lines of any areas containing fill materials with data indicating type and vertical extent of such materials;

viii. Spot ground elevations in the subdivision and within 500 feet thereof; of adequate density to determine the general slope and drainage of the area and its high and low points;

7. Date, north point, references meridian and graphic scale of plat;

8. Name and address of owner, subdivider and person preparing plat.

Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:5-6.3 Other data to be submitted with sketch plat

(a) The following additional data shall be submitted with the sketch plat:

1. A statement describing the covenants and available community facilities on and adjacent to the property to be subdivided;

2. A statement of proposed protective or restrictive covenants, if any;

3. A statement of the approximate number of lots the subdivision will contain, together with the typical proposed lot width and depth;

4. A statement of the type and scope of development proposed for the area to be subdivided. Such information will be utilized for the purpose of evaluating air and water pollution potential, traffic patterns and conflict of use.

19:5-6.4 Form of preliminary plat

The preliminary plat shall be prepared, at a scale of one inch equal to 100 feet, by a land surveyor licensed to practice in New Jersey.

As amended, R.1972 d.109, effective June 5, 1972.
See: 4 N.J.R. 55(b), 4 N.J.R. 170(a).
Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:5-6.5 Contents of preliminary plat

(a) The following data and information shall be shown on or accompany the preliminary plat:

1. Proposed name of the subdivision. This name shall not duplicate or resemble the name of any existing subdivision within the area subject to this Chapter;

2. Date, north point, reference meridian and scale of drawing;

3. Tax map sheet, block and lot number;

4. Key map showing the entire subdivision and its relation to surrounding areas;

5. Names of adjacent subdivisions or, in the case of unplatted land, the name of the owner or owners of adjacent property;

6. Name and address of the owners, the subdivider, and the engineer who prepared the preliminary plat;

7. Date of the topographic survey;

8. Acreage of tract to be subdivided accurate to the nearest hundredth of an acre;

9. The location of existing and proposed property lines, building setback lines, existing buildings and structures with an indication of whether they will be retained and the location and extent of wooded areas and wetland areas;

10. Profiles, cross sections, alignments, drainage provisions, and rights-of-way of existing and proposed streets and highways within and abutting the subdivision. All streets and highways shall be appropriately identified by name and/or route number. The cross-section of streets shall clearly indicate the type and width of pavement and location of curb, location of sidewalks and shade tree planting strips. Triangles and the radius of curblines shall be clearly indicated. In addition to the foregoing data, all streets proposed for construction shall include detailed foundation conditions, pavement designs and design criteria and assumptions;

11. Alignment data for all rights-of-way, easements, tract boundary lines, lot lines, and street centerlines. Where alignments are on curvature information presented shall include all curve data;

12. All easements denoted by a fine dotted line, clearly identified, and if already on record, the recorded reference of such easements. If an easement is not definitely located of record, a statement of such easement shall be included. The width of the easement, its length and bearing, and sufficient ties to locate it definitely with respect to the subdivision must be shown;

13. Location and description of all monuments;

14. Contour at five foot intervals for land slopes averaging ten percent or greater, two foot intervals for land averaging between three and ten percent and one foot interval for all lands of lesser slope. All such contours shall be based on United States Coast and Geodetic Survey datum;

15. All existing water courses shall be shown and accompanied by the following information:

i. When a water course is proposed for alteration, improvement or relocation or when a drainage structure is proposed on a stream with a drainage area of $\frac{1}{2}$ square mile or greater, evidence of submission of such improvement to the New Jersey Department of Environmental Protection and Energy shall accompany the subdivision;

ii. Cross sections of water courses at an appropriate scale showing extent of flood way (if defined), top of bank, normal water level and bottom elevations at the following locations:

(1) At any point where a water course crosses a boundary of the subdivision;

(2) At 50 foot intervals for a distance of 300 feet upstream and 300 feet downstream of any proposed culvert or bridge within or adjacent to the subdivision;

(3) Immediately upstream and downstream of any point of juncture of two or more water courses;

(4) At a maximum of 500 foot intervals along all water courses which run through or adjacent to the subdivision for an exterior distance of 500 feet upstream and downstream of the subdivision boundary;

iii. When water courses are to be altered, improved or relocated the method of stabilizing slopes and measures to control erosion and siltation during construction shall be shown on the plan or accompany it;

iv. The boundaries of the flood plains of all water courses within or adjacent to the subdivision (if defined).

16. The total upstream tributary area of any water course running through or adjacent to the subdivision. Point of reference shall be that point where the water course first contacts the subdivision;

17. Total upstream tributary area of a water course running through or adjacent to the subdivision at the nearest downstream drainage structure, and the acreage in the subdivision which drains to the structure;

18. The location and extent of drainage and conservation easements;

19. The location, extent and water level elevation of all existing or proposed lakes or ponds within or adjacent to the subdivision;

20. Storm drainage systems including but not limited to the following:

i. All existing and proposed storm sewer lines within or adjacent to the subdivision showing size of lines, capacity, direction of flow, slope and location of each catch basin and inlet;

ii. All existing and proposed drainage ditches within or adjacent to the subdivision showing typical cross sections, capacity, direction of flow and slope;

iii. The location and extent of any proposed retention or detention basins;

iv. All pertinent design data, including runoff determination, utilized in arriving at the configuration of the facilities proposed.

21. Existing and proposed sanitary sewerage facilities serving the subdivision, including, but not limited to, the following:

- i. Location, size and slope of all sanitary sewer lines and connections to existing facilities;
- ii. Location of any proposed sanitary sewerage treatment plants;
- iii. All pertinent design data utilized in arriving at the configuration of the proposed facilities including any specialized construction which may be required in areas containing fill materials;
- iv. Proof of submittal of such plan to the appropriate state and local agencies.

22. Existing and proposed water distribution systems serving the subdivision, including, but not limited to, the following:

- i. Location, size and capacity of all water mains;
- ii. Location of all fire hydrants;
- iii. Source of supply, points of connection and supply capacities at such points;
- iv. Location of any proposed water treatment plants;
- v. All pertinent design data utilized in arriving at the configuration of the proposed facilities including demand assumptions and any specialized construction which may be necessary in areas containing fill materials;
- vi. Proof of submittal of such plans to appropriate state and local agencies.

23. The location of existing and proposed utilities, both underground and overhead, with the easements clearly defined.

24. Delineation of all areas containing fill and detailed information concerning the material encountered. Such information shall include, but not be limited to, the following:

- i. Depth and type of material involved;
- ii. Age of fill;
- iii. State of decomposition;
- iv. Residual settlements to be expected;
- v. Combustible gas-forming potential;
- vi. Depth to water table;
- vii. In all such areas where construction of roadways, paved areas, utilities and other facilities is proposed, additional data including, but not limited to, the following shall be submitted;

(1) Design precautions to be taken to assure that residual post construction settlements will not adversely affect the appearance or structural integrity of any proposed facilities;

(2) Method to be employed in eliminating the build-up of combustible gases where there exists such a potential.

25. Identification of lands to be dedicated or reserved for any purpose, public or private, to be distinguished from lots or tracts intended for sale;

26. A copy of any protective covenants or deed restrictions applying to the land to be subdivided.

Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:5-6.6 Form of final plat

The final plat shall be drawn in ink on tracing cloth at a scale of not less than one inch equals 100 feet and in compliance with the provisions of P.L. 1953, c.358, as amended.

19:5-6.7 Contents of final plat

(a) In addition to the information contained on the preliminary plat the final plat shall show or be accompanied by the following:

1. Legal description of tract boundaries;
2. Lot numbers beginning with the number 1 and numbered consecutively in each block;
3. Block numbers beginning with the number 1, and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure. Block numbers of an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision;
4. The following certificates, which may be combined where appropriate:
 - i. A certificate signed and acknowledged by all parties having any record title or interest in the land subdivided, dedicating all parcels of land shown on the final plat and intended for the exclusive use of the lot owners of the subdivision, their licensees, visitors and tenants. The parcels required to be dedicated shall be dedicated to the municipality in which the subdivision is located;
 - ii. A certificate signed by the land surveyor responsible for the survey and final map certifying the accuracy of the details. Said land surveyor shall be licensed to practice in the State of New Jersey and his or her signature shall be accompanied by his or her seal.

Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:5-6.8 Other data to be submitted with final plat

(a) The following additional data shall be submitted with the final plat:

1. A preliminary title report by a title insurance company, or an attorney's opinion of title, showing the name of the owner of the land and all other persons who have an interest in, or an encumbrance on it, shall be included with the plat. The consent of all such persons shall be shown therein.
2. Sheets and drawings showing the following:
 - i. Traverse data including the coordinates of the boundary of the subdivision and ties to section corners showing the error of closure, if any;
 - ii. The computation of all distances, angles and courses shown on the final map;
 - iii. Ties to existing monuments, proposed monuments, adjacent subdivisions and street corners.
3. Evidence of approval by appropriate State and local agencies of all proposed improvements, where such approval is required.

Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

SUBCHAPTER 7. DESIGN STANDARDS**19:5-7.1 Scope**

All subdivision of land subject to this Chapter resolution shall conform to the design standards contained or referred to in this Subchapter.

19:5-7.2 Master Plan or applicable redevelopment plans

No subdivision shall conflict with the Master Plan or any applicable redevelopment plan of the District.

19:5-7.3 Land subject to flooding

(a) No land subject to flooding or which lacks adequate drainage shall be subdivided for residential use or any other use which would be incompatible with such flooding or drainage characteristics.

(b) If the owner or subdivider of land which is subject to periodic flooding or which has inadequate drainage agrees to install at his own expense improvements meeting the standards and requirements of the Office of the Chief Engineer and designed in such a manner so as to render such land suitable for residential or other intended occupancy then and only in that event, the provisions of subsection (a) of this Section shall not bar the approval of such subdivision.

Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:5-7.4 Land containing sanitary landfill

(a) No construction of any improvement shall take place in or upon sanitary landfill without the express written approval of the Office of the Chief Engineer.

(b) Such approval shall be contingent upon demonstration that adequate care has been taken to assure that any residual post construction settlements will not affect the appearance or structural integrity of planned facilities.

(c) It shall be further demonstrated that the effect of constituent materials and/or state of decomposition shall be such that corrosion producing properties, combustible gases and fire hazards have been adequately provided for.

Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:5-7.5 Streets layout and design

(a) All lots located in any subdivision shall have direct access to a public street.

(b) The arrangement, character, extent, width, grade and location of all streets shall conform to the Master Plan and any applicable redevelopment plan of the District, and shall be considered in their relation to existing and planned streets, topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Where such is not shown in the Master Plan or any applicable redevelopment plan of the District, the arrangement of streets in a subdivision shall either:

1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
2. Conform to a plan for the neighborhood approved or adopted by the Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

(c) Local streets shall be laid out so that their use by through traffic will be discouraged.

(d) If a subdivision abuts or contains an existing or proposed limited access highway or arterial street, the Office of the Chief Engineer may require marginal access streets, reverse frontage with screened planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(e) If a subdivision borders on, or contains a railroad right-of-way or a limited access highway, the Office of the Chief Engineer may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

(f) Reserve strips controlling access to streets shall be prohibited except where their control is placed in the appropriate constituent municipality under conditions approved by the Office of the Chief Engineer.

(g) Street jogs are to be avoided on arterial and collector streets. On local streets with a right-of-way of 60 feet or less, center line offsets of less than 150 feet shall be prohibited.

(h) A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets.

(i) Streets shall be laid out so as to provide for horizontal sight distances on all curves. These distances shall be:

Local Streets:	250 feet
Collector Streets:	350 feet
Arterial Streets:	500 feet

The sight distance shall be measured within street rights-of-way from a height of four feet above the proposed pavement surface in the right-hand lane.

(j) Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than 70 degrees.

(k) Street right-of-way widths shall be as shown on the Master Plan and any applicable redevelopment plan of the District, and where not shown thereon, shall not be less than as follows:

Street Type	Right-of-Way in Feet
Arterial	100 feet, except that 150 feet of right-of-way shall be required within 350 feet from the intersection of the center lines of an arterial street with any other arterial or collector street.
Collector	80 feet.
Local, for residential areas	50 feet.
Local, for business, commercial and industrial areas	60 feet.
Marginal Access Streets (with two way traffic)	40 feet.

(l) Half streets shall be avoided, except for arterial streets, collector streets where applicable, and where they are essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; or, when the Office of the Chief Engineer finds that it will be practicable to require the dedication of the

other half of the street when the adjoining property is subdivided. Whenever a half street is existing and adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

(m) Dead-end streets, designed to be so permanently, shall not be longer than seven times the average lot width or 600 feet, whichever is less, and shall have a turn-around at the closed end that has an outside roadway diameter of at least 70 feet and a street property line diameter of at least 100 feet. Curvilinear cul-de-sacs shall be avoided.

(n) No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Office of the Chief Engineer.

(o) Street grades, wherever feasible, shall not exceed the following with due allowance for reasonable vertical curves:

Street Type	Percent grade
Arterial	3%
Collector	4%
Local	5%
Marginal Access Streets	5%

(p) No street grade shall be less than 1/2 of one per cent. A greater percentage of grade may be required, however, where necessary to provide adequate drainage.

(q) Street pavement at intersections shall be rounded by the following minimum radii:

1. Type of Street	Intersecting With	Minimum Curb Radii
Local Residential	Local Residential	20 feet
Local Residential	Collector	30 feet
Local Residential	Arterial	30 feet
Business, Commercial or Industrial Collector or Arterial	Business, Commercial or Industrial Collector or Arterial	50 feet

2. Right-of-way lines may be required to be rounded by an arc having at least the same radius as the arc of the curb when normal right-of-way requirements are not sufficient to allow the construction of streets having their radii set out along.

(r) In addition to the required right-of-way widths herein described, sight triangle easements shall be dedicated at intersections as follows; the area bounded by the right-of-way lines and a straight line connecting "sight points" on street center lines which are the following distances from the intersection of the center lines:

1. Where a local street intersects a collector road 90 feet on the local, and 200 feet on the collector;
2. Where collector or local road intersects an arterial, 90 feet back on the collector and 300 feet back on the arterial.

(s) The applicant shall conform with local standards as they pertain to the pavement's thickness and widths.

Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:5-7.6 (Reserved)

Repealed by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).
Section was "Alleys".

19:5-7.7 Blocks

(a) The lengths, widths and shapes of blocks shall be determined with due regard to:

1. Provision of adequate building sites suitable for the special need of the type of use contemplated;
2. Zoning requirements as to lot sizes and dimensions;
3. Need for convenient access, circulation, control and safety of street traffic;
4. Limitations and opportunities of topography.

(b) A block shall not exceed 1,300 feet in length, unless such block is adjacent to a limited access highway or arterial street or unless the previous adjacent layout or topographical conditions justify a variation of this requirement.

(c) All blocks shall be so designed as to provide two tiers of lots, unless a different arrangement is required in order to comply with N.J.A.C. 19:5-7.5(d) (Streets layout and design), or is permitted by N.J.A.C. 19:5-7.8(f) (Lots).

(d) Blocks may be irregular in shape, provided they are harmonious with the overall pattern of blocks in the proposed subdivision, and provided their design meets the requirements of lot standards, traffic flow and control considerations, and development plan requirements.

(e) In blocks of 800 feet or more in length, a public crosswalk for pedestrian travel may be required to provide access to public or private facilities such as schools or parks. Such crosswalk shall have a right-of-way not less than ten feet, and extend entirely across such block at approximately the midpoint of the length of such block. A sidewalk shall be placed along the length of such right-of-way, and constructed and lighted in accordance with the requirements of the Office of the Chief Engineer.

Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:5-7.8 Lots

(a) The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision for the type of development and use contemplated.

(b) Lot dimensions shall conform to the requirements of any zoning code that may be adopted by the Commission.

(c) The minimum widths of residential lots measured at the setback lines thereof shall not be less than:

1. 60 feet when the lot contains an area of 6,000 square feet, but less than 8,750 square feet;
2. 70 feet when the lot contains an area of 8,750 square feet or more, but less than 10,000 square feet;
3. 80 feet when the lot contains an area of 10,000 square feet or more, but less than 15,000 square feet;
4. 90 feet when the lot contains an area of 15,000 square feet or more, but less than 20,000 square feet;
5. 100 feet when the lot contains an area of 20,000 square feet or more, but less than 30,000 square feet;
6. 125 feet when the lot contains an area of 30,000 square feet or more, but less than one acre;
7. 150 feet when the lot contains an area of one acre or more.

(d) Where lots front upon a cul-de-sac or curved street having a radius of 200 feet or less, the minimum lot widths set forth in subsection (c) of this Section, shall be measured at the building setback line along an arc parallel to the right-of-way of such cul-de-sac or curved street. Such lots shall also be laid out so that their frontage, as measured on the arc of such right-of-way line, is not less than 50 per cent of the required lot width measured at the building setback line.

(e) The area of the street right-of-way shall not be included and calculated in the area of the lot with respect to minimum lot area requirements of this Chapter or of any zoning code that may be adopted by the Commission. Lots shall be required to have more than the minimum area dimensions provided for in this Section where such greater area of dimensions are required to meet the yard requirements of any zoning code that may be adopted by the Commission.

(f) There shall be no double frontage lots except where the lots abut upon a limited access highway or arterial street or where the topography of the land prevents reasonable subdivision in small units. Double frontage lots shall not have vehicular access between such lots and an abutting limited access highway or arterial street. Moreover, lots abutting such highway or street shall have an additional depth of ten feet from the required depth in order to allow a protective screening between the lot and such highway or street.

(g) The depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off street service and parking facilities required by the type of use and development contemplated.

(h) Corner lots for residential use shall have extra width to permit appropriate building setback from an orientation to both streets.

(i) Reversed frontage lots shall be avoided except where such are essential to provide a separation of residential development from limited access highways and arterial streets or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet and across which there shall be no right of access, shall be provided along the line of lots abutting such limited access highway, arterial street or other disadvantageous use.

(j) Side lot lines shall be substantially at right angles or radial to street lines.

(k) Lots on arterial street intersections and at all acute angle intersections which, in the opinion of the Office of the Chief Engineer, are likely to be dangerous to traffic movement, shall have a radius of 20 feet at the intersection of street rights-of-ways. On business, commercial and industrial lots, a chord may be substituted for a circular arc.

19:5-7.9 Easements

(a) Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary, and shall be at least 16 feet wide along rear lot lines and ten feet wide along side lot lines, except that easements for street lighting purposes shall not in any event be required to exceed ten feet.

(b) If a subdivision is traversed by a water course, drainage way, channel or street, then a storm water easement or drainage right-of-way shall be provided.

(c) Such easement or right-of-way shall conform substantially to the lines of such water course and shall be of such width or construction, or both, as may be necessary to provide adequate storm water drainage.

(d) Parallel streets or parkways may be required in connection therewith.

19:5-7.10 Drainage

(a) Each subdivision submitted shall be reviewed by the Office of the Chief Engineer to ascertain the adequacy of all drainage provisions proposed within said subdivision and further to assure that potential adverse drainage conditions in all adjoining property which might result from such development have been eliminated.

(b) Rainfall intensity factors shall be based on a storm having a recurrence interval of at least 25 years.

(c) In setting the value of the runoff coefficient "C", consideration must be given to the physical features of the drainage area and the estimate of future development. In general, the value of the runoff coefficient "C" will fall within the following range:

Classification	Runoff Factor "C"
Park Lands, Golf Courses, etc.	0.15 to 0.30
Open Residential	0.30 to 0.50
Dense Residential and Business	0.50 to 0.70
Commercial and Industrial	0.70 to 0.90

In computing runoff the rational formula shall be used:

$$Q = CIA$$

in which Q = Volume in Cubic Feet per second
 C = Runoff factor
 I = Intensity of rainfall in inches per hour
 A = Watershed area in acres

(d) All pipeline and open channel systems carry the maximum discharge commensurate with design.

(e) Pipelines shall be designed using the following basic design controls:

1. Pipes shall be considered "flowing full" at maximum capacity.
2. Minimum design velocity of "flowing full" condition shall be three feet per second.
3. Friction factor "n" shall be 0.015 (or equivalent) for circular cross section, nonporous concrete pipe. Other cross sections or pipe materials shall have commensurate friction factors.
4. In pipe sizes less than 48 inches diameter, all transitions in slope horizontal direction, junctions and change in pipe sizes shall be confined to manholes, catch basins, or other accessible structures designed for one or more of these purposes. In 48-inch pipelines and larger, vertical and horizontal deflections may be accomplished using 100-foot radius curves, or greater.
5. Inlet spacings shall not exceed 500 feet or a design inlet flow of six cubic feet per second, whichever condition shall be more stringent. Access manholes shall be spaced at 500 feet intervals (maximum) through rights-of-way and at sewer junctions where there are no catch basins.
6. "Dish" street intersections are not permissible. Sufficient catch basins shall be installed at each street intersection and at low points in the street grade to avoid gutter overflow.
7. Pipe used shall be circular reinforced concrete and laid with no less than two feet depth of cover over top of pipe.
8. Catch basins and manholes shall be constructed in accordance with New Jersey State Standard Specifications for Road and Bridge Construction, 1989 Edition. Casting curb head height shall be two inches greater than curb height specified. Castings shall conform to New Jersey State Standards.

9. Ends of pipe starting or terminating in an open ditch shall have suitable headwalls and rip-rap.

(f) Permissible design velocities (feet per second) in open channel shall be as follows:

Excavation Material	Velocity
Fine sand to firm loam	2.0 to 3.0
Stiff clay to hardpan	3.0 to 5.0
Concrete lined ditch	10

(g) Velocity shall be controlled by use of check drops and ditch banks shall be protected by use of vegetation and/or rip rap as design velocity dictates. Discharge flows shall be based upon the following Manning "n" values:

- .015— Best concrete lined ditch
- .025— Best unlined ditch
- .03 to .15—Fair to poor natural streams and water courses.

(h) If an alternative flow formula is used, discharge coefficients shall be equivalent to the Manning values specified in (g) above.

Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:5-7.11 Water supply and sewerage disposal systems

(a) Prior to on-site development each lot within a subdivision shall be served directly by public water supply and sewerage disposal systems.

(b) Such systems shall be connected to the municipal or regional system serving the area in which the subdivision is located and installed in accordance with the rules and regulations set by the appropriate State and local agencies and the Office of the Chief Engineer.

(c) Notwithstanding the above, the Office of the Chief Engineer may, upon application, issue a permit for the construction and operation of a temporary sewerage facility.

(d) Any such permit shall be valid for a period not to exceed six months and may be renewed upon application for additional periods of time, each period of time not to exceed six months.

(e) An application for a permit for the construction and operation of a temporary sewerage facility shall include:

1. A written statement by the governing body of the municipality that a connection to a public sewerage system cannot be made available to the applicant prior to the issuance of a certificate of occupancy;

2. A written statement from the New Jersey Department of Environmental Protection and Energy that the applicant's plans and specifications for construction and operation of the proposed temporary facilities are in accordance with the Department's requirements;

3. A written statement by the applicant of his willingness and ability to make connection with a public sewerage system when it is made available.

Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:5-7.12 Fill

Filling, excavation, regrading or surcharging of land shall be in accordance with N.J.A.C. 19:4-6.18(o).

Repeal and New Rule, R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).
Section was "Landfill".

19:5-7.13 Business, commercial and industrial subdivisions

(a) Notwithstanding the other provisions of this Chapter, the minimum width of streets adjacent to areas designed, proposed or zoned for business, commercial or industrial use may be increased by the Office of the Chief Engineer to such extent as it may deem necessary to assure the free flow of through traffic without interference from parked or parking motor vehicles.

(b) Blocks intended for business, commercial or industrial use shall be designed specifically for such purpose, with adequate space set aside for off-street parking and loading.

(c) The Office of the Chief Engineer may waive the platting of lots in a business, commercial or industrial subdivision provided the subdivider submits for its consideration and approval a plan for the development of the said business, commercial or industrial subdivision.

(d) When lots or blocks in a proposed business, commercial or industrial subdivision front on any limited access highway or arterial street, the subdivider may be required to dedicate and improve a service road to provide ingress and egress to and from such lots or blocks.

19:5-7.14 Coordination with constituent municipalities

(a) The Chapter shall not be deemed to supersede, modify, amend or otherwise invalidate the subdivision regulations of any constituent municipality, except to the extent provided by P.L. 1968. C. 404, Secs. 10(b) and 15(b).

(b) It shall be the policy of the Commission to consult with appropriate officials of the constituent municipalities, both generally and with respect to specific subdivision applications, in order to facilitate the effectuation of the District Master Plan and this Chapter, municipal subdivision standards and objectives and compliance by subdividers and developers of land within the District with District and municipal requirements.

SUBCHAPTER 8. INSTALLATION OF REQUIRED IMPROVEMENTS

19:5-8.1 Required improvements

(a) The subdivider of a proposed subdivision shall install, or provide for the installation of, the following facilities and improvements:

1. All roadways, curbs, gutters and street drainage facilities in accordance with the standards set by the Office of the Chief Engineer;

2. All sidewalks located within the public areas, in accordance with the standards set by the Office of the Chief Engineer;

3. A water supply system for each lot in the proposed subdivision in conformity with the requirements of the Office of the Chief Engineer. Such water supply systems shall be connected to the water system of the municipality in which the subdivision is located, taking into account the size of the water main at such point and the expected demand of the proposed subdivision. Where reasonably practicable, dead-end water mains shall be avoided;

4. Fire hydrants located and installed in accordance with the standards of the National Fire Protection Association;

5. A sanitary sewer system for each lot meeting the design standards set by the Office of the Chief Engineer. Such sanitary sewer system shall be connected to the municipal or regional system serving the area in which the subdivision is located at such point or points as the appropriate authorities shall determine, based upon the location and size of the sanitary sewer system in relation to the estimated flow of the system of the proposed subdivision;

6. A storm drainage system, separate and independent of the sanitary sewer system, meeting all of the design standards set by the Office of the Chief Engineer. Such system shall be connected to an existing adequately sized and compatible storm drainage system of the municipality in which the subdivision is located. If such connection is not available, other adequate means for evacuation of such storm waters shall be provided by the subdivider;

7. A street lighting system conforming with good practice and rules of the utility company making the installation and in accordance with the requirements of the Office of the Chief Engineer;

8. Street signs of such location, type and size as shall be approved by the Office of the Chief Engineer, giving due regard to the prevailing type, size and pattern of location utilized throughout the municipality in which the subdivision is located;

9. Landscaping of all public areas, proposed to be dedicated or conveyed for public use including the grading and seeding thereof, and the planting of trees meeting the requirements of the Office of the Chief Engineer;

10. Fill meeting the requirements set by the Office of the Chief Engineer;

11. Monuments of the size and shape as required by P.L. 1953, C. 358, Sec. 4, as amended, placed in accordance with said statute.

12. Every subdivision of 50 acres or more shall provide at least one set of coordinates corresponding to the New Jersey Coordinate system.

As amended, R.1972 d.109, effective June 5, 1972.

See: 4 N.J.R. 55(b), 4 N.J.R. 170(a).

Amended by R.1994 d.543, effective November 7, 1994.

See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:5-8.2 Exceptions for existing improvements

(a) Where the proposed subdivision is a resubdivision or concerns an area presently having any or all required improvements set out in N.J.A.C. 19:5-8.1, Required improvements and where such improvements meet the requirements of said Section, no further provision need be made by the subdividers to duplicate such improvements. However, where such existing improvements do not meet the requirements of N.J.A.C. 19:5-8.1, Required improvements, the subdivider shall repair, correct, or replace such improvements so that all improvements will then meet the aforesaid requirements of said section.

(b) Where the proposed subdivision is a resubdivision or concerns an area presently abutting or containing any existing public street having a right-of-way less than 50 feet in width or a roadway of less than 20 feet in width, land shall be dedicated so as to provide a minimum street width in accordance with the provisions of this Chapter, and the subdivider of such proposed subdivision shall provide an additional roadway pavement meeting the minimum standards set by the Office of the Chief Engineer. The Office of the Chief Engineer shall determine what adjustment to make where the aforesaid widenings merge with existing streets which are of smaller width at the boundary of such proposed subdivision and may require lanes to be painted on such widened streets designating driving and parking areas.

Amended by R.1994 d.543, effective November 7, 1994.

See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:5-8.3 Agreement, bond and deposit guaranteeing installation of required improvements

(a) Upon final approval of plans and specifications for required improvements, the subdivider of the land proposed to be subdivided shall enter into an agreement with the Office of the Chief Engineer under which the subdivider agrees to install such required improvements at his own expense in accordance with the theretofore approved plans and specifications, within the time prescribed by the provisions of this Chapter. Such agreement shall be conditioned upon the approval of the final plat of subdivision.

(b) Simultaneously with the execution of the agreement provided for in subsection (a) of this Section, the subdivider of the land proposed to be subdivided shall furnish a corporate completion bond, with good and sufficient sureties thereon, or a cashier's check, escrow account or irrevocable letter of credit in favor of the Commission in an amount equalling the estimated cost of all improvements plus 25 per cent as determined by the Office of the Chief Engineer and as adjusted in accordance with subsection (d) of this Section. Such bond shall be conditioned upon the approval of the final plat and further conditioned upon the actual completion and installation of such required improvements within three years from the date that the final plat is approved.

(c) Once the improvements are completed and accepted by the municipality, the subdivider shall furnish a maintenance bond for the benefit of the municipality within which the improvement is located, with sufficient surety in an amount of 15 percent of the sum of the corporate completion bond to maintain the required improvements against defective workmanship and material and inherent defects due to faulty workmanship for a period of 24 months from the date of the completion and acceptance of the required improvements by the municipality.

(d) In lieu of bonds to secure the aforementioned performance obligation, the subdivider may deposit cash in sums equal to the amounts that would otherwise be secured by said bonds; and upon failure of the subdivider to complete the required improvements in a manner satisfactory to the Office of the Chief Engineer said office may complete the required improvements, using the money so deposited, or so much thereof as is necessary for such purpose, returning the balance of the deposit, if any, to the subdivider.

(e) Anything in this Subchapter to the contrary notwithstanding, bonds, moneys or guarantees received by the Commission under this Subchapter shall not duplicate bonds, monies or guarantees required by the constituent municipalities for municipal purposes.

Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:5-8.4 Vacation of undeveloped subdivision

When no lots on a plat of subdivision have been sold, the subdivider may request the vacation of the plat prior to the time that the improvements covered by the bond are installed, and when such plat is vacated, the bond and escrow deposit shall be returned to the subdivider.

SUBCHAPTER 9. IMPROVEMENT PROCEDURES

19:5-9.1 Final improvement plans

(a) Upon the approval of a preliminary plat, the subdivider shall have prepared by a licensed professional engineer, engineering drawings for proposed required improvements containing the date and information specified in N.J.A.C. 19:5-9.2, Content of engineering drawings.

(b) Such drawings shall be certified by a licensed professional engineer, and shall be submitted in triplicate to the Office of the Chief Engineer at least 60 days prior to the date that the request for approval of the final plat is submitted.

Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:5-9.2 Content of engineering drawings

(a) Engineering drawings for required improvements shall contain the following data and information:

1. Plans, design details, specifications and cost estimates for street construction, including a center line profile and a grade line for each street with a typical cross-section of the roadway. The profiles of grade lines shall be shown to a scale of one inch equals 100 feet horizontal, and one inch equals ten feet vertical. This information shall be shown on standard plan and profile sheets;
2. Plans, design details, specifications and cost estimates of proposed storm drainage improvements. Design details shall include but not be limited to an analysis of drainage conditions and flows used in arriving at the final configuration of the proposed facilities;
3. Plans, design details, specifications and cost estimates of proposed water supply and distribution systems;
4. Plans, design details, specifications and cost estimates of sewage systems and of sewage treatment plans, if any;
5. Grading plans for all lots and other sites in the subdivision, lighting plans, street plantings and monument locations;
6. The Office of the Chief Engineer may require such additional backup information as may be necessary for an adequate review of the improvements to be installed.

Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:5-9.3 Review by Office of Chief Engineer

(a) The Office of the Chief Engineer shall review all engineering drawings in order to determine whether such drawings are consistent with the approved preliminary plat and comply with the design standards of N.J.A.C. 19:5-7.

(b) In the event that the drawings do not conform or comply, the Office of the Chief Engineer shall notify the subdivider of the specific manner in which such drawings do not so conform or comply, and the subdivider may then correct such drawings.

Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:5-9.4 Approval by Office of Chief Engineer

The Office of the Chief Engineer shall review and act upon the engineering drawings submitted to it at the time that it reviews and acts upon the final plat.

19:5-9.5 Construction of improvements

No improvements shall be constructed nor shall any work preliminary thereto be done until such time as a final plat and the engineering drawings accompanying it shall have been approved and there shall have been compliance with all of the requirements relating to an agreement, bond and deposit specified in N.J.A.C. 19:5-8.3, Agreement, bond and deposit guaranteeing installation of required improvements.

Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:5-9.6 Inspection

(a) All improvements constructed or erected shall be subject to inspection by the Office of the Chief Engineer.

(b) The cost attributable to all inspections required by this Chapter shall be charged to and paid by the subdivider in accordance with a fee schedule established by the Commission.

(c) Before any required inspections take place, the subdivider may be required to post a deposit with the Office of the Chief Engineer to cover the cost of such inspections.

(d) The subdivider shall give at least 48 hours written notification to the Office of the Chief Engineer prior to the performance of any of the following work:

1. The surfacing of any roadway or street;
2. The installation of any curbing or gutters;
3. The grading or backfilling of any open trench or excavation in which any utility facilities, including but not limited to water lines, sewer lines, gas lines, telephone lines and electrical cables, shall have been installed; and
4. The jointing of pipe installed under roadways.

19:5-9.7 Inspection procedures

(a) Within the 48-hour notice period specified in N.J.A.C. 19:5-9.6, Inspection, the Office of the Chief Engineer may conduct an on site inspection to determine that the proposed work complies with the engineering drawings.

(b) If, in the opinion of the Office of the Chief Engineer, such proposed work does not comply with such final drawings, said Office shall have authority to order that all such proposed work shall be terminated until such time as necessary steps are taken to correct any defects or deficiencies.

(c) Upon the correction of such defects or deficiencies, the subdivider shall again notify the Office of the Chief Engineer as provided in N.J.A.C. 19:5-9.6, Inspection.

Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:5-9.8 Final inspection

(a) Upon completion of all improvements within the area covered by the final plat, the subdivider shall so notify the Office of the Chief Engineer in writing by certified or registered mail, and shall deliver to the Office of the Chief Engineer two complete sets of engineering drawings showing as-built conditions of all improvements.

(b) The Office of the Chief Engineer shall thereupon conduct a final inspection of all improvements installed.

(c) If such final inspection indicates that there are any defects or deficiencies in any such improvements as installed, or if there are any deviations in such improvements as installed from the final engineering drawings, which defects will, in the opinion of the Office of the Chief Engineer, adversely affect the performance, suitability or desirability of said improvements, the said Office shall notify the subdivider in writing of such defects, deficiencies, or deviations and the subdivider shall, at his sole cost and expense, correct such defects or deviations within six months of the date of notification.

(d) When such defects, deficiencies or deviations have been corrected, the subdivider shall notify the Office of the Chief Engineer that the improvements are again ready for final inspection.

19:5-9.9 Certification of improvements

(a) If a final inspection indicates that all improvements as installed contain no defects, deficiencies, or deviations, within ten days from the completion of such inspection, the Office of the Chief Engineer shall certify to the applicant that all improvements have been installed in conformity with the engineering drawings accompanying the final plat.

(b) A copy of the certification shall be filed in the Office of the Chief Engineer.

(c) All improvements so certified shall become the property of the municipality in which the subdivision is located.

(d) Upon receipt of such notification, the applicant shall submit the 24 month maintenance bond specified in N.J.A.C. 19:5-8.3, Agreement, bond and deposit guaranteeing installation of required improvements.

Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

SUBCHAPTER 10. WAIVERS

19:5-10.1 Waivers based on unnecessary hardship; procedure

(a) In cases in which there is unnecessary hardship in carrying out the literal provisions of this Chapter, or where the literal enforcement of one or more of the regulations is impractical, whether because of a conflicting municipal requirement or otherwise, the Chief Engineer may grant waivers from such provisions.

(b) An application for a waiver shall be made in writing to the Office of the Chief Engineer.

(c) The Chief Engineer may authorize such waivers as will not be contrary to the interest of the public health, safety and welfare or the purposes of the Master Plan or applicable redevelopment plans for the District or this Chapter upon a demonstration by the subdivider or his agent that the literal enforcement of one or more of these regulations is impractical or will result in any unnecessary hardship.

(d) When used in this Subchapter, the term "unnecessary hardship" shall not mean a mere inconvenience.

(e) No municipal approval authority shall refuse to approve a subdivision application with respect to which a waiver has been granted under this Subchapter on the basis that the waiver is incompatible with the subdivision ordinance administered by the municipal approval authority.

(f) In granting waivers, the Chief Engineer may impose such conditions, safeguards and restrictions as will, in his judgment, be necessary to carry out the purposes, intent and objectives of the provisions of this Chapter.

(g) A copy of any waiver granted by the Chief Engineer shall be sent to the members of the Commission and to the municipalities involved for their respective information.

As amended, R.1971, d.137, effective August 11, 1971.
See: 3 N.J.R. 118(d), 3 N.J.R. 185(c).

SUBCHAPTER 11. FEES, PENALTIES AND ENFORCEMENT

19:5-11.1 Fees, penalties and enforcement

Fees, penalties and enforcement shall be in conformance with N.J.A.C. 19:4-6.24.

Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:5-11.2 (Reserved)

Repealed by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).
Section was "Penalties".

19:5-11.3 (Reserved)

Repealed by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).
Section was "Enforcement; civil actions".

19:5-11.4 Commission approval for subdivision filing

No plat of any subdivision subject to the provisions of this Chapter shall be accepted for filing by the county clerk or registrar of deeds and mortgages unless it bears the certification of approval of the Commission.

SUBCHAPTER 12. SEPARABILITY

19:5-12.1 General provisions

If any Subchapter, Section or subsection of this Chapter is invalidated by judicial decision, such decision shall not affect the remaining Subchapter, Section or subsection of this Chapter.