

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

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

**Source and Effective Date**

R.2004 d.76, effective February 17, 2004.  
See: 35 N.J.R. 4458(a), 36 N.J.R. 1033(a).

**Chapter Expiration Date**

Chapter 5, Subdivision Regulations, expires on February 17, 2009.

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

Pursuant to Executive Order No. 66(1978), Chapter 5, Subdivision Regulations, was readopted as R.1999 d.302, effective September 7, 1999. See: 31 N.J.R. 1167(a), 31 N.J.R. 2627(a).

Chapter 5, Subdivision Regulations, was readopted as R.2003 d.9, effective December 9, 2002. See: 34 N.J.R. 2539(a), 35 N.J.R. 258(a).

Chapter 5, Subdivision Regulations, was repealed and adopted as new rules by R.2005 d.76, effective February 17, 2004. 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 (District).

**SUBCHAPTER 2. PURPOSE****19:5-2.1 Purpose**

(a) This chapter specifies procedures, engineering and planning standards, rules and regulations in accordance with which the New Jersey Meadowlands Commission (NJMC) shall review and approve or disapprove applications for the subdivision of land within the District.

(b) This chapter serves the following purposes:

1. To provide for the comprehensive and orderly development of the District in accordance with the NJMC 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 ensure 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. To provide for the exercise of the powers regarding the review and regulation of subdivisions conferred upon the NJMC by N.J.S.A. 13:17-1 et seq.

### SUBCHAPTER 3. DEFINITIONS

#### 19:5-3.1 Words and phrases defined

(a) The words used in this chapter shall be as defined in N.J.A.C. 19:4-2.2, unless otherwise indicated in this section.

(b) The following words and terms, as used in this chapter, shall have the following meanings:

“Arterial street” means any street serving major traffic movements designed primarily as a traffic carrier that is part of a network of through streets, and that 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, railroad rights-of-way (ROWs), waterways, or adjoining properties.

“Collector street” means any street designed to gather traffic from local streets and connect with arterial streets.

“Cross walk” means a way across the street that is dedicated for public pedestrian access.

“Cul-de-sac” means a street having only one outlet and being permanently terminated by a vehicular turn-around at its terminus where vehicles may reverse direction without backing up.

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

“Expressway” means any divided street or highway with no direct access from abutting property, except at determined intersections with other ROWs located at intervals along the roadway.

“Final plat” means the final map of all or a portion of a subdivision meeting the requirements of N.J.A.C. 19:5-6.

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

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

“Limited access highway” means an expressway or freeway, as defined in this section.

“Local street” means any street designed to provide access to abutting property and carry local traffic.

“Lot, through” means a lot that fronts upon two parallel streets, or that fronts upon two streets that do not intersect at the boundaries of the lot.

“Major subdivision” means all subdivisions not classified as minor subdivisions or technical major subdivisions.

“Marginal access street” means a street generally parallel with and adjacent to a limited access highway or arterial street that provides access to abutting properties.

“Minor subdivision” means any subdivision containing not more than three lots.

“Minor subdivision plat” means the map of a minor subdivision meeting the requirements of N.J.A.C. 19:5-6.

“Municipal approval authority” means the body within any constituent municipality that is authorized to approve subdivision applications with respect to land within that municipality.

“Owner” means any individual, firm, association, syndicate, partnership or corporation having sufficient proprietary interest in the land sought to be subdivided to commence 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 meeting the requirements of N.J.A.C. 19:5-6.

“Resubdivision” means a subdivision involving the merger or other division of two or more lots, tracts or parcels of land into one or more lots.

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

"Street" means any existing municipal or county roadway, or a ROW shown upon a plat heretofore approved pursuant to law or approved by official action.

"Subdivider" means any individual, firm, association, syndicate, copartnership, corporation, trust or any other legal entity proceeding in accordance with these regulations to effect a subdivision of land.

"Subdivision" means the division of a lot, tract or parcel of land into two or more lots, sites or other divisions of land, except that divisions of property by testamentary or interstate provisions, or divisions of property pursuant to court order shall not be considered subdivisions within the meaning of this chapter, provided, however, that no new streets or roads are involved. Subdivision also includes resubdivision and, where appropriate to context, relates to the process of subdividing or to the lands or territory subdivided.

"Technical major subdivision" means a minor subdivision that meets the criteria of N.J.A.C. 19:5-5.3.

Amended by R.1994 d.543, effective November 7, 1994.  
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).  
Administrative change.  
See: 33 N.J.R. 3454(a).  
Administrative correction.  
See: 36 N.J.R. 1955(a).

## SUBCHAPTER 4. ADMINISTRATION

### 19:5-4.1 Administration

(a) The NJMC shall administer the provisions of this chapter and shall:

1. Maintain permanent and current records with respect to this chapter, including amendments thereto;
2. Receive all minor subdivision plats, sketch plats, preliminary plats, and final plats, together with applications therefor;
3. Review all minor subdivision plats, sketch plats, preliminary plats, and final plats to determine whether such plats comply with these regulations. In conjunction with the review of preliminary plats, the NJMC may hold a hearing if deemed necessary or if the appropriate authorities of the municipality in which the subdivision is located do not require a hearing. Notice and procedures of such hearing shall be governed by N.J.A.C. 19:4-4.16 and 4.17;

4. Approve, approve conditionally, or disapprove minor subdivision plats;

5. Approve, approve conditionally, or disapprove preliminary plats;

6. Approve or disapprove final plats;

7. 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 NJMC with respect to said final plat. If the NJMC, 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;

8. 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;

9. Make such other determinations and decisions as may be required by these regulations or by the Commission; and

10. Promulgate such rules as may be required to implement the provisions of this chapter.

### 19:5-4.2 Appeals

Whenever the NJMC approves, approves conditionally, or disapproves an application, in whole or in part, the applicant may appeal such action in accordance with N.J.A.C. 19:4-4.19.

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).

## SUBCHAPTER 5. PROCEDURE FOR APPROVAL OF SUBDIVISION PLATS

### 19:5-5.1 Application for subdivision

(a) All applications for subdivision shall be filed with the NJMC, and shall include the following:

1. A complete application form, signed by the applicant and the property owner, containing the following major components;
  - i. Applicant information;
  - ii. Property description, location, proposed subdivision, and ownership information; and
  - iii. Specification of whether a major or minor subdivision classification is requested;
2. The required sketch plat fee, in accordance with N.J.A.C. 19:4-11;

3. Two copies of the proposed sketch plat prepared in accordance with these regulations and filed with the municipal approval authority; and

4. Such additional information and documents as may be required by N.J.A.C. 19:5-6.

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 Classification of subdivision

(a) Within 15 days after the receipt of a complete application in accordance with N.J.A.C. 19:5-5.1, the NJMC shall classify the proposed subdivision as a minor, technical major or major subdivision and shall notify the applicant in writing of the subdivision classification.

(b) If classified as a minor subdivision, the minor subdivision plat shall meet the requirements of N.J.A.C. 19:5-6.2, and shall be reviewed in accordance with N.J.A.C. 19:5-5.4.

(c) If classified as a technical major subdivision in accordance with N.J.A.C. 19:5-5.3, the subdivision plat shall meet the requirements of N.J.A.C. 19:5-6.2, and shall be reviewed in accordance with N.J.A.C. 19:5-5.4.

(d) If classified as a major subdivision, a notation to that effect shall be affixed on the plat by the Chief Engineer, which shall be returned to the applicant for compliance with N.J.A.C. 19:5-5.5 through 5.9.

#### 19:5-5.3 Technical major subdivision

(a) Minor subdivisions shall be considered a technical major subdivision when the proposed subdivision results in the following:

1. A new public or private street;
2. No frontage on an improved public or private street;
3. The extension of municipal facilities;
4. A variance from any zoning regulation of N.J.A.C. 19:4;
5. An adverse effect on the development of the remainder of the parcel or adjoining property; or
6. A conflict with any provision or portion of the NJMC Master Plan or any NJMC redevelopment plan.

(b) Technical major subdivisions shall require a public hearing in accordance with N.J.A.C. 19:4-4.17.

1. Any proposed variance from the zoning regulations of N.J.A.C. 19:4 or the requirements of an NJMC redevelopment plan shall be evaluated by the criteria listed in N.J.A.C. 19:4-4.14.

(c) Technical major subdivisions shall be reviewed in accordance with the minor subdivision procedures of N.J.A.C. 19:5-5.4, and the contents of plats shall be in accordance with N.J.A.C. 19:5-6.2.

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 Minor subdivision procedure

(a) Within 45 days after the receipt of the proposed minor subdivision plat, the Chief Engineer shall review the plat and either:

1. Notify the applicant in writing that the minor subdivision plat will be approved upon submission of one original mylar and 10 copies of the minor subdivision plat, and the required minor subdivision fee pursuant to N.J.A.C. 19:4-11; or

2. Notify the applicant in writing of the reasons why the minor subdivision plat cannot be approved.

(b) If the minor subdivision plat is approved, the Secretary shall affix the seal of the Commission on the face of the plat.

(c) A copy of the approved minor subdivision plat shall be forwarded to the municipal approval authority and to the applicant within one week.

(d) No further approval of the NJMC shall be required respecting the minor subdivision, provided that a deed description or plat map drawn in compliance with the New Jersey Map Filing Law, N.J.S.A. 46:23-9.9 et seq., shall be filed by the applicant in the appropriate county recorder's office in accordance with N.J.A.C. 19:5-5.9 within the timeline established by the municipal approval authority. The applicant shall forward to the NJMC a copy of any time extensions granted by the municipal approval authority. Proof of the recording of the subdivision shall be submitted to the NJMC.

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 Major subdivision procedure

(a) Upon classification of a proposed subdivision as a major subdivision, the applicant shall submit an application for preliminary plat approval in accordance with N.J.A.C. 19:5-5.6.

(b) If preliminary plat approval is issued by the NJMC, the applicant shall file an application for final plat approval with the NJMC in accordance with N.J.A.C. 19:5-5.7.

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 Preliminary plat procedure**

(a) The applicant shall file an application for preliminary plat approval with the NJMC within 18 months after the submission of the sketch plat pertaining to the preliminary plat and within five days of submitting an application for preliminary plat approval to the municipal approval authority.

(b) Applications for preliminary plat approval shall include the following:

1. A complete application form, signed by the applicant and the property owner, containing the following major components:
  - i. Applicant information;
  - ii. Property description, location, proposed subdivision, and ownership information; and
  - iii. Specification of whether a major or minor subdivision classification is requested;
2. The required preliminary plat fee, in accordance with N.J.A.C. 19:4-11;
3. Ten copies of the proposed preliminary plat prepared in accordance with this chapter; and
4. Such additional information and documents as may be required by N.J.A.C. 19:5-7.

(c) Upon receipt of a complete application for preliminary plat approval, the NJMC shall:

1. Review the preliminary plat and the reports and recommendations of the municipal approval authority and other agencies having jurisdiction;
2. Hold a public hearing on the preliminary plat in accordance with N.J.A.C. 19:4-4.17; and
3. Determine, based on the record of the hearing and the documentation submitted, whether the preliminary plat meets the provisions of the NJMC Master Plan, any applicable NJMC redevelopment plan, and this chapter.

(d) If the considerations of (c) above are satisfied, the Chief Engineer shall approve the preliminary plat.

(e) If the Chief Engineer determines that the preliminary plat does not satisfy the considerations of (c) above:

1. The Chief Engineer may suggest modifications to the plat. In such event:
  - i. The applicant may amend the preliminary plat in accordance with the modifications suggested by the Chief Engineer and resubmit the plat. If the amended plat is deemed to satisfy the considerations of (c) above, the Chief Engineer shall approve same; or
  - ii. The applicant may reject the suggested modifications, or, within the time allowed for action by 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 Chief Engineer shall notify the applicant in accordance with (f) below.

2. If the Chief Engineer determines that the preliminary plat does not satisfy the considerations of (c) above and that modifications would be too extensive or impracticable, the Chief Engineer shall disapprove the preliminary plat and notify the applicant in accordance with (f) below.

(f) If the preliminary plat is disapproved, within 10 days thereof, the Chief Engineer shall notify the applicant in writing of the reasons for disapproval.

(g) If the preliminary plat is approved by the Chief Engineer, a notation to that effect shall be affixed on the plat by the Chief Engineer and transmit copies to the applicant and the municipal approval authority. If the preliminary plat is approved with modifications, the applicant shall resubmit a preliminary plat incorporating the modifications to the NJMC within 90 days of the date of such approval.

(h) The foregoing provisions to the contrary notwithstanding, 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 applicant has submitted the last item of required data, whichever date is later, unless such time is extended by mutual consent.

(i) If the NJMC fails to proceed with review of the preliminary plat within 45 days of the date of receipt of a complete application in accordance with (b) above, such preliminary plat shall be deemed to have been approved unless the applicant shall have consented to extend or waive such time limitation.

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

1. The general terms and conditions upon which the preliminary approval was granted will not be changed; and
2. The applicant may submit on or before the expiration date the whole or part(s) of said plat for final approval.

(k) If a final plat is not submitted to the NJMC within such three-year period, the preliminary plat and appropriate fee shall be resubmitted to the NJMC as if such plat had never been approved.

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 Final plat procedure**

(a) The applicant shall file an application for final plat approval with the NJMC within three years from the date of preliminary plat approval and within five days of submitting an application for final plat approval to the municipal approval authority.

(b) Applications for final plat approval shall include the following:

1. A complete application form, signed by the applicant and the property owner, containing the following major components:

- i. Applicant information;
  - ii. Property description, location, proposed subdivision, and ownership information; and
  - iii. Specification of whether a major or minor subdivision classification is requested;
2. The required final plat fee, in accordance with N.J.A.C. 19:4-11;

3. Ten copies and one original mylar of the proposed final plat prepared in accordance with these regulations; and

4. Such additional information and documents as may be required by N.J.A.C. 19:5-7.

(c) The Chief Engineer shall review and approve or disapprove the final plat within 45 days after receipt of a complete application for final plat approval. Upon mutual agreement among the NJMC, the municipal approval authority, and the applicant, the 45-day period shall be extended for an additional 45-day period.

(d) The Chief Engineer shall approve a final plat in accordance with the following:

1. The final plat shall be substantially the same as the approved preliminary plat;
2. The final plat shall comply with any conditions of the approval of the preliminary plat; and
3. The final plat shall comply with all NJMC regulations and other applicable requirements.

(e) If 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 applicant.

(f) If the Chief Engineer disapproves the final plat, the Chief Engineer shall notify the applicant in writing of the reasons for such disapproval within 10 days of such decision.

(g) If the Chief Engineer has taken no action to approve or disapprove the final plat within the required time period, the Secretary shall, at the request of the applicant, certify such fact upon the final plat submitted and transmit the final plat to the municipal approval authority. Such certification shall be sufficient authorization for further action by the municipal approval authority and filing with the appropriate county recording officer.

(h) The approved final plat shall be filed by the applicant in the appropriate county recorder's office in accordance with N.J.A.C. 19:5-5.9 within the timeline established by the municipal approval authority. The applicant shall forward to the NJMC a copy of any time extensions granted by the municipal approval authority. Proof of the recording of the subdivision shall be submitted to the NJMC.

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 Other approvals**

(a) No zoning certificate or occupancy certificate shall be issued by the NJMC or other agency having jurisdiction for a new building or structure on any lot of any subdivision that is subject to the provisions of this chapter until the minor subdivision plat, minor subdivision deed, or final plat of a major subdivision bearing the certification of approval of the Commission has been recorded by the appropriate county recording officer, and proof of such recording is submitted in writing to the NJMC.

(b) No such permits or certificates shall be issued until there has been compliance with these regulations, including the approval of engineering drawings for required improvements and the submission of performance guarantees to ensure the completion of such improvements.

**19:5-5.9 Commission approval for subdivision filing**

No plat of any subdivision subject to the provisions of this chapter shall be accepted for filing by the appropriate county recording officer unless it bears the certification of approval of the Commission.

**SUBCHAPTER 6. CONTENTS OF PLATS****19:5-6.1 Sketch plat contents**

(a) The sketch plat shall be prepared by a New Jersey-licensed professional land surveyor (PLS).

(b) Such plat shall be drawn at a scale sufficient to show the entire tract on one sheet, but in no case shall such scale be less than one inch equal to 200 feet.

(c) The sketch plat shall include the following information:

1. The name and address of the property owner, applicant, and person preparing plat;
  2. The names of all adjoining property owners as shown by the most recent municipal tax records;
  3. A key map showing the entire subdivision and its relation to surrounding areas;
  4. The date, north point, reference meridian, and graphic scale of plat;
  5. The existing and proposed tax map sheet, block and lot number;
  6. The existing and proposed property lines showing bearings and distances;
  7. The acreage of the entire parcel to be subdivided;
  8. The area in square feet of all lots to be created;
  9. A zoning summary table pursuant to N.J.A.C. 19:4-4.4;
  10. The location of the lots to be created in relation to the entire tract;
  11. Existing easements in the area to be subdivided and within 200 feet thereof, showing location, width and purpose;
  12. All existing structures within the portion to be subdivided and within 200 feet thereof;
  13. Existing streets and railroads in the area to be subdivided and within 200 feet of the subdivision with ROWs clearly indicated;
  14. All proposed streets and utilities within and adjoining the proposed subdivision with all ROWs and easements clearly indicated;
  15. All natural and artificial watercourses, streams, shorelines, and water boundaries and encroachment lines; and
  16. All areas claimed by the State of New Jersey as riparian, now or formerly, including any grants or leases.
- (d) The sketch plat shall also include or be accompanied by the following information:
1. A topographic survey including the following:
    - i. Utility facilities (both overhead and underground) on and adjacent to the area to be subdivided, including location, type and size;
    - ii. The location of environmentally sensitive areas, such as wetlands, and the location, extent and direction of flow of all watercourses, drainage structures and drainage ditches in the area to be subdivided and within 200 feet thereof;

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

iv. Spot ground elevations in the subdivision and within 200 feet thereof, of adequate density to determine the general slope and drainage of the area and high and low points;

2. A certificate signed and acknowledged by all parties having record title or interest in the land to be subdivided, and consenting to the preparation and recording of said subdivision map;

3. A statement of any existing and proposed protective or restrictive covenants, or other restrictions if any;

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

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

6. A statement of the type and scope of any development proposed for the area to be subdivided.

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 Minor subdivision plat contents

The contents of a minor subdivision plat shall be in accordance with N.J.A.C. 19:5-6.1, and the requirements of the New Jersey Map Filing Law, N.J.S.A. 46:23-9.9 et seq.

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

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

Administrative change.

See: 33 N.J.R. 3454(a).

#### 19:5-6.3 Preliminary plat contents

(a) The preliminary plat shall be prepared by a New Jersey-licensed professional land surveyor (PLS).

(b) Such plat shall be drawn at a scale of no less than one inch equal to 100 feet.

(c) The preliminary plat shall include or be accompanied by the following information:

1. The proposed name of the subdivision, which shall not duplicate or resemble the name of any existing subdivision within the District;

2. The name and address of the property owner(s), the applicant, and the person preparing the preliminary plat;

3. The names of all adjoining property owners, as shown on the most recent municipal tax records;

4. A key map showing the entire subdivision and its relation to surrounding areas;
5. The date, north point, reference meridian and scale of drawing;
6. The tax map sheet, block and lot number;
7. The date of the topographic survey;
8. The location of existing and proposed property lines showing bearings and distances;
9. The acreage of tract(s) to be subdivided accurate to the nearest hundredth of an acre;
10. The location of existing and proposed building setback lines, existing buildings and structures with an indication of whether they will be retained and the location and extent of environmentally sensitive areas, such as wetlands;
11. Details of proposed streets, including:
  - i. Profiles, cross-sections, alignments, drainage provisions, and ROWs of existing and proposed streets and highways within and abutting the subdivision;
  - ii. Street and highway names and/or route numbers;
  - iii. The type and width of pavement and location of curbs, sidewalks, and shade tree planting strips, on cross-sections;
  - iv. Line-of-sight triangles and curb radii; and
  - v. Detailed foundation conditions, pavement designs, design criteria and assumptions;
12. Alignment data for all ROWs, easements, tract boundary lines, lot lines, and street centerlines;
13. The recorded reference of all easements. If an easement is not recorded, a statement describing such easement shall be included. The width, length, bearings and sufficient ties to locate the easement with respect to the subdivision shall be shown;
14. The location and description of all monuments;
15. Topographic contours 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 Coastal and Geodetic Survey datum;
16. All existing watercourses shall be shown and accompanied by the following information:
  - i. When a watercourse is proposed to be altered, improved, or relocated, or when a drainage structure is proposed on a stream with a drainage area of one-half square mile or greater, evidence of submission of the appropriate applications to the NJDEP;
  - ii. Cross-sections of watercourses showing extent of floodway, if defined, top of bank, mean high water level and bottom elevations at the following locations:
    - (1) At any point where a watercourse 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 watercourses; and
    - (4) At a maximum of 500-foot intervals along all watercourses which run through or adjacent to the subdivision for an exterior distance of 500-feet upstream and downstream of the subdivision boundary;
  - iii. When a watercourse is proposed to be altered, improved, or relocated, a plan showing the method of stabilizing slopes and measures to control erosion and siltation during construction; and
  - iv. The boundaries of the floodplains of all watercourses within or adjacent to the subdivision, if defined;
17. The total upstream tributary area of any watercourse running through or adjacent to the subdivision. Point of reference shall be that point where the watercourse first contacts the subdivision;
18. The total upstream tributary area of a watercourse running through or adjacent to the subdivision at the nearest downstream drainage structure, and the acreage in the subdivision which drains to the structure;
19. The location and extent of drainage and conservation easements;
20. The location, extent and water level elevation of all existing or proposed lakes or ponds within or adjacent to the subdivision;
21. Stormwater management systems including 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 inlets and structures;
  - ii. All existing and proposed drainage ditches within or adjacent to the subdivision showing typical cross-sections, capacity, direction of flow, and slope;
  - iii. Proposed retention or detention basins; and
  - iv. Design data and calculations;
22. Existing and proposed sanitary sewerage facilities serving the subdivision, including 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. Design data and calculations; and
  - iv. Proof of submittal to other governmental entities having jurisdiction;
23. Existing and proposed water distribution systems serving the subdivision, including the following:
- i. The location, size and capacity of water mains;
  - ii. The location of fire hydrants;
  - iii. The source of supply, points of connection, and supply capacities at such points;
  - iv. The location of any proposed water treatment plants;
  - v. Design data and calculations; and
  - vi. Proof of submittal to other governmental entities having jurisdiction;
24. The location of existing and proposed utilities, both underground and overhead, and associated easements;
25. Delineation of all areas containing fill and detailed information concerning the material encountered, including the following:
- i. The depth and type of material involved;
  - ii. The age of fill;
  - iii. The state of decomposition;
  - iv. Residual settlements to be expected;
  - v. Combustible gas-forming potential;
  - vi. The depth to water table; and
  - vii. In all such areas where construction of roadways, paved areas, utilities and other facilities is proposed, additional data including the following shall be submitted:
    - (1) Any specialized construction methods to be used in areas containing fill;
    - (2) Design precautions to be taken to ensure that residual post-construction settlements will not adversely affect the appearance or structural integrity of any proposed facilities; and
    - (3) Method to be employed in eliminating the build-up of combustible gases where such a potential exists;
26. Identification of lands to be dedicated or reserved for any purpose, public or private, to be distinguished from lots or tracts intended for sale; and
27. A copy of any protective covenants or deed restrictions applying to the land to be subdivided.

**19:5-6.4 Final plat contents**

- (a) The final plat shall be prepared by a New Jersey-licensed professional land surveyor (PLS).
- (b) The final plat shall be in compliance with the New Jersey Map Filing Law, N.J.S.A. 46:23-9.9 et seq.
- (c) The final plat shall be drawn at a scale of no less than one inch equal to 100 feet.
- (d) The final plat shall include or be accompanied by the following information:
- 1. A legal description of tract boundaries;
  - 2. The block and lot numbers as assigned by the municipal tax official;
  - 3. The 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; and
    - ii. A certificate signed and sealed by a New Jersey-licensed Professional Land Surveyor responsible for the survey and final plat certifying the accuracy of the details;
  - 5. 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, the land shall be submitted. The written consent of all such persons shall be required;
  - 6. Plans 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 plat; and
    - iii. Ties to existing monuments, proposed monuments, adjacent subdivisions and street corners; and
  - 7. Evidence of approval by other governmental entities having jurisdiction over the proposed improvements.

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).

SUBCHAPTER 7. DESIGN STANDARDS

19:5-7.1 Scope

All subdivisions subject to this chapter shall conform to the design standards contained or referred to in this chapter.

19:5-7.2 NJMC Master Plan or applicable redevelopment plans

No subdivision shall conflict with the NJMC 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 any use that would be incompatible with such flooding or drainage characteristics.

(b) If the subdivider or owner of land that is subject to periodic flooding or that has inadequate drainage agrees to install at his own expense improvements meeting the standards and requirements of the NJMC and designed in such a manner so as to render such land suitable for the intended use, then the provisions of (a) above 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 Streets layout and design

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

(b) The arrangement, character, extent, width, grade and location of all streets shall conform to the NJMC Master Plan and any applicable redevelopment plan of the District, and shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and in appropriate relation to the proposed uses of the land to be served. 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 approved or adopted by the Commission to meet a particular situation.

(c) Local streets shall be designed to minimize use by through traffic.

(d) If a subdivision abuts or contains an existing or proposed limited access highway or arterial street, the NJMC may require design features to buffer residential properties and separate through and local traffic.

(e) If a subdivision borders or contains a railroad ROW or a limited access highway, the NJMC may require a street approximately parallel to and on each side of such ROW, 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 other districts. Such distances shall be determined with regard for the requirements of approach grades and future grade separations.

(f) Reserve strips controlling access to streets shall be dedicated to the governmental entity with jurisdiction over such streets.

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

(h) A tangent measuring a minimum of 100 feet in length shall be introduced between reverse curves on arterial and collector streets.

(i) Streets shall be designed to provide for the following minimum horizontal sight distances on all curves, measured within street ROW's from a height of four feet above the proposed pavement surface in the right-hand lane:

1. Local streets: 250 feet;
2. Collector streets: 350 feet; and
3. Arterial streets: 500 feet.

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

(k) Street ROW widths shall be as shown in the NJMC Master Plan and any applicable redevelopment plan of the District, and where not shown therein, shall not be less than the widths listed in Table 5-1 below:

Table 5-1

Street ROW Widths

Street Type	ROW
Arterial	100 feet, except that 150 feet of ROW shall be required within 350 feet from the intersection of the center line of an arterial street with any other arterial or collector street
Collector	80 feet
Local, residential areas	50 feet
Local, 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, where the NJMC 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 ROW 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 NJMC.

(o) Street grades, wherever feasible, shall not exceed the grades in Table 5-2 below with allowance for reasonable vertical curves:

Table 5-2

Street Grades

Street type	Percent grade
Arterial	3%
Collector	4%
Local	5%
Marginal access streets	5%

(p) No street grade shall be less than one-half of one percent. A greater percentage of grade may be required, however, where necessary to provide adequate drainage.

(q) The following minimum curb radii listed in Table 5-3 below shall be provided at intersections:

Table 5-3

Minimum Curb Radii

Type of Street	Intersecting with	Minimum curb radii
Local Residential	Local Residential	20 feet
Local Residential	Collector	30 feet
Local Residential	Arterial	30 feet
Collector (commercial or industrial) or Arterial	Collector (commercial or industrial) or Arterial	50 feet

(r) In addition to the required ROW widths described in this section, a line-of-sight triangle shall be provided and maintained in accordance with N.J.A.C. 19:4-8.5, and the portion of the line-of-sight triangle outside the ROW shall be dedicated as an easement if required by the governmental entity(s) with jurisdiction over the ROW(s).

(s) The subdivider shall conform with local standards for street pavement thickness and width.

(t) The subdivider shall provide appropriate street signage and traffic control devices as may be required by, and in accordance with the requirements of, the NJMC and the governmental entity with jurisdiction over the ROW.

(u) The subdivider shall provide appropriate street lighting as may be required by, and in accordance with the requirements of, the NJMC, the appropriate utility compa-

ny, and the governmental entity with jurisdiction over the ROW.

Amended by R.1994 d.543, effective November 7, 1994.  
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).  
Administrative correction.  
See: 36 N.J.R. 1955(a).

19:5-7.5 Blocks

(a) The length, width, and shape of blocks shall be determined with regard to the following:

1. Provision of adequate building sites suitable for the needs of the proposed use;
2. Lot size requirements, in accordance with N.J.A.C. 19:4-5;
3. Convenient access, circulation, control, and safety of street traffic; and
4. Topographical conditions.

(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 adjacent layout or topographical conditions justify otherwise.

(c) Blocks may be irregular in shape, provided they are consistent with the overall pattern of blocks in the proposed subdivision.

(d) In blocks of 800 feet or more in length, a walkway may be required to provide pedestrian access to public or private facilities. Such walkway shall have a minimum ROW width of 10 feet and shall extend entirely across such block. A sidewalk shall be placed along the length of such ROW and shall comply with N.J.A.C. 19:4-8.12 and 8.13.

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 Lots

(a) The lot size, width, depth, shape, and orientation shall be appropriate for the development.

(b) Lot size requirements shall conform to N.J.A.C. 19:4-5.

(c) Where lots front upon a cul-de-sac or curved street having a radius of 200 feet or less, the minimum lot widths required in N.J.A.C. 19:4-5 shall be measured at the building setback line along an arc parallel to the ROW of such cul-de-sac or curved street. Such lots shall be designed so that their frontage, as measured on the arc of such ROW line, is not less than 50 percent of the required lot width measured at the building setback line.

(d) The area of the street ROW shall not be included and calculated in the area of the lot with respect to minimum lot size requirements of N.J.A.C. 19:4-5.

(e) There shall be no through lots except where the lots **abut a limited access highway** or arterial street or where the topography of the land prevents reasonable subdivision. There shall be no vehicular access between such through lot and an abutting limited access highway or arterial street. Through lots abutting such highway or street shall have an additional depth of 10 feet from the required depth to provide screening between the lot and such highway or street.

(f) 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 proposed use and development.

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

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 Easements**

(a) Utility easements shall be provided where necessary, and shall be of adequate width as required by the utility company with jurisdiction.

(b) A stormwater easement or drainage ROW shall be provided if a subdivision is traversed by a watercourse or drainage way. Such easement or ROW shall conform substantially to the lines of such watercourse.

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 Drainage**

(a) Each subdivision submitted shall be reviewed by the NJMC to ensure the adequacy of all drainage provisions proposed within said subdivision and that potential adverse drainage conditions on all adjoining property resulting from such development have been addressed appropriately.

(b) Drainage systems shall be designed in accordance with N.J.A.C. 19:4-8.6.

(c) In addition to the requirements of N.J.A.C. 19:4-8.6, the following shall apply to drainage systems in proposed ROWs and subdivision drainage easements:

1. All pipeline and open channel drainage systems shall be designed to convey the maximum discharge commensurate with design.

2. Pipes shall be considered "flowing full" at maximum capacity.

3. Minimum design velocity of "flowing full" condition for drainage piping shall be two feet per second, or as otherwise approved on a case-by-case basis by the NJMC.

4. For drainage systems utilizing pipes that are 48-inch pipelines and larger, vertical and horizontal deflections may utilize 100-foot, or greater, radius curves.

5. The spacing between inlets 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 a maximum of 500 feet intervals through ROWs and at pipe junctions where there are no catch basins.

6. "Dish" street intersections shall not be permitted. Sufficient catch basins shall be installed at street intersections and low points in the street to avoid gutter overflow.

7. Reinforced concrete pipe shall be utilized in ROWs and shall have appropriate cover for the design load proposed.

8. Catch basins and manholes shall be constructed in accordance with New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, 2001 Edition, incorporated herein by reference, as amended and supplemented, which can be obtained from the New Jersey Department of Transportation, 1035 Parkway Avenue, PO Box 600, Trenton, NJ 08625-0600. Castings shall conform to NJDOT Standard Specification for Road and Bridge Construction.

9. Permissible design velocities in open channels shall be as follows:

Table 5-4

Permissible Design Velocities in Open Channels

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

10. Channel and ditch banks shall be protected by use of vegetation and/or rip rap as design velocity dictates.

11. The minimum Manning's roughness coefficient "n," used in the Manning's equation listed in N.J.A.C. 19:4-8.6(b)4i, shall be as follows for the calculation of discharge flows in open channels:

Table 5-5

Minimum Manning's Roughness Coefficient "n" Used in the Calculation of Discharge Flows in Open Channels

Channel Type and Condition	Manning's "n"
Concrete lined ditch—good condition	0.013
Unlined ditch—good condition	0.025
Natural streams and watercourses—fair to poor condition	0.030 to 0.150

12. If an alternative flow formula is used, discharge coefficients shall be equivalent to the Manning's roughness coefficient "n" specified in (c)11 above.

Administrative correction.  
See: 36 N.J.R. 1955(a).

**19:5-7.9 Water supply and sewerage disposal systems**

(a) The applicant shall provide written proof from the water company serving the subdivision that the development therein will be adequately served by public water supply.

(b) The applicant shall provide written proof from the appropriate sewerage authority serving the subdivision that the development therein will be adequately served by a central sewerage system in accordance with N.J.A.C. 19:4-7.9.

**19:5-7.10 Fill**

Filling, excavation, regrading, or surcharging of land shall be in accordance with N.J.A.C. 19:4-8.16.

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 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 uses may be required to be increased to such width deemed necessary by the NJMC to ensure the free flow of through-traffic without interference from parked or parking motor vehicles.

(b) Blocks intended for business, commercial, or industrial uses shall be designed specifically for such purpose, including sufficient space for off-street parking and loading required by these regulations.

(c) When blocks or lots in a proposed business, commercial, or industrial subdivision front on a 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 blocks or lots.

Amended by R.1994 d.543, effective November 7, 1994.  
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).  
Administrative change.  
See: 33 N.J.R. 3454(a).

**19:5-7.12 Coordination with constituent municipalities**

(a) This 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 N.J.S.A. 13:17-11(b) and 16(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 NJMC Master Plan and these regulations; municipal subdivision standards and objectives; and, compliance by applicants and developers of land within the District with NJMC and municipal requirements.

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".

**SUBCHAPTER 8. INSTALLATION OF REQUIRED IMPROVEMENTS****19:5-8.1 Final improvement plans**

(a) Upon the approval of a preliminary plat, the applicant shall submit engineering drawings for the improvements required in N.J.A.C. 19:5-8.2, in accordance with the following:

1. Such drawings shall be submitted in triplicate to the NJMC a minimum of 60 days prior to the date of the submission of the application for final plat approval.
2. Such drawings shall be prepared, signed, and sealed by a New Jersey-licensed professional engineer.
3. Such drawings shall contain the following:
  - i. 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 at a scale of one inch equal to 100 feet horizontal, and one inch equal to 10 feet vertical. This information shall be shown on standard plan and profile sheets;
  - ii. Plans, design details, specifications, calculations, and cost estimates of proposed stormwater management facility improvements;
  - iii. Plans, design details, specifications and cost estimates of proposed water supply and distribution systems;
  - iv. Plans, design details, specifications and cost estimates of sanitary sewerage systems, including treatment plants;
  - v. Grading plans, lighting plans, street plantings and monument locations; and
  - vi. Such other information as may be required by the NJMC deemed necessary for the review of the improvements.

(b) The NJMC 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.

(c) In the event that the engineering drawings are not consistent with the approved preliminary plat or do not comply with the design standards of N.J.A.C. 19:5-7, the Chief Engineer shall notify the applicant in writing of the

reasons why such drawings are inconsistent or do not comply. The applicant shall then correct such drawings.

(d) The Chief Engineer shall act upon the engineering drawings submitted to the NJMC at the same time or prior to the time that the Chief Engineer acts upon the final plat.

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 Required improvements

(a) The subdivider shall install, or provide for the installation of, the following, in accordance with this chapter:

1. All roadways, curbs, gutters, and street drainage facilities;
2. All sidewalks located within public areas;
3. A water supply system, including fire hydrants;
4. A sanitary sewer system;
5. A stormwater management system;
6. A street lighting system;
7. Street signage and traffic control devices;
8. Landscaping of public areas; and
9. Monuments, as required by the New Jersey Map Filing Law, N.J.S.A. 46:23-9.9 et seq.

(b) Every subdivision of 10 acres or more shall provide at least one set of coordinates corresponding to the New Jersey Plane Coordinate System. The New Jersey Plane Coordinate System is a system of plane coordinates as required by N.J.S.A. 51:3-7.

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 Exceptions for existing improvements

(a) Where the proposed subdivision is a resubdivision or concerns an improved area, and where such improvements meet the requirements of N.J.A.C. 19:5-8.2, no duplication of improvements will be required. However, where any improvement required in N.J.A.C. 19:5-8.2 is not provided, or where the existing improvements do not conform to N.J.A.C. 19:5-8.2, the subdivider shall repair, correct, or replace such improvements in accordance with this chapter.

(b) Where the proposed subdivision concerns an area presently abutting or containing any existing public street having a ROW width of less than the width required in N.J.A.C. 19:5-7.5(k), or a roadway pavement width of less than 20 feet, land may be required to be dedicated to provide the minimum width required in this chapter. The subdivider shall provide the necessary additional roadway pavement required by the governmental entity with jurisdiction. Where the proposed widened roadway connects with existing streets, the connection shall be appropriately designed, subject to the approval of the NJMC and the governmental entity with jurisdiction.

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 Guarantee of installation of required improvements

(a) After approval of the engineering drawings per N.J.A.C. 19:5-8.1 regarding required improvements, the subdivider shall enter into an agreement with the NJMC under which the subdivider agrees to install the required improvements at his own expense in accordance with the approved plans, within the time proscribed by the provisions of this chapter. Such agreement shall be conditioned upon the approval of the final plat.

(b) Simultaneously with the execution of the agreement provided for in (a) above, the subdivider shall furnish a performance guarantee, with sufficient sureties thereon, or a cashier's check, escrow account, irrevocable letter of credit, or cash in favor of the NJMC in an amount equaling 120 percent of the estimated cost of all improvements, as approved by the NJMC. Such guarantee 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) Upon failure of the subdivider to complete the required improvements in a manner satisfactory to the NJMC, the required improvements may be completed using the performance guarantee. Any remaining balance of cash or escrow funds shall be returned to the subdivider.

(d) Upon completion of the required improvements and acceptance 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 guarantee in (b) above, to warrant the required improvements against defective material and faulty workmanship for a period of 24 months from the date of the completion and acceptance of the required improvements by the municipality.

(e) Anything in this subchapter to the contrary notwithstanding, guarantees received by the NJMC herein shall not duplicate guarantees required by the constituent municipalities for municipal purposes.

### 19:5-8.5 Construction of improvements

No improvement shall be constructed, nor shall any work preliminary thereto be done, until such time as a final plat and the associated engineering drawings have been approved and compliance with all of the requirements relating to the agreement and guarantee required in N.J.A.C. 19:5-8.4 has been demonstrated.

**19:5-8.6 Vacation of undeveloped subdivision**

The subdivider may request the vacation of the plat prior to the time that the improvements covered by the bond are installed, provided that no individual lots within the subdivision have been sold. When such plat is vacated, the guarantee shall be returned to the subdivider.

**19:5-8.7 Inspection**

(a) All improvements constructed shall be subject to inspection by the NJMC.

(b) The cost attributable to all inspections required by this chapter shall be borne by the applicant in accordance with the fee schedule in N.J.A.C. 19:4-11.3. The fee shall be paid prior to the commencement of construction of improvements.

(c) The applicant shall provide written notification to the NJMC a minimum of 48 hours prior to the performance of any of the following work:

1. The surfacing of any roadway;
2. The installation of any curbing;
3. The grading or backfilling of any open trench or excavation in which any utilities have been installed, including water, sewer, stormwater, gas, telephone, and electric; and
4. The jointing of pipe installed under roadways.

(d) Within the 48-hour notice period required in (c) above, the NJMC may conduct on-site inspections to determine if the proposed work complies with the approved engineering drawings.

(e) If the NJMC determines that such proposed work does not comply with the approved engineering drawings, the Chief Engineer 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.

(f) Upon the correction of such defects or deficiencies, the applicant shall notify the NJMC, in accordance with this chapter.

**19:5-8.8 Final inspection**

(a) Upon completion of all improvements within the area covered by the final plat, the applicant shall notify the NJMC in writing by certified or registered mail, and shall deliver to the NJMC two complete sets of engineering drawings showing as-built conditions of all improvements. This notification shall include a certification by a New Jersey-licensed professional engineer stating that the improvements have been installed in accordance with the approved engineering drawings.

(b) The NJMC 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 installed, or if such improvements deviate from the approved engineering drawings in a manner that, in the opinion of the NJMC, will adversely affect the performance, suitability or desirability of said improvements, the NJMC shall notify the applicant in writing of such defects, deficiencies, or deviations and the applicant shall, at his sole cost and expense, correct such defects, deficiencies, or deviations within six months of the date of notification.

(d) When such defects, deficiencies, or deviations have been corrected, the applicant shall notify the NJMC that the improvements are ready for final inspection in accordance with (a) above.

**19:5-8.9 Certification of improvements**

(a) If a final inspection indicates that all installed improvements contain no defects, deficiencies, or deviations, within 10 days from the completion of such inspection, the Chief Engineer shall certify to the applicant that all improvements have been installed in conformity with the approved engineering drawings associated with the final plat.

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

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

(d) Upon receipt of such notification, the applicant shall submit the maintenance bond required in N.J.A.C. 19:5-8.4.

**SUBCHAPTER 9. WAIVERS****19:5-9.1 Waiver procedure**

(a) In cases where 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 submitted in writing to the Chief Engineer. The Chief Engineer shall respond in writing within 15 days of receipt of the waiver request.

(c) The Chief Engineer may grant such waivers as will not be contrary to the interest of the public health, safety and welfare or the purposes of the NJMC Master Plan or redevelopment plan, upon a demonstration by the applicant that the literal enforcement of one or more of these regulations is impractical or will result in 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 for which a waiver has been granted by the NJMC on the basis that such 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, in his or her judgment will 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 Commission and to the municipalities involved for their information.

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. FEES, PENALTIES AND ENFORCEMENT

### 19:5-10.1 Fees and escrow deposits

Fees and escrow deposits shall be in conformance with N.J.A.C. 19:4-4.20.

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

### 19:5-10.2 Penalties and enforcement

Penalties and enforcement shall be in conformance with N.J.A.C. 19:4-4.21.

## SUBCHAPTER 11. SEVERABILITY

### 19:5-11.1 Severability

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.

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