

**8-1 ESTABLISHMENT OF AN OFFICIAL MAP.**

**8-1.1** There is hereby adopted, pursuant to the provisions of N.J.S.A. 40:55D-32, a document known as "The Official Map of the Borough of Bernardsville." (Ord. No. 581 § 8-1.1)

**8-1.2** The Official Map shall be deemed conclusive with respect to the location and width of streets and public drainage ways and the location and extent of flood control basins and public areas, whether or not such streets, ways, basins or areas are improved or unimproved or are in actual physical existence. Upon receiving an application for development, the Borough may reserve for future use, the aforesaid streets, ways, basins, and areas in the manner provided in Section 11-3 of this chapter. (Ord. No. 581 § 8-1.2)

**8-2 ISSUANCE OF PERMITS FOR BUILDINGS OR STRUCTURES.**

For purposes of preserving the integrity of the Official Map, no permit shall be issued for any building or structure in the bed of any street or public drainage way, flood control basin or public area reserved pursuant to Section 3-1 of this chapter as shown on the Official Map, or shown on a plat filed pursuant to this chapter before adoption of the Official Map, except as provided herein. Whenever one (1) or more parcels of land, upon which is located the bed of such mapped street or public drainage way, flood control basin or public area reserved pursuant to Section 8-1 hereof, cannot yield a reasonable return to the owner unless a building permit is granted, the Board of Adjustment may, in a specific case, by an affirmative vote of a majority of the full authorized membership of the Board, direct the issuance of a permit for a building or structure in the bed of such mapped street, or public drainage way or flood control basin or public area reserved pursuant to Section 8-1 hereof, which will as little as practicable increase the cost of opening such street, or tend to cause a minimum change of the Official Map and the Board shall impose reasonable requirements as a condition of granting the permit so as to promote the health, morals, safety and general welfare of the public. Sections 3-15 through Section 3-16 of this chapter shall apply to applications or appeals pursuant to this section. (Ord. No. 581 § 8-2)

**8-3 BUILDING LOT TO ABUT STREET.**

No permit for the erection of a building or structure shall be issued unless the lot abuts a street giving access to such proposed building or structure. Such street shall have been duly placed on the Official Map or shall be (a) an existing state, county or municipal street or highway, or (b) a street shown upon a plat approved by the Planning Board, or (c) a street on a plat duly filed in the Office of the County Recording Officer prior to the passage of this chapter or its predecessor or any prior law which required prior approval of plats by the Governing Body or other authorized body. Before any such permit shall be issued, such street shall have been certified to be suitably improved to the satisfaction of the Governing Body, or such suitable improvement shall have been assured by means of a Performance Guarantee, in accordance with standards and specifications for road improvements approved by the Governing Body, as adequate in respect to the public health, safety and general welfare of the special circumstances of the particular street. (Ord. No. 581 § 8-3)

**8-4 APPEALS.**

**8-4.1** Where the enforcement of Section 8-3 hereof would entail practical difficulty or unnecessary hardship, or where the circumstances of the case do not require the building or structure to be related to a street the Approving Authority may upon application or appeal vary the application of Section 8-3 hereof and direct the issuance of a permit subject to conditions that will provide adequate access for firefighting equipment, ambulances and other emergency vehicles necessary for the protection of health and safety and that will protect any future street layout shown on the Official Map or a general circulation plan element of the municipal Master Plan pursuant to subsection 6-1.2d of this chapter.

**8-4.2** Any interested party may appeal to the Governing Body from any Final Approval granted pursuant to subsection 8-4.1 above in the manner prescribed in Section 5-3 of this chapter.  
(Ord. No. 581 § 8-4)