

**TOWN OF GUTTENBERG
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE #30-24

**AMENDING CHAPTER 27 OF THE TOWN CODE CONCERNING LAND SUBDIVISION AND
SITE PLAN REVIEW**

CHAPTER 27. LAND SUBDIVISION AND SITE PLAN REVIEW

§ 27-1 PURPOSE.
[Ord. 10/18/89, § 1]

The purpose of this Chapter shall be to provide rules, regulations, and standards to guide land subdivision and site plan development in the Town in order to promote the public health, safety, convenience, and general welfare of the municipality. It shall be administered to:

- a. Protect the character and to maintain the stability of all areas within the community and to promote the orderly and beneficial development of such areas.
- b. Secure safety from fire, flood, panic and other natural and man-made disasters.
- c. Encourage the location and design of streets and road-ways which will promote the free flow of traffic while discouraging the locations of such facilities and routes which will result in congestion.
- d. Promote a desirable visual environment through creative development techniques and good civic designs and arrangements.
- e. Encourage coordination of various public and private procedures and activities shaping land development with a view towards lessening the costs of such development and the more efficient use of land.

§ 27-2 ADMINISTRATION.
[Ord. 10-18-89, § 2]

The provisions of this chapter shall be administered by the Planning Board, ~~unless the application for site plan or subdivision involves a request for a variance pursuant to N.J.S.A. 40:55-70(d). If the application for site plan or subdivision involves a variance pursuant to N.J.S.A. 40:55-70, then the application shall proceed before the Board of Adjustment, and in such instance, any reference in this chapter to the Planning Board shall refer to the Zoning Board of Adjustment. The Town has established a Planning Board that also exercises the powers of a zoning board of adjustment pursuant to N.J.S.A. 40:55D-25(c). Whenever any application brought before the Planning Board would otherwise be heard by a zoning board of adjustment, any reference to the Planning Board shall be deemed to refer to the Planning Board exercising the powers and function of a zoning board of adjustment.~~

§ 27-3 DEFINITIONS.
[Ord. 10/18/89 § 3]

§ 27-3.1 Incorporation of Definitions from Municipal Land Use Law.

Except as provided herein, all words in this chapter requiring a specific interpretation shall be defined as set forth in N.J.S.A. 40:55D-3, 40:55D-4, 40:55D-6 and 40:55D-7.

§ 27-3.2 Additional Definitions.

As used in this chapter:

APPLICATION FOR DEVELOPMENT

Shall mean the application form and all accompanying documents required by this chapter for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or direction of the issuance of a permit pursuant to law.

APPROVING AUTHORITY

Shall mean the Planning Board.

BUILDING

Shall mean a combination of materials to form a construction adapted to permanent, temporary or continuous occupancy and having a roof.

COMPLETE APPLICATION

Shall mean a subdivision or site plan application shall be complete for purposes of commencing the applicable time period for action by the Planning Board when so certified by the Planning Board or its designee. In the event that the Board or its designee does not certify the application to be complete within forty-five (45) days from the date of its submission, the application shall be deemed complete upon the expiration of the forty-five (45)-day period for the purposes of commencing the applicable time period unless:

- a. The application lacks information indicated on the check list of items to be submitted specified in the proceeding paragraph and providing in writing to the applicant and;
- b. The Planning Board or designee has notified the applicant, in writing, of the deficiencies in the application within forty-five (45) days of the submission of the application. The applicant may request that one or more of the submission requirements be waived, in which event the Board or its authorized committee shall grant or deny the request within forty-five (45) days from the date of its submission.

Nothing herein shall be construed as diminishing the applicant's obligation to prove in the application process that the applicant is entitled to approval of his application. The Planning Board may subsequently require correction of any information found to be in error and submission of additional information not specified in this chapter or any revisions in the accompanying documents, as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met. The application shall not be deemed incomplete for lack of any such additional

information or any revisions in the accompanying documents so required by the Planning Board.

DAYS

Shall mean the number of calendar days for the purposes of this [Chapter](#).

GOVERNING BODY

Shall mean the Mayor and [Town Council](#).

MAJOR SUBDIVISION

Shall mean any subdivision not classified as a minor subdivision under this chapter.

MINOR SITE PLAN

Shall mean a development plan of not more than two lots which: (1) does not involve planned development, any new street or extension of any off-tract improvement which is to be prorated pursuant to N.J.S.A. 40:50D-42, as same may be amended or supplemented, (2) does not involve any variance from the Zoning Ordinance; and (3) contains the information required in order to make an informed determination as to whether the requirements set forth in Section 27-11 of this chapter for approval of a minor site plan have been met.

MINOR SUBDIVISION

Shall mean any subdivision containing not more than two lots, each fronting on a street fully improved in accordance with the standards specified in this chapter; and which (1) does not involve any new street or the extension of municipal facilities and (2) does not adversely affect the development of the lot to be divided, the remainder of the parcel or adjoining property and (3) does not conflict with any provision or portion of the Master Plan, Official Map, Zoning Ordinance, or this chapter.

NOTICE OF HEARING

Shall mean when applicant is required by law or the provisions of this chapter to give notice of the hearing of his application by the Board, the applicant, at least 10 days prior to the hearing, shall: (a) give notice of the hearing by publication in the official newspaper of the Town of Guttenberg and (b) give written notice of the hearing to all owners of real property as shown on the current tax map located within this State and within 200 feet in all directions of the subject property in accordance with N.J.S.A. 40:55D-12(b).

PERFECTED APPLICATION

Shall mean one that is submitted in a proper and complete form, including all required application forms and maps, all required fees are submitted and filed within the appropriate time schedules and proof is included that no taxes or assessments for local improvements are due or delinquent on the property for which approval is sought.

PLANNING BOARD

[Shall mean the Planning Board of the Town of Guttenberg established pursuant to Town Code § 26-1.1.](#)

SUBDIVISION

Shall mean the division of a lot, tract, or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale or development. The following shall not be considered subdivisions, if no new streets are created: (1) divisions of land found by the Planning Board to be for agricultural purposes where all resulting parcels are five acres or larger in size, (2) divisions of property by testamentary or intestate provisions, (3) divisions of property upon court order including but not limited to judgments of foreclosure, (4) consolidation of existing lots by deed or other recorded instrument and (5) the conveyance of one or more adjoining lots, tracts or parcels of land, owned by the same person or persons and all of which are found and certified by the Town Construction Official to conform to the requirements of this chapter and are shown and designated as separate lots, tracts or parcels on the tax map of the Town. The term "subdivision" shall also include the term "resubdivision".

§ 27-4 EXEMPTION FROM SITE PLAN REVIEW. [Ord. 10/18/89, § 4]

- a. The Planning Board may grant an exemption from the requirements of site plan approval if the application is for a site plan development involving:
 1. Minor subdivisions or individual lot applications for detached one or two dwelling unit buildings, not involving a conditional use permit or a use variance.
 2. Any nonresidential use or activity involving:
 - (a) Repairs to the interior or exterior of a building not involving an enlargement of the building; and
 - (b) Renovations or alterations to the exterior or interior of a building or structure not involving any significant increase in usable space or existing use of the building or structure and not involving any change or permitted use. Any proposed change of a site plan or deviation from the site plan during construction shall require approval by the Planning Board.
- b. The exemption may be granted only upon a resolution by the Planning Board finding that:
 1. The use will not affect existing drainage circulation, relationship of buildings to each other, landscaping, buffering, lighting, and other considerations of site plan approval, and
 2. That the existing facilities do not require upgraded or additional site improvements.
- c. Applications for certificates of exemption shall be made on forms provided by the Planning Board and submitted to the Chairperson of the Planning Board with a nonrefundable review fee of \$150.
- d. The time period for determination as to whether the proposed development qualifies for exemption under the terms of this section shall be made at the next regular open public meeting after receipt of a completed application by the Planning Board, with notice to be given in accordance with N.J.S.A. 40:55D-12.

§ 27-5 EXCEPTION OF SPECIFIC SUBDIVISION AND SITE PLAN REQUIREMENTS.
[Ord. 10/18/89, § 5]

- a. The Planning Board, when acting upon preliminary subdivision or site plan approval or minor subdivision or minor site plan approval, shall have the power to grant such exceptions from the requirements for site plan or subdivision approval as may be reasonable and within the general purpose and intent of the requirements for site plan and subdivision review and approval in this chapter, if the literal enforcement of one or more provisions of this chapter is impracticable or will exact undue hardship because of peculiar conditions pertaining to the property in question.
- b. Notwithstanding the above paragraph, no exemptions or waivers can be granted by the Planning Board to Zoning [Ordinances](#) without a variance.

§ 27-6 MINOR SUBDIVISION APPROVAL.

§ 27-6.1 Submission of Application.
[Ord. 10/18/89, § 6A]

The applicant shall submit ~~the application, the application fee, the escrow deposit, and all accompanying documents to the the application, the application fee, the escrow deposit, and all accompanying documents to the Board Secretary pursuant to the requirements of Section 26-3A of the Town Code.~~ The application shall include, in addition to any other information which may be sought by the Planning Board, the names and addresses of the owner, agent, and engineer, if any, and statements identifying and locating the property involved, together with a preliminary plat of the proposed subdivision as prescribed in [Section 27-6.2](#).

§ 27-6.2 Preliminary Plat.
[Ord. 10/18/89 § 6B]

The preliminary plat accompanying the application and each copy of the application for a minor subdivision shall be clearly drawn and legibly lettered on tracing cloth at a scale not smaller than one inch equals [fifty \(50\)](#) feet; it shall be accurate and certified by a licensed land surveyor and shall, in addition to complying with the requirements of [N.J.S.A. 46:2B-1 to -8](#) show or include the following information:

- a. Name of applicant.
- b. Name of subdivision, if different from that of the applicant.
- c. Name of owner, if other than applicant.
- d. Tax map sheet delineating the name of the owner of the land being subdivided and the names of the owners of all properties within 200 feet of the extreme boundaries of the subdivision.

- e. The block and lot numbers on the current Tax Assessment Map of all the properties shown on the plat.
- f. North arrow.
- g. Date of preparation of map and revision dates.
- h. Graphic scale and reference meridian.
- i. Zoned district in which property is located.
- j. Zoning bulk requirements of district.
- k. A key map showing the entire subdivision and its relation to the surrounding area, at least within 200 feet of all property lines of the parcel being divided.
- l. The location of the lots to be created in relation to the entire tract.
- m. All existing structures and wooded areas within the subdivision and within 200 feet thereof.
- n. All streets and streams within 500 feet of the extreme boundaries of the subdivision.
- o. The location of all trees exhibiting a diameter of four or more inches, measured [twelve \(12\)](#) inches above ground.
- p. A delineation of all trees having a diameter of four or more inches proposed to be removed from the new lot being created, measured [twelve \(12\)](#) inches above the ground.
- q. Acreage of the entire parcel to be subdivided.
- r. Metes and bounds of all property lines of the entire tract and the new lot being created.
- s. The area, in square feet, of all lots to be created.
- t. Easements, streets, buildings, watercourses, railroad bridges, culverts, drainage easements and prior variances.
- u. The location of all building setback lines to be established on the proposed new lots.

§ 27-6.3 (Reserved) [1]

[1] *Editor's Note: Former subsection 27-6.3, Fees, previously codified herein and containing portions of Ordinance Nos. 10/18/89 and 004/03, was repealed in its entirety by Ordinance No. 008-10. See Section [26-3](#) for Development Application Fees.*

§ 27-6.4 Waiver of Notice and Public Hearing.
[Ord. 10/18/89 § 6D]

[The](#) Planning Board will waive notice and public hearing for an application for development of a minor subdivision if the application for development conforms to the definition of minor subdivision.

§ 27-6.5 No Preliminary Approval Required.
[Ord. 10/18/89 § 6E]

Minor subdivision approval shall be deemed to be final approval of the subdivision by the [Planning](#) Board, provided that the [Planning](#) Board may condition such approval ensuring the provision of improvements pursuant of N.J.S.A. 40:55D-38 to 40:55D-40 and 40:55D-53.

§ 27-6.6 Time Period for Review.
[Ord. 10/18/89 § 6F]

Minor subdivision approval shall be granted or denied by the Planning Board within [forty-five \(45\)](#) days of the date of submission of a complete application to the Secretary of the Planning Board, or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute minor subdivision approval and a certificate of the Secretary of the Planning Board as to the failure of the Planning Board to act shall be issued on request of the applicant, and it shall be sufficient in lieu of a written endorsement or other evidence of approval, herein required, and shall be so accepted by the Hudson County Register for purposes of filing subdivision plats.

§ 27-6.7 Standards for Review.
[Ord. 10/18/89 § 6G]

If the subdivision complies with the provisions of this chapter, the Zoning Ordinance, the Municipal Land Use [Law](#) and all other applicable laws and ordinances or resolutions, the Planning Board shall grant approval of the subdivision.

§ 27-6.8 Conditional Approval.
[Ord. 10/18/89 § 6H]

Whenever review or approval of the application by the Hudson County Planning Board is required by N.J.S.A. 40:27-6.3, the approval granted hereby shall be conditioned upon timely receipt of a favorable report on the application by the Hudson County Planning Board or approval by the Hudson County Planning Board by its failure to report thereon within the required time period.

§ 27-6.9 Perfection of Approved Application.
[Ord. 10/18/89 § 6I]

Approval of a minor subdivision shall expire 190 days from the date of approval by the Planning Board, unless within such period a plat in conformity with such approval and [N.J.S.A. 46:26B-1 to -8](#), or a deed clearly describing the approved minor subdivision is filed by the developer with the Hudson County Register, the Town Engineer, and the [Town](#) Tax Assessor. The plat or deed must be signed by the Chair and Secretary of the Planning Board.

§ 27-6.10 Conformity of Plat with Map Filing Act.
[Ord. 10/18/89 § 6J]

In reviewing the application for development for a proposed minor subdivision, the Planning Board may accept a plat not in conformity with [N.J.S.A. 46:26B-1 to -8](#) provided that if the developer then chooses to file the minor subdivision as provided by [Section 27-6.8](#) by plat rather than by deed, the plat shall be made to conform with the provisions of [N.J.S.A. 46:26B-1 to -8](#).

§ 27-6.11 Effect of Approval.
[Ord. 10/18/89 § 6K]

The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision approval was granted, shall not be changed for a period of two (2) years after the date of minor subdivision approval; provided that the approved minor subdivision shall have been duly recorded by plat or deed with the Hudson County Register.

§ 27-6.12 Application Determined as Major Subdivision.
[Ord. 10/18/89 § L]

If the Planning Board fails to unanimously determine that the application and plat submitted therewith qualifies as a minor subdivision under the terms of this chapter, the application and plat shall be returned to the developer with instructions that he/she perfect a major subdivision application in accordance with Section 27-7 of this chapter.

§ 27-7 PRELIMINARY APPROVAL OF MAJOR SUBDIVISION.

§ 27-7.1 Submission of Application

The applicant shall submit the application, the application fee, the escrow deposit, and all accompanying documents to the Board Secretary pursuant to the requirements of Section 26-3A of the Town Code.

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§ 27-7.2 Preliminary Plat Details.
[Ord. 10/18/89 § 7B]

The preliminary plat accompanying an application for a major subdivision shall be designed in compliance with the design standards set forth in this Chapter 27 and be clearly drawn and legibly lettered in ink on tracing cloth at a scale not smaller than one inch equals fifty (50) feet. It shall be accurate as to boundaries and existing features, but may be approximate as to proposed features. The accuracy of the boundaries and existing features shall be certified by a licensed land surveyor. The subdivision plat shall be in accordance with N.J.S.A. 46:26B-1 to -8. All design features shall be prepared by a licensed professional engineer.

The preliminary plat shall contain the following information:

- a. Title of Development. North arrow, graphic scale and reference meridian; lot and block number; name and address of record owner; name and address of applicant; name and address, license number and seal of the person preparing the subdivision; if the owner of the premises is other than an individual, the name and address of the partners or officers of the entity making the submission; certification of owner, if other than applicant, authorizing submission.
- b. Date. All revisions shall be noted and dated.

- c. Key map showing the location of the tract with reference to the surrounding properties within 200 feet of all the boundaries of the lands being subdivided and existing street intersections.
- d. All distances shall be in feet and decimals of a foot and all bearings shall be given to the nearest ten (10) seconds.
- e. The names, as shown on current tax records, of all owners of property within 200 feet of the subdivision, together with the lot and block numbers of the property.
- f. The zone district in which the parcel is located, together with zoned boundaries within 200 feet of the extreme limits of the property in question; zoning limiting schedule requirements applicable to parcel being subdivided.
- g. Survey data showing boundaries of the property, building or setback lines and lines of existing and proposed streets, lots, reservations, easements and areas dedicated to public use, including grants, restrictions and rights-of-way. All existing rights of way and/or easements on or within 200 feet of the site shall be shown.
- h. Reference to any existing or proposed covenants, deed restrictions or exceptions covering all or any part of the parcel. A copy of such covenants, deed restrictions or exceptions shall be submitted with the application.
- i. The distances, measured along the right-of-way lines of existing streets abutting the property, to the nearest intersection with other public streets.
- j. Location of all existing and proposed buildings and all other structures, including fences, culverts and bridges, and driveways [four (4) inches crushed stone or gravel in one and one-half (1 ½) inches S.M.], with spot elevations of such buildings and structures. Structures to be removed shall be indicated by dash lines; structures to remain shall be indicated by solid lines. Also set forth the present and proposed uses of all such buildings. Any or all lots where group houses and dwelling units or local stores or shops are proposed to be built, indicate for each lot or proposed building unit the approximate location and dimensions of the proposed building and any or all automobile parking areas to be furnished in connection therewith.
- k. Location of all existing and proposed storm drainage structures and utility lines, whether publicly or privately owned, with pipe sizes, grades and directions of flow, locations of inlets, manholes or other appurtenances and appropriate invert and other elevations. The utility lines and connections shall include storm drains, water, gas and electrical facilities. If any existing utility lines are underground, the estimated location of the utility lines shall be shown. Included shall be plans and profiles of storm drains, sanitary sewers, water mains and other structures.
- l. Existing and proposed contours with a contour interval of one foot for slopes of less than three percent (3%); an interval of two feet for slopes of more than three percent (3%) but less than fifteen percent (15%); an interval of five feet for slopes of fifteen percent (15%) or more. Existing contours are to be indicated by dash lines; and proposed contours are to be indicated by solid lines. All contour elevations shall be referenced to the United States Coast and Geodetic Survey level bench marks, and such elevations shall be shown in feet and hundredths of a foot.
- m. Location of existing rock outcrops, high points, watercourses, depressions, ponds, marshes, wooded areas and other significant existing features, including previous flood elevations of watercourses, ponds and marsh areas as determined by survey.

- All trees exhibiting a diameter of four inches or more shall be specifically located, and all trees proposed to be removed shall be specified.
- n. Name, location and dimensions of any existing or proposed streets on or within 200 feet of the site. All proposed streets, with profiles, indicating the grading; and cross sections showing width of roadway, location and width of sidewalks and location and size of utility lines conforming to the Town's standards and specifications. Proposed final grades of all streets shall be shown to a scale of one inch equals [fifty \(50\)](#) feet horizontal on sheets [twenty-two \(22\)](#) inches by [thirty-six \(36\)](#) inches, and drawings shall include both plans and profiles and shall show elevations of all monuments referred to the United States Coast and Geodetic Survey level bench marks, and such elevations shall be shown in feet and hundredths of a foot.
 - o. The location of all existing and proposed water lines, valves and hydrants and all sewer lines.
 - p. Existing and proposed stormwater drainage systems. All plans shall be accompanied by a plan sketch showing all existing drainage within 500 feet of any boundary and all areas, such as paved areas, grassed areas, wooded areas and any other surface area contributing to the calculations, and showing methods used in the drainage calculations.
 - q. Acreage, to the nearest tenth of an acre, of the tract to be subdivided and the area, in square feet, of all lots.
 - r. Any lands subject to the Farmlands Assessment Act of 1964 shall be duly noted as to the valuation, assessment and taxation.
 - s. Lighting plan and details.
 - t. Site identification signs, traffic control signs and directional signs.
 - u. Vehicular and pedestrian circulation patterns.
 - v. Parking plans showing spaces, size and type, aisle width, curb cuts, drives, driveways and dimensions of spaces.
 - w. Soil erosion and sediment control plan.
 - x. A chart showing the designation of all lines, symbols and characters as demonstrated on the plan.
 - y. Appropriate blocks for the required approving authority's signature ([Planning Board Chairperson](#), [Planning Board Secretary](#), and Town Engineer).
 - z. Such other information or data as may be required by the approving authority or the County Planning Board for determination that details of the subdivision are in accordance with the standards of this ordinance, the Zoning Ordinance and all other applicable laws, ordinances or resolutions.
 - aa. Certification blocks required by [N.J.S.A. 46:26B-1 to -8](#).

§ 27-7.3 Review by [Hudson County Planning Board](#).
 [Ord. 10/18/89 § 7C]

The Secretary of the Planning Board, upon receipt of the application for major subdivision approval, shall cause a copy of the preliminary plat to be submitted to the Hudson County Planning Board for review.

§ 27-7.4 Additional Requirements.

[Ord. 10/18/89 § 7D]

The application shall also include the following information:

- a. Proof that all taxes, assessments, water and sewer charges, on the property, if any, are current.
- b. Schedule of the required and provided zone district's requirements for the property including lot area, width, depth, yard setbacks, building coverage, parking, etc.
- c. Affidavit of ownership of the property.
- d. Copy and/or delineation on the plat of any existing or proposed deed restrictions or covenants.
- e. Copies of all existing easements and descriptions of any proposed easements of land reserved or dedicated to public use.
- f. Description of development stages or staging plans.
- g. List of required or regulatory approvals or permits.
- h. List of variances required or requested.
- i. List of requested design waivers and exceptions.
- j. Payment of any and all application fees.
- k. Percolation test.
- l. Drainage calculations.
- m. Corporate or partnership applicants must comply with the requirements set forth in N.J.S.A. 40:55D-48.1 and 48.2.

§ 27-7.5 Certification of Complete Application for Hearing.

[Ord. 10/18/89 § 7E]

If the Secretary of the Planning Board, or such other person designated by the Planning Board, finds the application for major subdivision approval to be in complete and proper form under the provisions of this section, he/she shall certify the application for public hearing to be held at the next regular meeting of the Planning Board, provided that the date of such meeting shall be after the receipt of the review report of the Hudson County Planning Board or at least twenty (20) days after the date that the copy of the preliminary plat is transmitted to the Hudson County Planning Board for review. Notice of such certification for hearing shall be given to the Building Department.

§ 27-7.6 Notice of Hearing.

[Ord. 10/18/89 § 7F]

- a. At least ten (10) days prior to the date set for the hearing, the applicant shall give public notice of the hearing by publication in the official newspaper of the Town of Guttenberg, and the applicant shall give written notice of the hearing to all owners of real property as shown on the current tax map, located within the State and within 200 feet in all directions of the subject property all in accordance with N.J.S.A. 40:55D-12(b).
- b. At or prior to the hearing, the applicant shall file with the Secretary of the Planning Board an affidavit of proof of service of the notices required by this section.

§ 27-7.7 Copies of Preliminary Plat.
[Ord. 10/18/89 § 7G]

At least five days before the hearing, copies of the preliminary plat, as supplied by the applicant, shall be forwarded by the Secretary of the Planning Board to each of the following officials:

- a. Town Engineer.
- b. Town Tax Assessor.
- c. Construction Official.

§ 27-7.8 Approval or Disapproval of Preliminary Plat.
[Ord. 10/18/89 § 7H]

- a. The Planning Board shall grant or deny preliminary approval for subdivisions of ten (10) or fewer lots within forty-five (45) days following the date of certification for a public hearing pursuant to Section 27-7.5, or within such further time as may be consented to by the developer. Otherwise, the Planning Board shall be deemed to have granted preliminary approval to the subdivision.
- b. The Planning Board shall grant or deny preliminary approval for subdivisions of more than ten (10) lots within ninety-five (95) days following the date of certification for a public hearing pursuant to Section 27-7.5 or within such further time as may be consented to by the developer. Otherwise, the Planning Board shall be deemed to have granted preliminary approval to the subdivision.
- c. If the Planning Board requires any substantial amendment in the layout of improvements proposed by the developer that have been the subject of a hearing, an amended application shall be submitted and proceeded upon, as in the case of an original application.
- d. If the subdivision complies with the provisions of this chapter, the Zoning Ordinances, and the provisions of the Municipal Land Use Law, and all other applicable laws and ordinances, the Planning Board shall grant preliminary approval of the subdivision.

§ 27-7.9 Reproductions of Approved Plat.
[Ord. 10/18/89 § 7I]

Before the Secretary of the Planning Board shall return any approved preliminary or final plat to the applicant, the Secretary shall have sufficient reproductions made (recovering the cost therefore from the applicant) to furnish one copy to each of the following:

- a. Town Engineer.
- b. Town Tax Assessor.
- c. Chairman of the Planning Board.
- d. Construction Official.

§ 27-7.10 Effect of Preliminary Approval.
[Ord. 10/18/89 § 7J]

- a. Preliminary approval shall confer upon the applicant the following rights for a three (3)-year period from the date of approval:
 - 1. That the general terms and conditions under which the preliminary approval was granted will not be changed; and
 - 2. That the applicant may submit the plat, in whole or in parts, for final approval on or before the three (3)-year expiration date.
- b. On application by the applicant for an extension of the preliminary approval, the Planning Board may grant extensions on such preliminary approval for additional periods of at least one (1) year but not to exceed a total extension of two (2) years. However, if during any extension period the design standards have been revised by ordinance, such revised standards may govern.

§ 27-8 FINAL APPROVAL OF MAJOR SUBDIVISION; IMPROVEMENTS.

§ 27-8.1 Submission of Application.
[Ord. 10/18/89 § 8A; Ord. #004/03; Ord. #008-10 § 2]

Submission and Fees. Application for approval of a final plat or part thereof shall be submitted by the applicant to the Secretary of the Planning Board, together with the required application fee, and escrow deposit as set forth in Chapter 26, within three (3) years following the date of approval of the preliminary plat or within any extension of such three (3)-year period.

§ 27-8.2 Final Plat Details.
[Ord. 10/18/89 § 8B]

- a. The final plat shall not differ substantially from the preliminary plat as approved. It shall be clearly drawn and legibly lettered in ink on tracing cloth at a scale not smaller than one inch equals fifty (50) feet; it shall be accurate and certified by a licensed land surveyor or licensed engineer; it shall be designed in compliance with the design standards set forth in Section 27-9; the conditions of preliminary approval; and it shall comply with the requirements of N.J.S.A. 46:26B-1 to -8.
- b. The final plat shall show or include or be accompanied by, in addition to such other information as the Planning Board may require, the following information:
 - 1. Date, name and location of the subdivision, name of owner, graphic scale and reference meridian.
 - 2. Tract boundary lines, right-of-way lines of streets, street names, easements and other rights-of-way, lands to be reserved or dedicated to public use, all lot lines and other site lines, with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves.

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3. The names, exact location and widths of all existing and recorded streets intersecting or paralleling the plot boundary within a distance of 200 feet.
4. The purpose of any easement or land reserved or dedicated to public use shall be designated, and the property use of sites other than residential shall be noted.
5. Lot, block and street numbers as approved by the Town Engineer, including lot and block numbers of adjacent properties.
6. Main building setback lines on all lots and other sites.
7. Location and description of all monuments, which shall comply in all respects with [N.J.S.A. 46:26B-1 to -8](#).
8. Names of owners of adjacent or adjoining unsubdivided lands.
9. A certification by an engineer or land surveyor as to the accuracy of the details of the plat.
10. A certification that the applicant is the owner of the land to be subdivided or the agent of the owner, or that the owner has given consent under an option agreement.
11. When approval of a plat is required by any officer or department or body of the Town, County or State, approval shall be certified on the plat.
12. Plans and profiles of street, storm and sanitary sewers and water mains.
13. Certificate from the Tax Collector that all taxes and assessments are paid to date.
14. Written proof, satisfactory to the Planning Board, to the effect that all liens or encumbrances on the lands set aside for highway or street purposes do not exist or have been released and are properly recorded.
15. A written statement that the specifications for the construction of any proposed streets, sidewalks, curbs, storm drains and appurtenances and all other contemplated improvements meet with the requirements of all ordinances of the Town relating to the acceptance of streets and with the standard specifications of the Town on file with the Town Engineer, if any.
16. A written agreement to pay to the Town all engineering and inspection fees incurred by it in connection with the proposed inspection of the construction of said improvements.
17. A written estimate of the total cost of construction, installation and completion of all the improvements and monuments.
18. Such additional requirements as the Board may deem reasonably necessary to accomplish the intent and purpose of this chapter.

§ 27-8.3 Required Improvements or Performance Guaranty.
 [Ord. 10/18/89 § 8C]

- a. Prior to the granting of final approval, the Town Engineer must have certified in writing to the Planning Board that he has received from the applicant a map showing all improvements and installations, both proposed and existing, in exact location and elevation, identifying those portions already installed and those to be installed, and that the applicant has made all installations in accordance with the

requirements of this chapter or has furnished one or more performance guaranties in favor of the Town in sufficient amount for the ultimate installation of all such improvements. Such performance guaranties shall be filed with the Secretary of the Planning Board in amounts sufficient to cover the cost of completion of all the improvements, as estimated by the Town Engineer, and ensuring the installation of such uncompleted improvements on or before a date approved by the Planning Board. The period of guaranty shall not exceed three years unless extended by resolution of the [Town](#) Council. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation as determined as of the time of the passage of the resolution of the [Town](#) Council.

- b. All improvements or installations shall be subject to inspection and approval by the Town Engineer, who shall be notified by the applicant within [twenty-four \(24\)](#) hours prior to the commencement of construction or installation. No underground installation shall be covered until inspected and approved by the Town Engineer.
- c. Upon substantial completion of all required appurtenant utility improvements, and the connection of same to the public system, the developer may notify the Town Clerk in writing, by certified mail, of the substantial completion of improvements and shall send a copy thereof to the Town Engineer. Then the Town Engineer shall inspect all of the improvements of which notice has been given and shall file a detailed report, in writing, with the Mayor and [Town](#) Council indicating either approval, partial approval or rejection of such improvements with a statement of reasons for any rejection. The cost of the improvements as approved or rejected shall be set forth.
- d. The Mayor and [Town](#) Council shall either approve, partially approve or reject the improvements, on the basis of the report of the Town Engineer and shall notify the global obligor in writing, by certified mail, of the contents of the report and the action of the Mayor and [Town](#) Council with relation thereto, not later than [sixty-five \(65\)](#) days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from all liability pursuant to its performance guarantee, except for that portion adequately sufficient to secure provision of the improvements not yet approved; provided that [thirty percent \(30%\)](#) of the amount of the performance guarantee posted may be retained to ensure completion of all improvements. Failure of the Mayor and [Town](#) Council to send or provide such notification to the obligor within [sixty-five \(65\)](#) days shall be deemed to constitute approval of the improvements and the obligor and surety, if any, shall be released from all liability pursuant to such performance guarantee for such improvements.
- e. If any portion of the required improvements are rejected, the Mayor and [Town](#) Council may require the obligor to complete such improvements and, upon completion, the same procedure of notification, as set forth in paragraph c hereof shall be followed. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the Mayor and [Town](#) Council or the Town Engineer.

- f. The obligor shall reimburse the Town for all reasonable inspection fees paid to the Town Engineer for the foregoing inspection of improvements; provided that the Town may require of the developer a deposit for all or a portion of the reasonably anticipated fees to be paid to the Town Engineer for such inspection.
- g. In the event that final approval is by stages or sections of development pursuant to N.J.S.A. 40:55D-38 the provisions of this section shall be applied by stage or section.
- h. If the required improvements are not completed or corrected in accordance with the performance guaranty, the obligor and surety, if any, shall be liable thereon to the Town for the reasonable cost of the improvements not completed or corrected, and the Town may either prior to or after the receipt of the proceeds thereof complete/correct such improvements.
- i. The Town may require as a condition of final approval that the applicant post a maintenance guaranty with the Mayor and [Town](#) Council for a period not to exceed two years after final acceptance of the improvement, in the amount not to exceed 15% of the cost of the improvement. However, in the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guaranty to another governmental agency, no performance or maintenance guaranty, as the case may be, shall be required by the Town for such utilities or improvements.

§ 27-8.4 Requirements for Off-Tract Improvements.
 [Ord. 10/18/89 § 8D]

- a. Any subdivision requiring off-tract improvements, as defined herein, shall comply with the provisions of this subsection.
- b. Off-Tract Improvement shall mean one or more required improvements which are necessary for the successful completion of a development, in the interest of furthering the public health, safety and general welfare, and where the improvements are located off tract.
- c. An off-tract improvement shall be required where either the existing facilities serving the area are already operating at a deficient level of service or the inclusion of a new development will make such present level of service deficient according to the engineering standards utilized in determining such levels of service.
- d. The developer shall be required to pay its proportionate share of any such off-tract improvements, which payment shall reasonably relate to the benefit or use the total area so served.
- e. Under the conditions of this chapter, off-tract improvements shall be limited to:
 - 1. New or improved water distribution, sanitary sewer disposal and distribution and stormwater and drainage distribution facilities and all necessary appurtenances thereto.
 - 2. Utility easements in and to new or improved streets and right-of-way widths.
 - 3. Traffic regulation and control devices.
 - 4. Intersection improvements.

5. Utility relocation, where not provided elsewhere.
 6. Other traffic circulation and safety factors which are directly related to the property or properties in question.
- f. The provisions herein contained allowing the approving authority to require the construction of off-site improvements by the applicant shall in no way obligate the municipality to construct any such improvement or to otherwise make them available to the applicant.

§ 27-8.5 Approval or Disapproval of Final Plat.
[Ord. 10/18/89 § 8E]

- a. Action by Planning Board. The Planning Board shall act to approve or disapprove the final plat within forty-five (45) days following the submission of a complete application for final approval to the Secretary of the Planning Board or within such further time as may be agreed to by the applicant. Failure of the Planning Board to act within the above specified time or within the mutually agreed upon time extension shall be deemed to be final approval; and a certificate of the Secretary of the Planning Board as to the failure of the Planning Board to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval, and shall be so accepted by the Hudson County Register for purposes of filing subdivision plats.
- b. Disapprovals. If the Planning Board disapproves of a final plat, the reasons for disapproval shall be stated in writing, a copy of which shall be attached to the application and sent to the applicant.
- c. Approvals. If the Planning Board shall act to approve the final plat, the Chairperson and Secretary of the Planning Board shall affix their signatures to the plat, with a certification that it has received final approval, provided (a) that payment has been made for all fees and escrow funds in connection therewith, including planning consultant's report, Engineer's report, Engineer's inspection of required construction and improvements and all reproductions required by subsection 27-8.1c; and (b) that the developer has posted the required guarantees with the Town.

§ 27-8.6 Certification of Final Subdivision Approval.
[Ord. 10/18/89 § 8F]

- a. The Planning Board is hereby designated and authorized to make and issue certificates as to the final approval of land subdivision.
- b. Within seven (7) business days after the receipt of written request therefor, the Planning Board shall issue a certificate of final subdivision approval to any interested person upon the payment of a fee of \$25 for each such certificate issued.
- c. Each such certificate shall be designated a "Certificate as to Approval of Subdivision of Land" and shall certify the following:
 1. That there exists in the Town a duly established Planning Board which meets regularly on a monthly basis and that this chapter of the Code of the

Town controls the subdivision of land and was adopted under the authority of the New Jersey Revised Statutes.

2. That the subdivision or resubdivision, as it related to the land shown on the subdivision application, has been approved by the Planning Board and the date of such approval.
3. That such subdivision or resubdivision, if the same has not been approved, is exempted from the requirements of approval by virtue of [the Municipal Land Use Law](#), N.J.S.A. 40:55D-1 et seq., or by virtue of any provision of this chapter.

§ 27-8.7 Effect of Final Approval.
[Ord. 10/18/89 § 8G]

- a. Final approval of a major subdivision shall expire [ninety-five \(95\)](#) days from the date of signing of the plat unless within such period the plat shall have been duly filed by the developer with the Hudson County [Register](#). The Planning Board may for good cause shown extend the period for recording for an additional period not to exceed 190 days from the date of signing of the plat.
- b. No subdivision plat shall be accepted for filing by the Hudson County [Register](#) until it has been approved by the Planning Board as indicated on the instrument by the signatures of the Chairman and Secretary of the Planning Board or a certificate has been issued pursuant to N.J.S.A. 40:55D-47, 40:55D-50, 40:55D-56, 40:55D-61, 40:55D-67 or 40:55D-76. The signatures of the Chairman and Secretary of the Planning Board shall not be affixed until the developer has posted the guarantees required as a condition of approval. If the Hudson County Recording Officer records any plat without such approval, such recording shall be deemed null and void, and upon request of the Town, the plat shall be expunged from the official records.
- c. It shall be the duty of the Hudson County [Register](#) to notify the Planning Board and the Town Tax Assessor in writing within seven days of the filing of any plat, identifying such instrument by its title, date of filing, and official number.

§ 27-9 DESIGN STANDARDS.

In acting upon all subdivision applications (both major and minor), the Planning Board shall require compliance with the design standards contained in this section, and the applicant shall observe such standards and principles of land subdivision in the design of each subdivision or portion thereof.

§ 27-9.1 General Standards.
[Ord. 10/18/89 § 9A]

- a. The layout or arrangement of the subdivision plat must be consistent with the Zoning Ordinance and Master Plan and Official Map.

- b. The tracts shall be adequately drained and the streets shall be of sufficient width, suitable grade and suitably located to accommodate the prospective traffic, to provide access for fire fighting and emergency equipment to buildings and to be coordinated so as to compose a convenient system consistent with the Official Map and the circulation element of the Master Plan and so oriented as to permit consistency with the reasonable utilization of land, the buildings constructed thereon to maximize solar gain. However, no street of a width greater than fifty (50) feet within the right-of-way lines shall be required unless the street constitutes an extension of an existing street of the greater width, or has already been shown in greater width on either the Official Map or Master Plan.
- c. All lots shown on the plat shall provide for adequate water supply, drainage, shade trees, sewage facilities and other utilities necessary for the provision of essential services to residents and occupants.
- d. The subdivision plan shall conform to the applicable provisions of the Zoning Ordinance.
- e. The subdivision plan must be in conformity with the Municipal Recycling Ordinance required by N.J.S.A. 13:1E-99.16.
- f. All lots shown on the plat shall be adaptable for the intended purpose without danger to health or peril from flood, fire, erosion or other menace.
- g. If portions of the Master Plan contain proposals for drainage rights-of-way, schools, parks or playgrounds within the proposed subdivision or in its vicinity, or if standards for the allocation of portions of subdivisions for drainage rights-of-way, school sites, park and playground purposes have been adopted, then before approving subdivisions the Planning Board may further require that such drainage rights-of-way, school sites, parks or playgrounds be shown in locations and sizes suitable for their intended uses. The Planning Board is hereby permitted to reserve the location and extent of school sites, public parks and playgrounds shown on the Master Plan or any part thereof for a period of one year after the approval of the final plat or within such further time as agreed to by the applicant. Unless during such one-year period or extension thereof the Town shall have entered into a contract to purchase or instituted condemnation proceedings according to law for the school site, park or playground, the applicant shall not be bound by the proposals and such areas shown on the Master Plan. This provision shall not apply to the streets and roads or drainage rights-of-way required for final approval of any plat and deemed essential to the public welfare.

§ 27-9.2 Street Standards.
 [Ord. 10/18/89 § 9B]

- a. The arrangement of streets not shown on the Master Plan or Official Map shall be such as to provide for the logical extension of existing streets and to provide for street access for remaining land areas.
- b. Minor streets in residential areas shall be so designed as to discourage through traffic.

- c. Subdivisions abutting arterial streets or regional highways shall provide a marginal service road or reverse frontage with a buffer strip for planting or some other means of separation for local traffic as the Planning Board may deem appropriate.
- d. The right-of-way width shall be measured from lot line to lot line and shall not be less than fifty (50) feet in any case; when shown at a greater width on the Master Plan or Official Map, such greater width shall be required.
- e. No subdivision showing reserve strips controlling access to streets shall be approved unless the control and disposal of land comprising such strips has been placed in by the Mayor and Town Council under conditions approved by the Planning Board.
- f. Subdivisions that adjoin or include existing streets that do not conform to widths shown on the Master Plan or Official Map or the street width requirements of this chapter shall provide for the dedication of additional width along either one or both sides of the street of substandard width. If the subdivision is along one side only of the street, one-half of the required extra width shall be dedicated.
- g. Grades of arterial and collector streets shall not exceed 6%. Grades of other streets shall not exceed 10%. However, the Planning Board and the governing body shall have the right to require grades of less than 10% where special conditions exist, provided that such special conditions are set forth in writing upon the minutes of the Planning Board and governing body. No street shall have a minimum grade of less than 0.5%.
- h. Street intersections shall be as nearly at right angles as circumstances will allow and in no case shall be less than 60°. The block corners at intersections shall be rounded at the curbline or property line with a curve having a radius of not less than 15 feet.
- i. Street jogs with center line offsets of less than 125 feet shall be avoided.
- j. A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets.
- k. When connecting street lines deflect from each other at any one point by more than 10° and not more than 45°, they shall be connected by a curve with a center line radius of not less than 100 feet for minor streets and 300 feet for arterial and collector streets.
- l. All changes in grade shall be connected by vertical curves of sufficient length and curvature to provide a smooth transition and proper sight distance.
- m. Permanent dead-end streets (culs-de-sac) shall not be longer than 600 feet and shall provide a circular turnaround at the end with a right-of-way radius of not less than 50 feet and tangent whenever possible to the right side of the street. Temporary dead-end streets shall provide a similar turnaround and provisions for future extension of the street and reversion of the excess right-of-way to the adjoining properties.
- n. No street shall have a name which duplicates the name of an existing street or is so similar to the name of an existing street as to be easily confused with it. The continuation of an existing street shall have the same name.

§ 27-9.3 Block Standards.
 [Ord. 10/18/89 § 9C]

- a. Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required in the area by the Zoning Ordinance and to provide for convenient access, circulation control and safety of street traffic.
- b. In blocks over 1,000 feet long, pedestrian crosswalks may be required in locations deemed necessary by the Planning Board. Such walkway shall be ten (10) feet wide and shall be straight from street to street.
- c. For commercial, group housing or industrial use, the block size shall be sufficient in the judgment of the Planning Board to meet all land and yard requirements for such use.

§ 27-9.4 Lot Standards.
[Ord. 10/18/89 § 9D]

- a. All lots created by subdivision shall conform strictly to the requirements of the Zoning Ordinance as to area and dimensions and as to adequacy of space and grade to provide off-street parking requirements specified in that ordinance.
- b. Insofar as practical, side lot lines shall be at right angles to straight streets and radial to curved streets.
- c. Each lot must front upon an improved street at least fifty (50) feet in width, except lots fronting on streets described in Section 27-9.2(f) .
- d. Where extra width has been dedicated for the widening of existing streets, lots shall begin at such extra width line and all setbacks shall be measured from such line.
- e. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formations, flood conditions, drainage, or similar circumstances, the Planning Board may, after adequate investigation, withhold approval of such lots.

§ 27-9.5 Maintenance of Watercourses, Environmental Protection.
[Ord. 10/18/89 § 9E]

- a. In large scale developments, easements along rear property lines or elsewhere for utility installation may be required by the Planning Board. Such easements shall be of the width and location determined by the Planning Board after consultation with the public utility companies or municipal departments concerned.
- b. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse or channel, and such further width or construction, or both, as the Planning Board may deem adequate for the purpose.
- c. Natural features, such as trees, brooks and ponds, shall be preserved wherever possible in designing any subdivision pertaining to such features. No trees four inches or larger in diameter measured twelve (12) inches above the ground shall be removed from the subdivided plot unless the same shall interfere with the construction of buildings or utilities, except as is otherwise provided or may otherwise be provided by ordinance.

§ 27-9.6 Water Mains, Culverts, and Storm Sewers.
[Ord. 10/18/89 § 9F]

All installations of water mains, culverts and storm sewers shall be connected with an approved system and shall be adequate to serve all present and probable future development.

§ 27-9.7 Sanitary Installation.
[Ord. 10/18/89 § 9G]

Sanitary sewers shall be installed in accordance with the ordinances of the Town.

§ 27-9.8 Installation of Underground Utilities.
[Ord. 10/18/89 § 9H]

- a. For all major subdivisions, the applicant shall arrange for the services of its lands by the installation of underground utilities and service connections in accordance with the provisions of the applicable standard terms and conditions incorporated as a part of the tariffs of the serving utility, as the same are then on file with the State of New Jersey Board of Public [Utilities](#), and shall submit to the approving authority, prior to the granting of final approval, a written instrument from each such serving utility which shall evidence full compliance with the provisions of this subsection.
- b. Whenever a utility is not installed in the public right-of-way, an appropriate utility easement not less than 20 feet in width shall be provided.

§ 27-9.9 Soil Removal and Redistribution.
[Ord. 10/18/89 § 9I]

- a. Soil removal and relocation shall be in accordance with Chapter 251 of Laws of 1975, the New Jersey Soil Erosion and Sediment Control Act.
- b. Minimally, topsoil removed during the course of construction shall be redistributed so as to provide at least six inches of cover to all areas of the subdivision and shall be stabilized by seeding or planting so as to remain in place.

§ 27-9.10 Planting of Shade Trees.
[Ord. 10/18/89 § 9J]

Shade trees exhibiting a diameter of no less than [two and one-half \(2-1/2\)](#) inches measured six [\(6\)](#) inches above the ground shall be planted on center at sixty [\(60\)](#)-foot intervals as determined by the Planning Board and shall be located on the street line in a manner not to interfere with utilities or sidewalks. The shade trees shall be of the following types: Norway maple, sugar maple or plane tree.

§ 27-9.11 Location of Sidewalks.
[Ord. 10/18/89 § 9K]

Sidewalks shall be located within the subdivision on all arterial and collector streets and on such other streets as may serve as corridors for pedestrian traffic to schools, shopping and public facilities.

§ 27-9.12 Location of Fire Alarms.
[Ord. 10/18/89 § 9L]

Fire alarms and apparatus shall be constructed at such locations as may be accessible to and serve the public safety, general welfare and convenience.

§ 27-9.13 Installation of Street Lights.
[Ord. 10/18/89 § 9M]

Street lights shall be installed on center at such intervals providing a luminescence sufficient to assure the safe passage of motor vehicles and pedestrians.

§ 27-9.14 Monuments.
[Ord. 10/18/89 § 9N]

Monuments shall be established and located as required by the [N.J.S.A. 46:26B-1 to -8](#), as the same may be amended and supplemented.

§ 27-9.15 Connection of Water Mains.
[Ord. 10/18/89 § 9O]

Water mains and their connections to the curblines and fire hydrants, culverts and storm sewers shall be properly connected with an approved system and shall be adequate to handle all present and probable future development.

§ 27-9.16 Air Safety Act.
[Ord. 10/18/89 § 9P]

The plan must conform with the standards promulgated by the Commissioner of Transportation, pursuant to the Air Safety Hazardous Zoning Act of 1983, N.J.S.A. 6:1-80 et seq., for any airport hazard areas delineated under that act.

§ 27-9.17 Open Space.
[Ord. 10/18/89 § 9Q]

For any areas reserved as open space under the Zoning Ordinance or a planned unit development, the size, shape and location of the area must be suitable and reserved for such purposes.

§ 27-10 VIOLATIONS AND PENALTIES.
[Ord. 10/18/89 § 10]

[§ 27-10.1](#) Premature Sale.

If, before final approval has been obtained, any person transfers or sells or agrees to sell, as owner or agent, any land which forms a part of a subdivision on which, by this chapter, the Planning Board is required to act, such person shall be subject to a fine not to exceed \$1,000. Each parcel, plot or lot so disposed of shall be deemed a separate violation.

§ 27-10.2 Civil action.

In addition to the foregoing the Town may institute an action for injunctive relief and to set aside and invalidate any conveyance made pursuant to such a contract of sale if a certificate of compliance has not been issued in accordance with law.

§ 27-10.3 Liens upon Property.

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

§ 27-11 MINOR SITE PLANS.

§ 27-11.1 Application Procedure.

[Ord. 10/18/89 § 111A; Ord. #008-10 § 2]

- a. The applicant shall submit the application, the application fee, the escrow deposit, and all accompanying documents to the Board Secretary pursuant to the requirements of Section 26-3A of the Town Code.

The applicant shall also present evidence that no taxes, assessments, or other municipal charges are outstanding against the property.

- b. The application shall be declared complete or incomplete by the Planning Board no later than forty-five (45) days after its submission.
- c. Once the application has been deemed complete, the Planning Board shall grant or deny minor site plan approval within forty-five (45) days of the date of submission of a completed application, or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period described shall constitute a minor site plan approval.

§ 27-11.2 Waiver of Notice and Public Hearing.

[Ord. 10/18/89 § 11B; Ord. No. 4-1-92]

- a. If the Planning Board finds that the completed application for development conforms to the definition of a minor site plan under this chapter, the Planning

Board may waive the requirements of Notice and Public Hearing as set forth in N.J.S.A. 40:55D-12.

- b. A subcommittee of the Planning Board is hereby established to review all waiver requests upon the forwarding of a letter and the appropriate copies of the plan to the Planning Board subcommittee for their review. The subcommittee is thereby empowered to work with the Building Official, and/or his/her successors, and/or agents, to review these applications within three days of receipt thereof. If the finding is that the completed application for development conforms to the definition of a minor site plan under this chapter, the subcommittee may grant a waiver to the applicant and report same back to the Planning Board at the next regular scheduled meeting.
- c. There shall be no application fee attendant to such a waiver request under the Community Development Block Grant Program.
- d. Said persons are empowered hereby on a vote of the majority of the subcommittee

§ 27-11.3 Standards for Review.
[Ord. 10/18/89 § 11C]

If the proposed site plan complies with [Section 27-12.3](#), as well as the requirements and standards set forth in this chapter, the Zoning Ordinance, the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and all the applicable laws, ordinances, regulations, or resolutions, the Planning Board shall grant approval of the development plan.

§ 27-11.4 Conditional Approval.
[Ord. 10/18/89 § 11D]

- a. Whenever review or approval of the application by the [Hudson](#) County Planning Board is required, approval by the Planning Board shall be conditioned upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.
- b. The Planning Board may condition approval of a minor site plan on such terms which ensure the provision of the improvements pursuant to Section 27-9 and [Sections 27-12.9](#) and [27-12.10](#) and the payment of all taxes, assessments and other charges due the municipality.

§ 27-11.5 Effect of Approval of Minor Site Plan.
[Ord. 10/18/89 § 11E]

The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor site plan approval was granted, shall not be changed for a period of two [\(2\)](#) years after the date of minor site plan approval.

§ 27-11.6 (Reserved) [1]

[1] Editor's Note: Former subsection 27-11.6, Fees, previously codified herein and containing portions of Ordinance Nos. 10/18/89 and 004/03 was repealed in its entirety by Ordinance No. 008-10. See Section 26-3 for development application fees.

§ 27-12 PRELIMINARY APPROVAL OF MAJOR SITE PLAN.

§ 27-12.1 Submission of Application.

[Ord. 10/18/89 § 12A; Ord. #008-10 § 2]

- a. The applicant shall submit the application, the application fee, the escrow deposit, and all accompanying documents to the Board Secretary pursuant to the requirements of Section 26-3A of the Town Code.
- b. The site development plan shall be in a form and contain the elements listed in subsection 27-12.3 of this section.
- c. The application and plan shall be accompanied by all requisite fees as set forth in Chapter 26.
- d. The application and plan shall be submitted as set forth herein at least twenty-one (21) days prior to the date of the Planning Board meeting at which approval is requested.
- e. The officials to whom a copy of the site development plan has been submitted shall forward to the Planning Board not later than eight (8) days prior to the second regular meeting of the approving authority succeeding the completion of the application, their recommendations and comments, if any, in writing, concerning the site developments plan. The Planning Board shall consider the recommendations thus advanced but shall proceed in the absence of such recommendations.

§ 27-12.2 Determination of Completion.

[Ord. 10/18/89 § 12B]

- a. The Planning Board shall have forty-five (45) days from the submission of the items required in subsection 27-12.1 of this section to deem the application complete for purposes of review.
- b. An application shall be considered complete when the application forms have been duly submitted, the fees and deposits paid and the Board Engineer shall have certified that the site development plan has been drawn in accordance with subsection 27-12.3 of this section and is otherwise in a form required for the formal action of the Planning Board.

§ 27-12.3 Site Development Plan Details.

[Ord. 10/18/89 § 12C]

Site development plans shall be prepared by a licensed professional engineer, surveyor, and where applicable, an architect and shall include the elements listed below which are appropriate to the

proposed development or use. The map shall be at least sixteen (16) inches by twenty-six (26) inches, but not more than twenty-four (24) inches by thirty-six (36) inches and a scale of not less than one inch equals fifty (50) feet).

- a. Date of site plan. All revisions shall be noted and dated.
- b. Layout of proposed building of structures including existing and proposed elevation plan. The elevation of buildings and structures shall be indicated on the site plan in feet and number of stores. The improved lot coverage as defined in the zoning ordinance and its computations shall also be provided.
- c. Key map showing the location of the tract with reference to surrounding areas and existing street intersections.
- d. Title of development, North arrow, scale, block and lot number, name and address of record owner, name and address, license number and seal of person preparing the site plan. If the owner is a corporation, the name and address of the president and secretary shall be submitted with the application.
- e. Location, dimensions and details of signs.
- f. Lot line dimensions shall be in feet and decimals of a foot of all bearings shall be given to the nearest ten seconds.
- g. The names of all owners of record and all adjacent property, and the block and parcel number of the property, within 200 feet of the nearest property line. Evidence of notification of all adjoining property owners as provided by law shall be submitted at the public hearing. Land use of all parcels abutting the subject property shall be noted on the site plan.
- h. Zone boundaries shall be shown on the site plan as they affect the parcel; Adjacent zones districts within 200 feet shall also be indicated. Such feathers may be shown on a separate map or key on the detail map itself.
- i. Boundaries of the property, required building or setback lines and lines of existing streets, lots, reservations, easements and areas dedicated to public use, including grants, restrictions and rights of way.
- j. A map or copy of any covenants, deed restrictions or exceptions that are in effect or are intended to cover all or any of the tracts.
- k. All distances as measured along the right-of-way lines of existing streets abutting the property to the nearest intersections with any other public street.
- l. Location of existing buildings on the site which shall remain and all other structures such as walls, fences, culverts, bridges, roadways, etc., with spot elevations of such structures. Structures to be removed shall be indicated by dashed lines.

- m. Location and elevations of all storm drainage structures and utility lines; whether publicly or privately owned, with pipe sizes grade acid direction of flow, and if any existing utility lines are underground, the estimated location of said already underground utility lines shall be shown.
- n. Existing contours with intervals of two (2) feet where slopes are less than ten percent (10)% and five (5) feet where slopes are 100% or greater referred to United States coast and Geodetic datum or other reference system as may be required by the Town Engineer and to be indicated by a dashed line. Where any changes in contours are proposed, finished grades should be shown as solid lines or as may be required as a separate proposed grade plan.
- o. Location of existing rock outcrops, high points, watercourses, depressions, ponds, marches, wooded areas and other significant existing feathers, including previous flood elevations of watercourses, and, where available, ponds and march areas, as may be determined by survey.
- p. A survey prepared, signed, and sealed by a licensed surveyor of the State of New Jersey shall accompany the site plan and shall show the boundaries of the parcels and the limits of all proposed streets, recreation areas and other property to be dedicated to public use. The site plan may be accompanied by such other exhibits of an architectural nature submitted by the applicant as may be required by the municipal agency.
- q. All proposed easements and public and community areas. All proposed streets with profiles indicating grading and cross sections showing width of roadway, location and width of sidewalk and location and size of utility lines according to the standards and specifications of the Town.
- r. The proposed use or uses of land and building and proposed location of buildings, including proposed grades. Such features may be indicated on a separate drawing. Floor space of all buildings and estimated number of employees, housing units or other capacity measurements where required shall also be indicated.
- s. All means of vehicular ingress and egress and to and from the site onto public or private Street showing the size and location of driveways and curb cuts, including the possible organizations of traffic channels, acceleration and decelerating lanes, additional width and other traffic controls which may be required. Improvements such as roads, curbs, sidewalks and other traffic controls, which may be required. Improvements such as roads, curbs, sidewalks, and other design detail shall be indicated, including, dimensions of parking stalls, access aisles, curb radii, direction of traffic flow and other conditions as may be required in the Zoning Ordinance.

- t. The location and design of any off-street parking areas or loading areas, showing sizes and locations of bays, aisles and barriers.
- u. The location of all proposed waterlines, valves and hydrants and all sewer lines or alternative means of water supply or sewage disposal and treatment in conformance with the applicable standards of the Town and appropriate utility companies, where applicable.
- v. The proposed location, direction of illumination, power and it me of proposed outdoor lighting in conformance with applicable standards of the Town, including type of standards to be employed, radius of light and intensity of foot candles.
- w. The proposed screening and landscaping and a planting plan in conformance with the applicable standards of the Town indicating natural vegetation to remain, and areas to be planted and type of vegetation to be utilized.
- x. The proposed storm water drainage system as to conform to designs based on New Jersey Department of Environmental Protection of Residential Site Improvement Standards. All site plans shall be accompanied by a plan sketch showing all existing drainage within 500 feet of any boundary and all areas such as paved, areas, grassed areas, wooded areas and any other surface areas contributing to the calculation and should show methods used in the determination.
- y. The site plan should be prepared by a licensed engineer or architect for general location. For topographical and boundary survey information, the site plan shall be signed and sealed by a licensed land surveyor. For all elements of design, which shall include drainage, pavements, curbing walkways, embankments, horizontal and vertical geometries utilities and all pertinent structures, drawings shall be signed and sealed by a licensed professional engineer.
- z. After approval, a miler or linen shall be submitted for signature and title, and all information appearing thereon shall be in black India ink. Additional prints as required shall also be submitted after approval.

§ 27-12.4 Preliminary Approval of Completed Applications.
 [Ord. 10/18/89 § 12D]

- a. The Planning Board shall, within forty-five (45) days after submission of a completed application, or within ninety-five (95) days after submission of a completed application involving a development of more than ten (10) acres of land or ten (10) dwelling units, grant or deny preliminary approval of the proposed development or construction, or within such further time as may be consented to by the developer. Otherwise, the Planning Board shall be deemed to have granted preliminary approval of the site plan. However, whenever review or approval of the

application by the [Hudson](#) County Planning Board is required by N.J.S.A. 40:27-6.6, the reviewing board shall condition any approval on the timely receipt of a favorable report or approval on the application by the [Hudson](#) County Planning Board; and when a site plan is submitted as a function of a use or conditional use variance, the time limit requirements for the variance shall prevail.

- b. If the Planning Board requires any substantial amendment in the layout of the improvements proposed by the developer that have been the subject of a hearing, amended application for development shall be submitted and proceeded upon, as in the case of the original development.

§ 27-12.5 Review Standards for Preliminary Approval.
[Ord. 10/18/89 § 12E]

The Planning Board shall, if the proposed development complies with this [Chapter](#) and the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., grant preliminary approval of the site development plan.

- a. In the course of its review of a site plan application for preliminary approval, the Planning Board shall consider but not be limited to such factors as the following:
 1. The adequacy of access for fire and police protection and otherwise.
 2. The adequacy of provision for drainage of surface waters and for disposal of all wastes.
 3. The location and the layout of accessory off-street parking and off-street loading spaces, the width and grading of all entrances and exits to such places, the location of such exits and entrances, the traffic floor on site and ingress and egress to the site, together with the distance from street intersections, the likelihood of left-hand turns and other turning movements and the likelihood of drawing vehicular traffic to and through local residential streets.
 4. The arrangements for safe and convenient pedestrian circulation on the site and on its approaches.
 5. The arrangements for exterior lighting needed for safety reasons in addition to any requirements for street lighting.
 6. Arrangements to conserve energy and the use of renewable energy sources, if practicable.
 7. The impact of the proposed layout upon the surrounding area and particularly upon any nearby residences including, but not limited to:
 - (a) The location, bulk and height of buildings and the extent of their shadows.
 - (b) The location, intensity and direction of any outdoor lighting and the proposed times for its use.
 - (c) The location of any utilities.
 - (d) The likelihood of any other nuisances.
 - (e) Whether appropriate and adequate screening is provided.
 8. The size, location and type of any signs and/or outdoor display and their appropriateness in the area involved.

9. The proposed landscaping and its appropriateness in the area involved. Reservation of substantial trees and, where appropriate, existing vegetation is to be encouraged to the maximum extent possible.
 10. The arrangement of buildings, structures and open spaces on the site, with particular emphasis on setback requirements and the architectural design of the structure(s) and their impact on surrounding properties.
- b. In its review, the Planning Board shall encourage creative design of the site to provide a more convenient and attractive layout.
- c. As a prerequisite to the issuance of any building permit or Certificate of Occupancy for any use in the nonresidential districts, the applicant shall be required to demonstrate the following:
1. Fire and Explosion Hazards. All activities of operation involving fire or explosive hazards shall be carried on in conformity with the provisions of the Town Fire Prevention Code.
 2. Smoke, Fumes, Gases, Dust, Odors. There shall be no emission of any smoke, fumes, gas, dust, odors or any other atmospheric pollutant which will disseminate beyond the boundaries of the lot occupied by such use.
 3. Liquid or Solid Waste. No use or occupancy shall discharge industrial waste of any kind into any reservoir, pond, pool or other body of open water. The discharge of untreated industrial waste into a stream shall be approved by the Town and New Jersey State Health Departments. Effluence from a treatment plant shall at all times comply with the standards and requirements of the Town Sewer Ordinance.
 4. Vibration. There shall be no vibration which is discernible to the human sense of feeling beyond the immediate site on which use is conducted.
 5. Glare. There shall be no direct sky-reflected glare exceeding 0.5 candle measured at the property line of the lot occupied by such use. This regulation shall not apply to light used at the entrance and exits of service drives leading to a parking lot.
 6. No uses shall be permitted which are violative of any of the provisions of this chapter, including but not limited to the ordinances of the Board of Health. There shall be no vehicular access to any use established in nonresidential districts from any street that primarily serves residential neighborhoods.
 7. Signs. All signs shall comply with the Town Sign Ordinance.
 8. All buildings shall have adequate fire protection facilities and equipment and shall comply in all respects with the Guttenberg Fire Prevention Code.
 9. Landscaping.
 - (a) Effective landscaping, including the placement of trees, shrubs and grass, shall be provided in order to ensure the harmonious development of the area wherein a site is located and the attractiveness of the subject premises and to protect the natural resources of the premises. The above mentioned landscaping plan shall include screening as is otherwise required by this chapter.

- (b) It is the intention of this subsection to provide appropriate screening to conserve the existing natural resources and to develop a natural environment in harmony with the surrounding areas.
- 10. Trash Disposal. Each site shall provide an area or areas concealed from any parking areas or any adjacent property for the orderly disposal and pickup of trash, approved as part of the site plan.
- 11. Recyclable Materials. Each site shall provide for the recycling of any and all designated recyclable materials.

§ 27-12.6 (Reserved) [1]

[1] *Editor's Note: Former subsection 27-12.6, Fees, previously codified herein and containing portions of Ordinance 10/18/89 was repealed in its entirety by Ordinance No. 008-10. See Chapter 26 for development application fees.*

§ 27-12.7 Payment of Taxes and Liens as Condition to Development Approval.
[Ord. 10/18/89 § 12G]

As a condition for approval of any development application, an applicant shall be required to submit proof that no taxes or assessments for local improvements are due or delinquent on the property for which the application is made.

§ 27-12.8 Deviations from Site Plan Standards.
[Ord. 10/18/89 § 12H]

If it can be demonstrated that, because of peculiar conditions relating to the property or proposed construction, any of the above details are not necessary to properly evaluate the site plan, the Planning Board upon written application may modify or waive any of the specific site plan details.

§ 27-12.9 (Reserved).
[Ord. 10/18/89 § 12I]

§ 27-12.10 Off-Tract Improvements.
[Ord. 10/18/89 § 12J]

As a condition for approval of a site plan, the Planning Board may require the developer to pay [its](#) pro rata share of the costs of providing reasonable street improvements and water, sewage, and drainage facilities and easements therefor, located outside the property limits of the development but necessitated or required by the construction of improvements within the developments; provided, however, that this subsection shall in no way obligate the Town to install such improvements in order to facilitate development, nor shall the Planning Board approve a development requiring capital expenditure without appropriate action by the Mayor and [Town](#) Council.

§ 27-13 FINAL APPROVAL OF MAJOR SITE PLAN DEVELOPMENT.

§ 27-13.1 Procedure.
[Ord. 10/18/89 § 12A; Ord. #008-10 § 2]

The Planning Board shall grant final approval upon application of the developer to the Planning Board and upon the Planning Board's final determination that all the conditions of the preliminary approval, including site development work, have been completed and are so certified by the Town Engineer to the Planning Board and the Mayor and Town Council. The applicant submit the application, application fee, escrow deposit, and other materials to the Board Secretary in accordance with Section 26-3A of the Town Code.

§ 27-13.2 Time for Review.
[Ord. 10/18/89 § 13B]

Final approval shall be granted or denied within forty-five (45) days after submission of a complete application to the Planning Board, or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute final approval.

§ 27-13.3 Conditional Approval.
[Ord. 10/18/89 § 13C]

Whenever review or approval of the application by the Hudson County Planning Board is required by law, the Planning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the Hudson County Planning Board or approval by the Hudson County Planning Board by its failure to report thereon within the required time period.

§ 27-13.4 Violations.
[Ord. 10/18/89 § 13D]

Failure to comply with any of the conditions of site plan approval subsequent to the receipt of a building permit or Certificate of Occupancy, as the case may be, shall be construed to be a violation of this chapter and shall be grounds for the revocation of any building permit, or Certificate of Occupancy, as the case may be. If the Construction Official finds that any conditions of site plan approval have not been met, he shall give the applicant ten (10) days' written notice to comply with the conditions and failure to comply within this ten-day period shall result in the revocation of the building permit or Certificate of Occupancy, as the case may be. Such violations may additionally or singly also be prosecuted by law.

§ 27-14 MISCELLANEOUS PROVISIONS.

§ 27-14.1 Fee for Updating Tax Map.
[Ord. #09-12]

Upon the approval of any minor or major subdivision, the applicant shall pay to the Town of Guttenberg a fee of \$250 for the purpose of updating and amending the Town of Guttenberg Tax Map to reflect any necessary changes occasioned by said subdivision.

§ 27-14.2 Enforcement.
[Ord. 10/18/89 § 14B]

This chapter shall be administered and enforced by the Building Code Officials and Planning Board.

§ 27-14.3 Interpretation.
[Ord. 10/18/89 § 14C]

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, prosperity, and general welfare.

§ 27-15 FACILITIES FOR THE COLLECTION OR STORAGE OF SOURCE SEPARATED RECYCLABLE MATERIALS IN NEW MULTIFAMILY HOUSING DEVELOPMENTS.

§ 27-15.1 Definitions.
[Ord. #10-20-1993B § 1]

As used in this section:

MULTIFAMILY HOUSING DEVELOPMENT

Shall mean a building containing three or more dwelling units occupied or intended to be occupied by persons living independently of each other, or a group of such buildings.

RECYCLING AREA

Shall mean space allocated for collection and storage of source separated recyclable materials.

§ 27-15.2 Required.
[Ord. #10-20-1993B § 2]

There shall be included in any new multifamily housing development that requires subdivision or site plan approval an indoor or outdoor recycling area for the collection and storage of residentially-generated recyclable materials. The dimensions of the recycling area shall be sufficient to accommodate recycling bins or containers which are of adequate size and number, and which are consistent with anticipated usage and with current methods of collection in the area in which the project is located. The dimensions of the recycling area and the bins or containers shall be determined in consultation with the municipal recycling coordinator, and shall be consistent with the district recycling plan adopted pursuant to section 3 of P.L. 1987, c. 102

(N.J.S.A. 13:1E-99.13) and any applicable requirements of the municipal master plan adopted pursuant to section 26 of P.L. 1987, c. 102.

§ 27-15.3 Location.
[Ord. #10-20-1993B § 3]

The recycling area shall be conveniently located for the residential disposition of source separated recyclable materials, preferably near, but clearly separated from, a refuse dumpster.

§ 27-15.4 Accessibility.
[Ord. #10-20-1993B § 4]

The recycling area shall be well lit, and shall be safely and easily accessible by recycling personnel and vehicles. Collection vehicles shall be able to access the recycling area without interference from parked cars or other obstacles. Reasonable measures shall be taken to protect the recycling area, and the bins or containers placed therein, against theft of recyclable materials, bins or containers.

§ 27-15.5 Bins and Containers.
[Ord. #10-20-1993B § 5]

The recycling area or the bins or containers placed therein shall be designed so as to provide protection against adverse environmental conditions which might render the collected materials unmarketable. Any bins or containers which are used for the collection of recyclable paper or cardboard, and which are located in an outdoor recycling area, shall be equipped with a lid, or otherwise covered, so as to keep the paper or cardboard dry.

§ 27-15.6 Signs.
[Ord. #10-20-1993B § 6]

Signs clearly identifying the recycling area and the materials accepted therein shall be posted adjacent to all points of access to the recycling area. Individual bins or containers shall be equipped with signs indicating the materials to be placed therein.

§ 27-15.7 Landscaping and Fencing.
[Ord. #10-20-1993B § 7]

Landscaping or fencing shall be provided around any outdoor recycling area and shall be developed in an aesthetically pleasing manner.