

ARTICLE 10 SUBDIVISIONS

10-1 SHORT TITLE.

This Article 10 of the Development Regulations Chapter of the Borough of Bernardsville may be cited and referred to as the Subdivision Regulations. (Ord. No. 581 § 10-1)

10-2 APPLICATION.

Any owner of land within the Borough shall, prior to subdividing or re-subdividing land, as defined in this chapter, and before conveying legal or equitable title to such subdivision or any part thereof, shall apply to the Planning Board for review and approval of a subdivision plat pursuant to the provisions of this Article. In the event the subdivision application requires action by the Board of Adjustment pursuant to subsection 3-8.4 of this chapter, the application shall be submitted to and processed by the Board which shall act to the same extent and subject to the same restrictions as the Planning Board as set forth in this Article. Any alteration, diminution, creation or elimination of a lot line which does not constitute a subdivision, as defined in subsection 1-3.2 of this chapter, shall be granted a Subdivision Exemption, as defined in subsection 1-3.2, by the Planning Board.

10-2.1 Ten (10) copies of the application for subdivision approval shall be filed with the Administrative Officer of the Board at least two (2) weeks prior to a regular meeting of the Planning Board.

10-2.2 The application shall be made on forms available from the Administrative Officer of the Board and shall be accompanied by the required filing fee and ten (10) blue or black on white prints of the subdivision plat and ten (10) copies of any other required documents and improvement plans. An application for final subdivision approval shall also be accompanied by the original tracing of the subdivision plat.

10-2.3 The application shall be accompanied by a filing fee as established by Article 15 to cover the technical, investigative and administrative expenses involved in processing the application.

10-2.4 An application shall be certified as complete immediately upon complying with the definition in subsection 1-3.2 of this chapter, and shall be deemed complete as of the day it is so submitted by the Administrative Officer for purposes of the commencement of the time period of action by any Municipal Agency of the Borough. If the application for development is found to be incomplete, the developer shall be notified in writing of the deficiencies therein by the Board or the Board's designee for the determination of completeness within forty-five (45) days of the submission of such application or it shall be deemed to be properly submitted. (Ord. No. 581 § 10-2)

10-3 REVIEW PROCEDURES.

Upon receipt of the application, the Administrative Officer of the Board shall forward same to either the Planning Board or Board of Adjustment depending upon which has jurisdiction. If the Planning Board has jurisdiction, the Administrative Officer shall forward same to the Secretary of the Planning Board who in turn shall forward same to the Subdivision and Site Plan Review Committee and shall send a copy to each of the following for report and recommendation:

Borough Engineer
County Planning Board
Board of Health
Shade Tree Commission
Environmental Commission
Zoning Officer
Fire Prevention Bureau

N.J. Department of Transportation, if the property is on a State highway.

Such other municipal, county, State and Federal officials and agencies as directed by the Subdivision and Site Plan Review Committee or Planning Board.

Such other experts deemed appropriate by the Board.

(Ord. No. 2005-1395 § 4)

10-3.1 The Subdivision and Site Plan Review Committee shall review the application along with reports required from any officials or agencies and shall submit its findings and recommendations to the Planning Board.

10-3.2 The Planning Board shall grant or deny the application within the periods of time following submission of a complete application prescribed below, or within such further time periods as may be consented to by the applicant.

Type of Application	Period of Time for Action by Planning Board
Concept Plan of a Subdivision	45 days
Minor Subdivision or Re-subdivision	45 days
Preliminary Plat - 10 lots or less	45 days
Preliminary Plat - more than 10 lots	95 days
Final Plat	45 days

Failure of the Planning Board to act within the period prescribed shall constitute approval and a certificate of the Administrative Officer 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, herein required, and shall be submitted to the County Recording Officer for purposes of filing subdivision plats, and the applicant notified accordingly within one (1) week.

10-3.3 Whenever review or approval of an application by the County Planning Board is required pursuant to the Subdivision Review and Approval Resolution of the County of Somerset, New Jersey, the Planning Board shall condition any approval that it grants 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.

10-3.4 If the scheduled time of a Planning Board meeting allows insufficient time for the Board to reach a determination regarding action on an application within the time prescribed in this section, the applicant shall be requested to consent to an extension of time.

10-3.5 Prior to returning the approved plat to the applicant, the applicant shall submit sufficient copies to the Secretary of the Planning Board in order to furnish a copy to each of the following:

Borough Clerk
Borough Engineer
Building Inspector
Tax Assessor
Planning Board File
Tax Collector
(Ord. No. 581 § 10-3)

10-4 CONCEPT PLANS FOR SUBDIVISIONS.

10-4.1 Procedure for Submission and Approval.

At the request of the developer, the Planning Board shall grant an informal review of a Concept Plan for a development for which the developer intends to prepare and submit an application for a subdivision. This step is optional and is recommended by the Planning Board. The Concept Plan of a subdivision is designed to enable the Planning Board and the applicant to discuss and evaluate principles and potential problems involved before the applicant has gone to the expense of completing detailed engineering drawings as required for further processing of the development application.

a. The Planning Board shall be authorized to establish reasonable criteria for the subsequent submission of an application for development and notwithstanding any other provisions of this chapter, waive, for good cause, to the extent felt appropriate on the basis of the Concept Plan of a subdivision, any subdivision details required under subsections 10-7.2 and 10-7.3 of this chapter for the processing of the applications for approval of the subsequent subdivision application for development. The Planning Board shall act on a Concept Plan of a subdivision within forty-five (45) days of its submission, classify it and if satisfactory, grant non-binding approval, with or without appropriate conditions for subsequent submission of the subdivision application for development. The developer shall not be bound by any concept plan for which review is requested for a subdivision, and the Planning Board shall not be bound by any such review. Approval is intended to enable the applicant to proceed with the submission of the subsequent subdivision application for development on a reasonable, expeditious and sound basis and shall not be construed as authorization for any construction.

(Ord. No. 581 § 10-4.1)

10-5 MINOR SUBDIVISIONS.

10-5.1 Procedures for Submission and Approval.

Prior to the subdividing or resubdividing of any land within the Borough, so that the subdivision constitutes a Minor Subdivision, as defined in Article 1 of this chapter, a minor subdivision application shall be filed in accordance with Section 10-2 above and shall contain all data and information required in subsection 10-7.2. The detailed requirements for subdividing or resubdividing any land within the Borough constituting a minor subdivision, are covered in subsection 10-7.2.

a. If classified and approved as a minor subdivision by unanimous action of the Subdivision and Site Plan Review Committee, a notation to that effect will be made on the minor subdivision plat. The chairman of the Subdivision and Site Plan Review Committee shall then forward one (1) copy of the signed minor subdivision to the Planning Board for its files. The approval shall be noted in the minutes of the next regularly scheduled meeting of the Planning Board following receipt of the Subdivision and Site Plan Review Committee report. The Chairman and Secretary of the Planning Board shall sign the minor subdivision if approved by the Subdivision and Site Plan Review Committee and the approval shall be deemed to be final approval. The minor subdivision plat, after approval, shall be returned to the subdivider within one (1) week following the signing of the plat by the Chairman and Secretary.

b. Approval of a minor subdivision shall expire one hundred ninety (190) days from the date of municipal approval unless within such period a plat in conformity with such approval and the provisions of the "Map Filing Law," N.J.S.A. 46:23-9.9 et seq., or a deed clearly describing the approved minor subdivision is filed by the developer with the Somerset County Recording Officer, the Borough Engineer and the Borough Tax Assessor. Any such plat or deed accepted for such filing shall have been signed by the Chairman and Secretary of the Planning Board. In reviewing the application for development for proposed minor subdivision, the Planning Board may accept a plat not in conformity with the "Map Filing Act," N.J.S.A. 46:23-9.9 et seq.; provided that if the developer chooses to file the minor subdivision as provided herein by plat rather than deed such plat shall conform with the provisions of the Act.

c. 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 as provided in this section.

d. If the application for a minor subdivision is classified as a major subdivision by the Subdivision and Site Plan Review Committee, the subdivider will be so notified. No further Planning Board action on the application shall be required and the subdivider shall follow the procedures contained herein for processing approval of a preliminary and final plat of a major subdivision.

(Ord. No. 581 § 10-5.1)

10-6 MAJOR SUBDIVISIONS.

10-6.1 Procedure for the Submission and Approval of Preliminary Plats.

Any application for approval of a preliminary plat shall be filed in accordance with Section 10-2 of this Article and shall contain all information as required in subsection 10-7.3. The application will be forwarded to the Planning Board or Board of Adjustment for processing as herein required.

a. If the application is found to be in substantial compliance with the provisions of this chapter, the Planning Board shall schedule a hearing on the application pursuant to Article 4 of this chapter. If the application is found to be not in compliance, the Board shall so inform the applicant within forty-five (45) days of submission with a list of the items that are incomplete, and shall require the filing of an amended application which shall be processed as an original application.

b. If the Planning Board requires any substantial amendment in the layout of improvements proposed by the developer that have been the subject of the hearing, an amended application shall be submitted and proceeded upon, as in the case of the original application. After the Planning Board is satisfied that the proposed application, together with any conditions as imposed by the Board, meets all of the conditions of this chapter, it shall grant preliminary approval.

c. Preliminary approval shall, except as provided in paragraph c., 4. of this subsection, confer upon the applicant the following rights for a three (3) year period from the date of the preliminary approval.

1. That the general terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to use requirements; layout and design standards for streets, curbs and sidewalks; lot size; yard dimensions and off-tract improvements except that nothing herein shall be construed to prevent the Borough from modifying by ordinance such general terms and conditions of preliminary approval as relate to public health and safety.

2. That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary subdivision plat.

3. That the applicant may apply for and 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, provided that if the improvement or design standards have been revised by ordinance, such revised standards may govern.

4. In the case of a subdivision of fifty (50) acres or more, the Planning Board may grant the rights referred to in paragraphs c., 1., 2. and 3. above for such period of time, longer than three (3) years, as shall be determined by the Planning Board to be reasonable taking into consideration: the number of dwelling units and non-residential floor area permissible under preliminary approval; economic conditions and the comprehensiveness of the development. The applicant may apply for thereafter and the Planning Board may thereafter grant an extension to preliminary approval for such additional period of time as shall be determined by the Planning Board to be reasonable taking into consideration the number of dwelling units and nonresidential floor area permissible under preliminary approval, the potential number of dwelling units and nonresidential floor area of the section or sections awaiting final approval, economic conditions, and the comprehensiveness of the development; provided that if the improvement or design standards have been revised, such revised standards may govern.
(Ord. No. 581 § 10-6.1)

10-6.2 Procedure for the Submission and Approval of Final Plats.

Application for approval of a final plat shall be filed in accordance with Section 10-2 and shall contain all the information prescribed in subsection 10-7.4. The application shall be filed within the period prescribed in subsection 10-3.2 and may be for the whole or a section or sections of the preliminary plat. The application will be forwarded to the Planning Board or Board of Adjustment for processing as herein required.

a. If the application is found to be in substantial compliance with the provisions of this Article, the Board shall schedule a hearing on the application pursuant to Section 10-4. If the application is found to be deficient in any respect, the Board shall so inform the applicant and shall require the filing of an amended application which shall be processed as in the case of the original application.

b. After the Planning Board or Board of Adjustment, as the case may be, is satisfied that the proposed application, together with any conditions as imposed by the Board, meets all the conditions of preliminary approval, it shall grant final approval.

c. Whenever review or approval of the application by the Somerset County Planning Board is required pursuant to Section 5 of P.L. 1968, c.285 the Borough Planning Board shall condition any approval that it grants 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.

d. If final approval is granted, copies of the plat shall be signed by the Chairman and Secretary of the Board granting the approval and the Secretary shall file the approved plans with the following:

Borough Clerk
Borough Engineer
Building Inspector
Planning Board
Tax Collector
Tax Assessor
Planning Board

e. The zoning requirements applicable to the preliminary approval first granted and all the rights conferred upon the developer pursuant to subsection 10-6.1c., whether conditionally or otherwise, shall not be changed for a period of two (2) years after the date of final approval; provided that in the case of major subdivision, the rights conferred by this section shall expire if the plat has not been duly recorded within the time period provided in subsection 10-6.2f. below. If the developer has followed the standards prescribed for final approval, and has duly recorded the plat as required in subsection 10-6.2f. below, the Planning Board may extend such period of protection for periods of one (1) year but not to exceed three (3) extensions. Notwithstanding any other provisions of this chapter, the granting of final approval terminates the time period of preliminary approval pursuant to subsection 10-6.1c. for the section granted final approval.

f. 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 County Recording Officer. The Planning Board may for good cause shown extend the period for recording for an additional period not to exceed one hundred ninety (190) days from the date of signing of the plat.

g. No subdivision plat shall be accepted for filing by the Somerset County Recording Officer until it has been approved by the Planning Board as indicated on the instrument by the signature of the Chairman and Secretary of the Planning Board or a certificate has been issued pursuant to Section 44 of Chapter 291, Laws of N.J. 1975. The signatures of the Chairman and Secretary of the Planning Board shall not be affixed until the developer has posted the guarantees required pursuant to subsection 10-8.4. If the County Recording Officer records any plat without such approval, such recording shall be deemed null and void.
(Ord. No. 581 § 10-6.2)

10-7 SUBDIVISION PLAT DETAILS.

10-7.1 Concept Plan of a Subdivision.

The concept plan of a subdivision shall be based on tax map information or some other similarly accurate information. The concept plan of a subdivision may be prepared by the owner if drawn in a form acceptable to the Planning Board or shall be prepared by a New Jersey licensed professional engineer or land surveyor and shall show and include the following information:

a. *Environmental Evaluation Map - General Data.*

1. The name, address, appropriate seal, and New Jersey license number of the professional(s) having prepared such map, if the map was not prepared by the applicant.
2. The name and address of the owner or owners of record.
3. The name and address of the applicant.
4. The tract name, current tax map sheet, block and lot number; date; reference meridian and graphic scale.
5. All streets and private roads within five hundred (500) feet of the site.
6. The map shall be drawn accurately to scale. The scale shall be not more than one hundred (100) feet to the inch.
7. The key map indicated thereon shall be drawn to a scale of not more than five hundred (500) feet to the inch and shall show the area in question and the relation of this area to the surrounding areas. The orientation of the key map shall be the same as to that of the main map.
8. The names of the adjoining property owners as disclosed by the current Tax Map.

b. *Environmental Evaluation Map - Property Data.*

1. The location of existing property lines and acreage to the nearest tenth of an acre.
2. Streets, roads, water and sewer lines, trails, and bridle paths.
3. Structures, including buildings, bridges, railroads, culverts and drain pipes on the site and within three hundred (300) feet of the subject property.
4. Existing topography with a maximum contour of two (2) feet where slopes are less than thirty (30%) percent and a maximum contour interval of five (5) feet where slopes are thirty (30%) percent or greater.

5. Soil Classifications and Slopes.
 - (a) Soil classifications based upon the latest soil information tables published by the Soil Conservation Service, U.S. Department of Agriculture.
 - (b) Slope categories of 15% to 24.99%, 25% to 29.99% and 30% or greater, based on ten (10) foot contour intervals, shall be shown on the plans and each category shall be clearly shown by shading or similar identification technique. The ten (10) foot contour intervals utilized to establish these categories should be those which result in the greatest slope, rather than simply using those contours which are multiples of ten (10).
 - (c) Areas of moderate and severe erosion potential.
 - (d) Seasonal high water table.
 - (e) Depths to bedrock.
 - (f) Suitability to septic effluent disposal.
 6. Natural resources and features such as woodlands and wetlands; major rock outcroppings; lakes, ponds, streams, drainage ditches, impoundment areas, and watercourses, including specifically those designated in Article 14 and Municipal Ordinance 558.
 7. Streets and easements. All existing or proposed easements, restrictions, rights-of-way, streams or natural watercourses and drainage ditches in and within two hundred (200) feet of the subdivision. State the use of each easement and the text of such restrictions.

A copy of any existing easement deed restriction, or covenant and the proposed use of sites other than residential.
 8. Monuments. Location and description of monuments.
 9. Location. The location of that portion of the tract to be subdivided in relation to the entire tract.
 10. Dimensions. The dimensions of all lot lines including the area in square feet of each lot along with the circle of the diameter specified in Article 12.
 11. Zoning. All zone districts and the location of any zone boundaries within the subdivision.
 12. Yard setbacks. Minimum front, rear, and side yard setback lines as required by the zoning regulations of this chapter.
 13. Date. Date of original preparation of map and date of revision, if any, of map.
 14. Title. Title of subdivision as well as old name of map if previously submitted under different title.
 15. Certification from the Tax Collector that no taxes or assessments for local improvements are due or delinquent on the subject property.
- (Ord. No. 581 § 10-7.1; Ord. No. 93-970 § 10; Ord. No. 2002-1274, §§ 4, 5)

10-7.2 Minor Subdivision Plat.

The plat shall be based on tax map information or some other similarly accurate information at a scale to enable the entire tract to be legibly shown on one (1) sheet. The scale shall not be more than fifty (50) feet to the inch or less than ten (10) feet to the inch. Where this scale would result in an unduly large map, the Planning Board may permit the use of a key map to show the entire tract. The plat may be prepared by the owner if drawn in a form acceptable to the Planning Board or shall be prepared by a New Jersey licensed professional engineer or land surveyor and shall show and include the following information:

- a. *Location.* The location of that portion of the tract to be subdivided in relation to the entire tract.
 - b. *Identity.* The tax map sheet, block and lot number.
 - c. *Owners.* The name of owner and of all adjoining land owners as disclosed by the most recent Bernardsville tax records.
 - d. *Dimensions.* The dimensions of all lot lines including the area in square feet of each lot as well as the circle of the diameter specified in Article 12.
 - e. *Structures.* All existing structures on the tract to be subdivided and all existing structures on all abutting lots.
 - f. *Streets and Easements.* All streets names and all existing and proposed easements and restrictions stating the use of each easement and the text of such restrictions.
 - g. *Zoning.* All zone districts and the location of any zone boundaries within the subdivision.
 - h. *Yard Setbacks.* Front, rear and side yard setback lines as required by the zoning regulations of this chapter.
 - i. *Slopes.* Existing topography with a maximum contour of two (2) feet where slopes are less than thirty (30%) percent and a maximum contour interval of five (5) feet where slopes are thirty (30%) percent or greater shall be shown on the plan, and slope categories of 15% to 24.99%, 25% to 29.99% and 30% or greater, based on ten (10) foot contour intervals, shall be clearly shown by shading or similar identification technique. The ten (10) foot contour intervals utilized to establish these categories should be those which result in the greatest slope, rather than simply using those contours which are multiples of ten (10).
 - j. *Certification.* Name and address of person preparing map.
 - k. *Date.* Date of original preparation of map and date of revision, if any, of map.
 - l. Certification from the Tax Collector that no taxes or assessments for local improvements are due or delinquent.
- (Ord. No. 581 § 10-7.2; Ord. No. 93-970 § 11; Ord. No. 2002-1274 § 6)

10-7.3 Preliminary Plat for Major Subdivision.

Preliminary plats shall be designed and drawn by a New Jersey licensed land surveyor or New Jersey licensed professional engineer and shall meet all provisions of subsection 10-7.1 (Concept Plan of a Subdivision) of this chapter and in addition, shall show or be accompanied by the following information unless and to whatever extent modified or otherwise required by the Planning Board.

- a. When a brook or stream is proposed to be altered, improved, or relocated, evidence of submittal of information regarding the change to the New Jersey Department of Environmental Protection, Division of Water Resources.
- b. Cross sections of watercourses at an appropriate scale showing extent of floodplain (if defined), top of bank, normal water level, and bottom elevations at the following locations:
 1. At any point where a watercourse crosses a boundary of the subdivision.
 2. At fifty (50)-foot intervals for a distance of three hundred (300) feet upstream and downstream of any proposed culvert or bridge within or adjacent to the subdivision.
 3. Immediately upstream and downstream of any point or juncture of two (2) or more watercourses.
 4. At a maximum of three hundred (300) foot intervals along all watercourses which run through the subdivision or whose riparian yard is within the subdivision.
 5. When ditches, streams or brooks are to be altered, improved, or relocated, the method of stabilizing slopes and measures to control erosion and siltation during construction.
- c. The boundaries of the floodplains of all watercourses within or adjacent to the subdivision (if defined).
- d. The total acreage upstream of the subdivision in the basin drained by any watercourse running through or adjacent to the subdivision.
- e. The total acreage in the drainage basin to the nearest downstream drainage structure and the acreage in the subdivision which drains to the structure.
- f. The location and extent of stream encroachment lines, riparian yards, and proposed drainage or conservation easements.

- g. The location, extent, and water level elevation of all proposed or existing lakes or ponds within or adjacent to the subdivision.
 - h. Plans for proposed stormwater management system to include the following:
 - 1. All existing and proposed stormwater management facilities within or adjacent to the subdivision showing the size of lines, direction of flow, slope and the location of each catch basin and inlet and all other stormwater management facilities.
 - 2. The location and extent of any proposed dry wells, ground water recharge basins, retention basins, or other water conservation devices. When such facilities that are dependent on percolation are proposed, borings shall be made at appropriate locations designated on the plat, with supplemental soil log data furnished.
 - i. Plans for proposed sanitary sewage systems showing all existing and proposed facilities servicing the subdivision including location, size and slope of all sanitary sewer lines, pumping stations and connections to existing facilities.
 - j. Plans for proposed water, gas, electricity, and other utility systems to include all existing and proposed facilities within or adjacent to the subdivision showing feasible connections.
 - k. When individual water supply or sewage disposal system is proposed, the plan for such system must be approved by the appropriate local, County or State health agencies. When a public sewage disposal system is not available, the developer shall have percolation tests or test holes made and submit the results on forms furnished by the local Board of Health, together with the Preliminary Plat. All provisions of Chapter 199 of the Laws of 1954 must be complied with. Any subdivision or part thereof which does not meet the requirements for utilities established by this chapter or other applicable regulations shall not be approved. Any remedy proposed to overcome a substandard situation shall first be approved by the appropriate local, County, or State health agencies.
 - l. For any tract not furnished with adequate potable water by public utility the information to supplement the Preliminary Plat shall show the flow rate in gallons per minute of any existing wells on the subject tract and on adjoining property.
 - m. The location of proposed new streets or private roads to include the tentative cross sections and center line profiles.
 - n. A development plan indicating the use of the lots within the subdivision, the individual lot areas, the total individual lot area and the individual lot area that may be measured in accordance with Article 12, Zoning. The plat shall also show the circle of the diameter specified in Article 12, Zoning.
 - o. Building envelopes in accordance with all yard requirements of Article 12, Zoning, for the applicable zone district.
 - p. Slope boundaries of fifteen (15%) percent, twenty-five (25%) percent, and thirty (30%) percent shall be shown on the plans.
 - q. A certification that no taxes or assessments for local improvements are due or delinquent on the property.
 - r. Property proposed for subdivision meeting these plat requirements and procedures shall also comply with the provisions of Article 14 of this chapter.
 - s. When fire-protection systems are required, the plans for such systems, showing existing and proposed facilities, including location of storage tanks, cisterns, ponds, lakes or rivers, access roads, proposed water sources, water supply rates and installation details.
 - t. *Open Space Zoning Development Details.* For applications that include proposed open space, the following details or information shall be submitted in written description and, where applicable, shown on the plat.
 - 1. The amount, the nearest tenth (.10) of an acre, and location of open space to be provided.
 - 2. The location and description of any permitted improvements.
 - 3. A description of the organization to be established for the ownership and maintenance of any open space and facilities in accordance with subsection 12-19.2a7 of this chapter.
- (Ord. No. 581 § 10-7.3; Ord. No. 93-970 § 12; Ord. No. 94-993 § 1; Ord. No. 2006 1453 § 3)

10-7.4 Final Plat of Major Subdivision.

The Final Plat shall be drawn in black waterproof ink on tracing cloth at a scale of not more than one hundred (100) feet to the inch and in compliance with all the provisions of N.J.S.A. 40:23-9.8. The final plat shall show or be accompanied by the following:

- a. *General Information.*
 - 1. Data. Date, name and location of the owner, name of subdivider, graphic scale and reference meridian.
 - 2. Property Lines. Tract boundary lines, right-of-way lines of streets, street names, easements and other rights-of-way, land to be reserved or dedicated to public use, all lot lines and other site lines, together with accurate dimensions, bearings or deflections, angles and radii, arcs, and central angles of all curves.
 - 3. Use of Land. The purpose of any easement or land reserved or dedicated to public use shall be designated, and the proposed use of sites other than residential shall be noted.
 - 4. Block and Lot Numbers. Each block shall be numbered in conformance with the Tax Map of the Borough of Bernardsville and the lots within each block shall be numbered consecutively beginning with number one, as assigned by the Borough Engineer.
 - 5. Setback Lines. Minimum building setback line on all lots and other sites.
 - 6. Monuments. Location and description of all monuments.
 - 7. Adjoining Property Owners. Names of owners of adjoining land.
 - 8. Engineer's Certification. Certification by engineer or surveyor as to accuracy of details of plat.
 - 9. Owner's Certification. Certification that the applicant is agent or owner of the land or that the owner has given consent under an option agreement.
 - 10. Certification of Other's Approval. When approval of a plat is required by any officer or body of the Borough, County or State, such approval shall be certified on the plat.
 - 11. Tax Collector's Certification. Certification from the Tax Collector that no taxes or assessments for local improvements are due or delinquent.
- b. *As-Built Plans.* Upon completion of improvements as-built plans shall be submitted showing:
 - 1. Street Profiles. Cross sections and profiles of streets, approved by the Borough Engineer. A construction sheet showing construction detail, such as typical section of street or road, curb section, drop inlet or catch basin.
 - 2. Grading Plan. Grading plan showing existing and final contours at five (5)-foot intervals for slopes averaging ten (10%) percent or greater and at two (2)-foot intervals for land of lesser slope.
 - 3. Water and Sewer Profiles. Plans and profiles of storm and sanitary sewers and water mains.
 - 4. Stormwater Management Facilities. Final grading and elevations of all stormwater management facilities, including certification from the design engineer to the as-built volume of all stormwater management basins.
- c. *Open Space Zoning Development Details.* For applications that include proposed open space, the following additional details or information shall be submitted.
 - 1. The deed to any open space being dedicated to the Borough or other Governmental Body, or
 - 2. Copies of any covenants or deed restrictions, master deeds or other documents relating to the development or its ownership or maintenance and to any open space or common open space organization.
- d. *Improvements.*

1. Prior to consideration by the Planning Board of a Final Plat of a major subdivision for Final Approval, the applicant shall have installed or shall have filed Performance Guarantees, in accordance with Article 11 of this chapter, for the ultimate installation of the following improvements as required:

- Proposed public streets
- Private roads
- Curbs, shoulders, and guard rails
- Water, sanitary sewers, drainage, and other roadbed utilities
- Individual lot utility connections to minimum of ten (10) feet beyond the curbline
- On-tract stormwater management facilities
- Off-tract improvements
- Electric, telephone and other non-roadbed utilities, unless exceptions as permitted in subsection 10-7.4d, 3(k) of this Article apply.
- Street signs
- Shade trees
- Sidewalks
- Monuments
- Fire protection systems.

2. All other improvements required by the Planning Board.

3. Details.

(a) Pavement. The pavement as required shall conform to the Borough specifications but may vary in width and edge conditions with the density of development as follows:

(1) In a subdivision, in zones requiring lots up to fifty thousand (50,000) square feet, a thirty (30)-foot pavement must be provided with raised concrete or granite block curbs as approved by the Borough Engineer.

(2) In a subdivision, in zones requiring lots of more than fifty thousand (50,000) square feet, a minimum twenty (20)-foot pavement width shall be provided. Flush concrete curbs must be installed at the pavement edge. The pavement width may be increased to provide for the safe movement of traffic or to properly provide for adequate drainage, as required by the Borough Engineer. In no event, however, shall the required pavement width be in excess of thirty (30) feet.

(b) Drainage. Positive drainage systems will be installed to include grass berms, catch basins, and pipe of suitable diameter to carry the design flow as required by the Borough Engineer.

(c) Edge Conditions. Suitable graded and seeded areas will be provided beyond the pavement to provide for adequate horizontal sight distance for speeds of thirty (30) miles per hour. Guard rails will be provided for embankments and cuts as required by the Borough Engineer.

(d) Water. The subdivider shall make a supply of water available to each lot within the subdivision in all zones where public water is available. In all subdivisions in the three (3) highest density residential zones, the subdivider shall make a supply of public water available. In all zones if public water is provided, the subdivider shall contract for the installation of fire hydrants in locations approved by the Borough. In residential zones where public water is not provided, the subdivider shall provide adequate sources of water for fire protection.

(1) Fire Protection System. The following provisions apply to subdivisions in areas not served by public utility water distribution systems which provide fire hydrants:

i. In subdivisions of six (6) or more lots, every residence must be within two thousand five hundred (2500) feet, as measured along streets and driveways, of an adequate source of water for fire protection. For subdivisions of fewer than six (6) lots, in lieu of providing an adequate source of water for fire protection, the subdivider is permitted to make a contribution for the purpose of offsetting the cost of subsequent provision, either on or off-site of such adequate sources, by either the Borough or another developer.

ii. The following may provide adequate sources of water for fire protection:

I. Storage tanks or cisterns.

II. Ponds or retention basins.

III. Lakes or streams or equivalent substitute.

iii. For storage tanks or cisterns, the following apply:

I. The minimum capacity to supply an adequate source of water for fire protection is thirty thousand (30,000) gallons.

II. The water supply shall be satisfactory to the Fire Prevention Bureau.

III. The tank should provide for drawing water directly from an opening on the top or, if the topography permits, from an attached hydrant with sufficient head and size of connecting pipe to permit a flow of one thousand five hundred (1500) gallons/minute.

IV. Suitable access for a pumper truck must be provided to the tank or hydrant.

V. The tank should provide a method for determining the water level, and an alarm system to warn of low levels.

VI. The tank must be designed and installed in accordance with N.F.P.A. 1231.

VII. The subdivider shall give to the Borough an easement to the storage tank or cistern for the purposes of access and maintenance.

iv. For ponds or detention basins, the following apply:

I. The minimum capacity to supply an adequate source of water for fire protection is thirty thousand (30,000) gallons, in a volume excluding the bottom two (2) feet of water in the pond.

II. The minimum capacity must be available throughout the year, even during drought conditions.

III. Suitable access for a pumper truck must be provided to the pond or basin.

v. Lakes or streams may be used, subject to the subdivider's demonstration that the lake or stream meets the criteria set forth above for ponds.

(e) Street Signs. The subdivider shall provide street signs as required by the Planning Board.

(f) Sanitary Facilities. Sanitary sewers shall be provided in the three (3) highest density residential zones and in all nonresidential zones and in all other zones where available.

(g) Shade Trees. Shade trees are to be provided as required by the Planning Board, within the public right-of-way. The Planning Board recommends that as many shade trees as possible be retained in all subdivisions in order to preserve the present character of the community.

(h) Top Soil. No top soil shall be removed from the site or used as spoil. Top soil moved during the course of construction shall be redistributed so as to provide equal cover to all areas of the subdivision and shall be stabilized by seeding or planting.

(i) Sidewalks. The subdivider shall construct at least a four (4)-foot sidewalk on both sides of the street in all nonresidential subdivisions unless this requirement is waived by the Planning Board, as well as in all residential subdivisions where the lots average in width less than one hundred (100) feet and less than twenty thousand (20,000) square feet in area. Residential lots one hundred (100) feet or larger in average width and twenty thousand (20,000) square feet or greater in area need not provide sidewalks unless needed to provide access to schools or to continue a walk on an existing street, or if required by the Master Plan.

(j) Monuments. Monuments shall be of the size and shape required by N.J.S.A. 46:23-9.8, and shall be placed in accordance with the statute.

(k) Utility Installations. In all major subdivisions, the applicant shall make arrangements with the appropriate utility providing electric and telephone service for the subdivision under consideration to provide for underground installation of utility distribution supply lines, apparatus, and service connections in accordance with the provisions of the applicable Standard Terms and Conditions incorporated as part of the Tariff of the utility as same are then on file with the Board of Public Utility Commissioners of the State of New Jersey, and shall submit to the Planning Board prior to the granting of Final Approval, a written statement from each such serving utility which shall indicate full compliance with the provisions of this paragraph; provided, however, that lots in a subdivision which abut existing streets where overhead electric or telephone distribution supply lines have previously been installed on any portion of the street involved may be supplied with electric and telephone service from such overhead lines, but service connections from these lines shall be installed underground. The location of access facilities for servicing the utilities in the proposed subdivision shall be developed in conjunction with and as part of the complete subdivision plan. Any installation under this section to be performed by a serving utility shall be exempt from the provisions of this Article requiring performance guarantees and inspection and certification by the Borough Engineer. In the event an applicant deems it impracticable or an undue hardship to comply with the provisions of this paragraph as it may affect one (1) or more lots in the proposed subdivision, the applicant may apply to the Planning Board for relief from the terms of this paragraph in accordance with the procedure and provisions of Section 10-9 of this chapter.

e. *Improvements and Guarantees Required Prior to Submission of Final Plat for Final Approval.* Guarantees, where required, shall be provided pursuant to Article 11 of this chapter.

(Ord. No. 581 § 10-7.4; Ord. No. 92-19 § 2; Ord. No. 94-993 § 3; Ord. No. 98-1149 § 1 Art. 10; Ord. No. 2006-1423 § 3)

10-8 GENERAL PROVISIONS.

10-8.1 Lots to be Usable for Intended Purpose.

The Board shall require that all lots shown on the plats be adaptable for the intended purposes without danger to health, or peril from flood, fire, erosion or other menace. (Ord. No. 581 § 10-8.1)

10-8.2 Master Plan.

All subdivisions shall conform to the proposals and conditions of the Master Plan. (Ord. No. 581 § 10-8.2)

10-8.3 Streets.

All streets shall conform in widths, directions and alignments with the Official Map and Master Plan, and shall connect with streets shown thereon with the minimum of jogs and sharp angles and no streets shall in any case have a width of less than fifty (50) feet, unless a lesser width is authorized by the Planning Board, in which case the entire street right-of-way shall be graded. (Ord. No. 581 § 10-8.3)

10-8.4 Reserve Strips.

No subdivision showing reserve strips controlling access to streets shall be approved except where the control and disposal of land comprising such strips has been placed in the Borough Council under conditions approved by the Planning Board. (Ord. No. 581 § 10-8.4)

10-8.5 Street Grades.

No street grade shall be less than one half of one (0.5%) percent, nor greater than ten (10%) percent, except in special instances where the topography of the land to be subdivided is such as to make it impossible to otherwise develop such land. (Ord. No. 581 § 10-8.5)

10-8.6 Acute Angle Intersections.

Street intersections shall be as nearly at right angles as is possible and in no case shall be less than sixty (60°) degrees. The block corners at intersections shall be rounded at the property line with a curb radius of not less than twenty-five (25) feet. (Ord. No. 581 § 10-8.6)

10-8.7 Street Jog.

Street jogs with center line offsets of less than one hundred twenty-five (125) feet are prohibited. (Ord. No. 581 § 10-8.7)

10-8.8 Dead-End Streets.

a. Dead-end streets shall not exceed the following lengths, according to zone:

1. Eighteen hundred (1,800) feet in zone requiring lot areas of two hundred eighteen thousand seven hundred fifty (218,750) square feet or more.
2. Fifteen hundred (1,500) feet in zone requiring lot areas of one hundred thirty-seven thousand five hundred (137,500) square feet or more.
3. One thousand (1,000) feet in zone requiring lot areas of fifty thousand (50,000) square feet or more.
4. Eight hundred (800) feet in zone requiring lot areas of twenty thousand (20,000) square feet or more.
5. Six hundred (600) feet in two (2) highest density residential zones.

b. All dead-end streets or private roads shall provide a turnaround with a minimum outside curb radius of thirty (30) feet at the closed end, or some acceptable alternative.

(Ord. No. 581 § 10-8.8)

10-8.9 Street Names.

No name applied to any street shall duplicate or so nearly resemble the name of any existing street within the Borough as to cause confusion. In the case of a direct extension of an existing street, the same name shall be used unless the Board shall otherwise direct. (Ord. No. 581 § 10-8.9)

10-8.10 Block Length.

No blocks should exceed twelve hundred (1,200) feet in length unless in accordance with subsection 10-8.8 above. (Ord. No. 581 § 10-8.10)

10-8.11 Suitability.

Where there is a question as to the suitability of a lot or lots for their intended use due to factors including but not limited to rock formations, flood conditions or similar circumstances, the Planning Board may, after adequate investigation, withhold approval of such lots. (Ord. No. 581 § 10-8.11)

10-8.12 Lot Areas.

Lot dimensions and area shall not be less than the requirements of Article 12, Zoning. (Ord. No. 581 § 10-8.12)

10-8.13 Lot Lines.

Insofar as practicable, side lot lines shall be at right angles to straight streets, and radial to curved streets. (Ord. No. 581 § 10-8.13)

10-8.14 Slope and Sight-Rights.

The subdivider shall provide adequate slope-rights and sight-rights at street curbs and corners. (Ord. No. 581 § 10-8.14)

10-8.15 Easements.

In large scale developments, easements along rear property lines or elsewhere for utility installation may be required. Such easements shall be at least fifteen (15) feet wide and located in consultation with the companies or municipal departments concerned. (Ord. No. 581 § 10-8.15)

10-8.16 Sale or Conveyance of Land in Unapproved Subdivision.

No owner or agent of the owner shall sell, transfer or convey any lot or parcel of land which forms part of a subdivision by reference to, exhibition of, or by use of a plan, chart or plat before the same has been approved and is filed of record in the manner prescribed herein. The description of such lot or parcel by metes and bounds in the instrument of sale, transfer or conveyance shall not exempt the transaction from the provisions of this chapter. (Ord. No. 581 § 10-8.16)

10-8.17 Revision of Plat After Approval.

No changes, erasures, modifications or revisions shall be made in any plat after approval has been given by the Planning Board and endorsed in writing thereon, unless the plat is first resubmitted to the Planning Board. (Ord. No. 581 § 10-8.17)

10-8.18 Private Roads.

- a. Private roads may be permitted in the lowest density residential zone, provided that the private roads conform to all terms, conditions, and regulations hereinafter set forth except to the extent that they are preempted by state regulations.
- b. Private roads shall not interfere with the orderly development of the Borough as set forth in the Master Plan or Official Map of the Borough of Bernardsville. Any new access to a private road, existing or newly created, shall be approved by the Planning Board.
- c. Where an application will result in more than six (6) lots, or where an application will have, under the prevailing zoning regulations, the potential for more than six (6) lots on a proposed private road, the Approving Authority may require the construction of a public street to be dedicated to the Borough.
- d. No more than six (6) lots may have access upon any private road.
- e. Where an application includes the service of a lot or lots by a private road, and the total number of lots being served by the private road remains six (6) or less, the Planning Board may approve that the road not be constructed to Borough specifications but may be graded and improved to lesser standards which shall be consistent with the drainage requirements of subsection 10-8.18j below. Improvements shall be at the applicant's expense, as approved by the Borough Engineer.
- f. The width of a private road right-of-way shall not be less than fifty (50) feet.
- g. The length of a private road shall not exceed eighteen hundred (1,800) feet.
- h. No private road may have a grade of less than one-half of one (.5%) percent, nor greater than ten (10%) percent, except in special instances where the topography of the land to be subdivided is such as to make it impracticable otherwise to develop such land.
- i. A private road shall intersect a public street as nearly at right angles as practicable. Further, it shall be separated from any other private road in a manner consistent with sound planning practices.
- j. Drainage structures shall be of a type, size, and location as required by the Borough Engineer.
- k. The road must permit turnaround of fire engines by providing either a K-turn with at least fifty (50) feet depth, at least fourteen (14) feet improved width and at least forty-five (45) feet centerline radius, or a loop of at least fourteen (14) feet improved width and forty-five (45) feet centerline radius, or other equivalent facilities approved by the Fire Prevention Bureau, within two hundred (200) feet of each residence served by the private road.
- l. Horizontal curves shall have a centerline radius of at least forty-five (45) feet and improved width of at least fourteen (14) feet.
- m. The minimum road width shall be sixteen (16) feet.
- n. At the intersection of a private road with the street, the first thirty (30) feet of the private road shall not have a change in slope in excess of thirteen (13%) percent, inclusive of the crown of the public street. All angles between the private road centerline and the street centerline shall be sixty (60°) degrees or more.
- o. Private roads with sections exceeding three hundred (300) feet between adjacent driveways, or between the street and any driveway, shall provide passing areas on such sections, each to be within sight of another passing area, driveway, or street, and not more than three hundred (300) feet from another passing area, driveway, or street. Passing areas shall be improved to a minimum width of eighteen (18) feet, be a minimum of twenty-five (25) feet long, and have fifteen (15) foot tapers on each end.
- p. All private roads, whether existing or hereafter constructed, shall be maintained in a condition that will permit the safe passage of police, fire or other emergency vehicle. If, in the opinion of the Borough Engineer, any private road is not maintained in a safe condition, after proper notice to owners, the private road may be repaired at the Borough Engineer's discretion and the owner(s) specially assessed therefor. This requirement shall be stipulated in any covenant for conveyance of title to property served by a private road, including the proportionate allocation of cost of maintenance for each property with respect to all properties so served. (Ord. No. 581 § 10-8.18; Ord. No. 94-992 § 1; Ord. No. 99-1160 § 1)

10-8.19 Requirements for Issuance of Building Permits on New Streets.

- a. No building permit for the erection of a building on a lot fronting or abutting on a new street in a major subdivision shall be issued unless and until the following requirements have been satisfied.
 1. The Final Plat of the subdivision shall have been filed with the Clerk of Somerset County.
 2. Such new street or streets shall have been fully completed, and accepted by the Borough.
 3. The subdivider shall have filed with the Borough Clerk an adequate Maintenance Guarantee to maintain the new street or streets for a period of two (2) years after acceptance by the Borough.
- b. No Maintenance Guarantee shall be filed until the Borough Engineer shall have certified the amount thereof is sufficient to cover the cost of maintenance of the street or streets for the two (2) year period, and the Borough Council shall have approved the qualifications of the surety, and the Borough Attorney shall have approved the sufficiency of the form and execution of the guarantee. (Ord. No. 581 § 10-8.19)

10-8.20 Trees.

All subdivisions shall comply with tree removal requirements for major and minor subdivisions and site plans set forth in Section 13-10 of the Borough Code and all other applicable sections of the Borough Tree Removal and Protection Ordinance set forth in Code Chapter XIII. (Ord. No. 2002-1298 § 6)

10-8.21 Stormwater Management.

10-8.22 Private Country Lanes.

- a. Private country lanes are permitted in the lower density residential zones (R-1-10, R- 1, R-1 A and R-2) provided that the private country lanes conform to all terms, conditions, and regulations hereinafter set forth except to the extent that they are preempted by State regulations.
- b. Private country lanes shall not interfere with the orderly development of the Borough as set forth in the Master Plan or Official Map of the Borough of Bernardsville. Any new access to a private country lane, existing or newly created, shall be approved by the Planning Board.
- c. Where an application will result in more than four (4) lots, or where an application will have, under the prevailing zoning regulations, the potential for more than four (4) lots on a proposed private country lane, the Approving Authority shall require the construction of a street, according to RSIS standards.
- d. No more than four (4) lots shall have access upon any private country lane. In any subdivision application proposing a shared access rather than access via a public street to a public street by four (4) or less dwelling units or four (4) or less single family properties, the Board shall require the access road to be a private country lane in accordance with the private country lane standards as follows:

- 1. When the shared access road will serve no more than four (4) lots, the construction standards for the road shall be consistent with private country lane standards as follows:
 - (a) The road shall be graded to a width of at least twenty (20) feet and shall be improved to a cartway width of sixteen (16) feet with two (2) foot graded areas on each side of the improved portion of the road. It shall have a right-of-way or easement width of forty (40) feet.
 - (b) If the road will exceed three hundred (300) feet in length, it shall have one or more turnouts for passing within sight of each other or a connection to a public road, not more than three hundred (300) feet apart. Turnouts shall be improved to a width of at least eighteen (18) feet and shall have a minimum length of twenty-five (25) feet within fifteen (15) feet tapers on each end.
 - (c) The front yard setback to a single family dwelling, as required in the zone district within which the property is located, shall be measured from the edge line of the right-of-way or easement.
 - (d) A private country lane shall be allowed to cross lot lines of adjacent properties that are part and parcel of the subject subdivision.
 - (e) Road improvements shall be constructed in accordance with the following requirements:

- (1) Where the grade of the road is six (6%) percent or greater, or if the road is proposed to be paved, it shall be paved in conformance with the State standards pavement specifications for rural streets.
 - (2) Where the grade of the road does not exceed six percent (6%) the road may be gravel surfaced in compliance with the following standards:
 - [a] The base course shall consist of dense-graded aggregate (DGA) conforming with the Standard Specifications for Road and Bridge Construction of the New Jersey Department of Transportation (NJDOT). The base shall be constructed to the thickness shown in the following schedule:

Subgrade Category	Base Thickness (inches)
Good to excellent	4
Medium	5
Poor	7

All subgrades shall be considered "poor" unless the applicant proves otherwise through CBR testing or field evaluation of soil classification. Test results shall be reviewed by the Borough Engineer.

- [b] Construction shall conform with Section 301 - Soil Aggregate Base Course and Dense-Graded Aggregate Base Course of the Standard Specifications for Road and Bridge Construction of the NJDOT.
 - [c] The subgrade preparation shall be approved by the Borough Engineer prior to placement of base course material.
 - [d] The surface course shall consist of No. 8 coarse aggregate conforming with the Standard Specifications for Road and Bridge Construction of the NJDOT. The surface course shall be one (1) inch thick and shall be compacted as specified for the base course.

(3) Where a gravel-surfaced road intersects a street of higher order as set forth in the State Standards RSIS, the road shall be paved in conformance with the State Standards RSIS pavement specifications for rural streets a minimum distance of thirty (30) feet from the edge of pavement or curb of the higher order street. All angles between the private country lane centerline and the street centerline shall be sixty (60) degrees or more.

(4) Where the grade of a private country lane exceeds six (6%) percent, the road shall be paved in accordance with the State Standards RSIS pavement specifications for rural streets.

2. Additional private country lane construction requirements:

- (a) Road grade and design criteria shall be in accordance with the following standards:

Design Standard	Gravel Road	Paved Road
Minimum grade	1%	0.5%
Maximum grade	6%	12%
Maximum grade within 30 feet of a street intersection	5%	5%
Minimum centerline radius	100 feet	100 feet
Minimum tangent length between reverse curves	25 feet	50 feet
Inside cartway edge radii at an intersection	25 feet	25 feet

(b) Minimum vertical curve length shall be established in accordance with the 1990 AASHTO, A Policy on Geometric Design of Highways and Streets, and based on a speed limit of thirty (30) miles per hour.

3. The private country lane shall be constructed to permit the turnaround of fire trucks and other emergency vehicles by providing a cul-de-sac complying with RSIS standards, or a k-turn with a minimum center line radius of forty-five (45) feet and a depth of at least fifty (50) feet from the point of tangency. The private country lane shall be constructed to permit the turnaround of fire trucks or other emergency vehicles at the intersection of an individual driveway and a private country lane.

4. The owner of the lot so served shall own title to the private country lane. If when a private country lane serves more than one (1) lot, one (1) of the lot owners or an association of all users shall have title to the private country lane, and ingress and egress easements shall be granted to all non-owner users, and all users shall share equally in the cost of maintenance and repairs, unless an agreement binding on all users provides to the contrary. The provisions regulating such easements, maintenance and agreements shall be approved by the Board or, at its discretion, the Board Attorney.

5. All private country lanes whether existing or hereafter constructed, shall be maintained in a condition that will permit the safe passage of police, fire or other emergency vehicle. If, in the opinion of the Borough Engineer, any private country lane is not maintained in a safe condition, after proper notice to owners, the private country lane may be repaired at the Borough Engineer's direction and the owners(s) specially assessed therefore. This requirement shall be stipulated in any

covenant for conveyance of title to property served by a private country lane, including the proportionate allocation of cost of maintenance for each property with respect to all properties so served.
(Ord. No. 07-1477 § 1)

10-9 EXCEPTIONS FROM DESIGNS STANDARDS.

These rules, regulations and standards shall be considered the minimum requirements for the protection of the public health, safety and welfare of the citizens of the Borough of Bernardsville. Any action taken by the Planning Board under the terms of this chapter shall give primary consideration to the above-mentioned matters and to the welfare of the entire community. However, if the subdivider or his agent can clearly demonstrate that, because of peculiar conditions pertaining to his land, the literal enforcement of one (1) or more of these regulations is impracticable or will exact undue hardship, the Planning Board may permit such variance or variances as may be reasonable, and within the general purpose and intent of the rules, regulations, and standards established by this chapter. In making its findings, as required hereinbelow, the Planning Board shall take into account the nature of the proposed use, the existing use of land in the vicinity and the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity and similar matters. No subdivision variance shall be granted unless the Planning Board specifically finds:

10-9.1 That there are special circumstances or conditions affecting the property such that the strict application of the provisions of this chapter would deprive the subdivider of the reasonable use of his land.

10-9.2 That the subdivision variance is necessary for the preservation and enjoyment of a substantial property right of the subdivider.

10-9.3 That the granting of the subdivision variance will not be detrimental to the public welfare or injurious to property in the area in which the property is situated.
(Ord. No. 581 § 10-9)