

Chapter 297

SUBDIVISION OF LAND

GENERAL REFERENCES

Municipal Utilities Authority — See Ch. 73.

Land use procedures — See Ch. 215.

Planning Board — See Ch. 89.

Site plan review — See Ch. 285.

Flood hazard areas — See Ch. 185.

Zoning — See Ch. 335.

ARTICLE I
Subdivision Approval

§ 297-1. Application and approval required. [Amended 12-18-1980 by Ord. No. 32-80]

Prior to any subdivision, resubdivision or consolidation of any lots located within the Township of Lacey, proper application shall be made in accordance with the provisions of this chapter, the New Jersey Municipal Land Use Law, as amended, and the New Jersey Map Filing Law, as applicable.¹ Subdivision, resubdivision or consolidation approval shall be obtained from the Planning Board prior to the filing of any subdivision, resubdivision or consolidation plats or deeds; provided, however, that a resolution granting subdivision or resubdivision approval by the Zoning Board of Adjustment shall substitute for that of the Planning Board.

1. Editor's Note: See N.J.S.A. 40:55D-1 et seq. and 46:23-9.9 et seq., respectively.

ARTICLE II
Definitions

§ 297-2. Terms defined. [Amended 6-2-1978; 12-18-1980 by Ord. No. 32-80]

In addition to any statutory definitions contained in Chapter 291 of the Laws of New Jersey 1975 and Chapter 216 of the Laws of New Jersey 1979, entitled the Municipal Land Use Law, and amendments thereto (N.J.S.A. 40:55D-1 et seq.), the following terms, as used in this chapter, shall have the meanings indicated:

APPROVAL —

- A. **PRELIMINARY MAJOR SUBDIVISION APPROVAL —** The official action taken on a preliminary plat by the Planning Board which determines whether or not the plat or map submitted is in proper form and meets the established standards adopted for design layout in development of the subdivision. Such "preliminary major subdivision approval" confers certain irrevocable rights upon a subdivision for a minimum period of three (3) years pursuant to N.J.S.A. 40:55D-49, on the condition that the general terms and conditions specifically agreed upon will be fully met and, further, that the final plat will be submitted for final approval within the time provided by law.
- B. **FINAL APPROVAL —** An official action of the Planning Board taken on a preliminary major subdivision approval after all requirements, conditions, engineering plans, etc., have been completed and the required improvements have been installed or bonds properly posted for their completion. A plat that receives such "final approval" must have been prepared by a licensed land surveyor in compliance with all of the provisions of Chapter 358 of the Laws of 1953, as amended, supplemented and in force, and is the map which must be filed with the Ocean County Clerk within the time provided by law in order to make the approval valid.

CONSOLIDATION — Consolidation of two (2) or more lots, tracks or parcels of land into one (1) or several lots, tracts or parcels of land for the purpose of creating larger lots, tracts or parcels of land where previously smaller ones had existed, and the acquisition of property by the owner of adjacent property. "Consolidations" shall be considered to be subdivisions under the terms of this chapter.

DEVELOPER — The legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

DRAINAGE RIGHT-OF-WAY — The lands required for the installation of stormwater sewers or drainage ditches or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage in accordance with Chapter 1 of Title 58 of the New Jersey Revised Statutes.

IMPROVED STREET — A street, road or highway improved and maintained by the Township of Lacey, the County of Ocean or the State of New Jersey.

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

MASTER PLAN — A composite of one (1) or more written or graphic proposals for the development of the municipality in accordance with N.J.S.A. 40:55D-28.

OFFICIAL MAP — A map which has been established in accordance with the procedures set forth in N.J.S.A. 40:55D-32.

PERFORMANCE GUARANTY — Any security which may be accepted by a municipality, including cash provided that a municipality shall not require more than ten percent (10%) of the total performance guaranty in cash.

PLAT — A map or maps of a subdivision or site plan.

- A. **FINAL PLAT** — The final map or plat of all or a portion of the subdivision which is presented to the Planning Board for final approval in accordance with this chapter and which, if approved, shall be filed with the Ocean County Clerk within the time required by statute.
- B. **PRELIMINARY PLAT** — The preliminary map or plat indicating the proposed layout of a major subdivision which is submitted to the Planning Board for consideration and preliminary major subdivision approval.
- C. **SKETCH PLAT** — The sketch map of a subdivision of sufficient accuracy to be used for the purpose of discussion only, not for preliminary major subdivision approval, and meeting the requirements of this chapter.

RESUBDIVISION — The further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law, or the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but does not include conveyances so as to combine existing lots by deed or other instruments.

STREET — Any street, avenue, boulevard, road, parkway, viaduct, drive or other way which is an existing accepted state, county or municipal roadway, or which is shown upon a plat heretofore approved pursuant to law, or which is approved by official action as provided by this Act, or which is shown on a plat duly filed and recorded in the Ocean County Clerk's office prior to the appointment of a Planning Board and the granting to such Board of the power to review plats, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines. For the purpose of this chapter, "streets" shall be classified as follows:

- A. **EXPRESSWAY SYSTEM** (including freeways and parkways) — Provides for expeditious movements of large volumes of through traffic between areas and across the Township, and not intended to provide land across the Township, and is not intended to provide land access service.
- B. **ARTERIAL SYSTEM** — Provides for through traffic movement between areas and across the Township and direct access to abutting property, subject to necessary control of entrances, exits and curb use. There are two (2) classifications of arterial streets: major arterial streets and minor arterial streets.
 - (1) **MAJOR ARTERIAL STREETS** — Those streets which provide through traffic movement between points within the Township and points within and beyond the region. "Major arterial streets" also provide access to expressways.
 - (2) **MINOR ARTERIAL STREETS** — Those streets which provide through traffic movement between points within the Township and points within the region. "Minor

arterial streets" provide connections of collector streets, and in some instances local streets, to major arterial streets.

- C. COLLECTOR STREET SYSTEM — Provides for traffic movement between major arterial and local streets and direct access to abutting property. The "collector street system" is divided into two (2) categories:
- (1) MAJOR COLLECTOR STREETS — Those streets providing access between areas within the Township and immediately adjoining areas, providing connections between local streets and minor collectors to arterial streets.
 - (2) MINOR COLLECTOR STREETS — Those streets providing connection between local streets and major collector streets and providing access between points within the Township.
- D. LOCAL STREET SYSTEM — Provides direct access to abutting land and for local traffic movements. "Local streets" fall into two (2) categories:
- (1) THROUGH STREETS — Local streets which provide connections with other local streets or collector streets at either end and provide through access.
 - (2) RESIDENTIAL STREETS — Local streets which are not greater than one (1) block in length and end in a cul-de-sac. Such streets provide access only to abutting property and connect with either a local through street or minor collector street.

SUBDIVISION — The division of a lot, tract or parcel of land into two (2) or more lots, tracts, parcels or other divisions of land for sale or development. The following shall not be considered "subdivisions" within the meaning of this chapter if no new streets are created and, in the Pinelands Area, if no new development occurs or is proposed in connection therewith: divisions of land found by the Planning Board or Subdivision Committee thereof appointed by the Chairman to be for agricultural purposes for all resulting parcels of five (5) acres or larger in size; divisions of property by testamentary or intestate provisions; divisions of property upon court order, including but not limited to judgments of foreclosure; consolidation of existing lots by deed or other recorded instruments; and the conveyance of one (1) or more adjoining lots, tracts or parcels of lands, owned by the same person or persons, all of which are found and certified by the administrative officer to conform to the requirements of the municipal development regulations and are shown and designated as separate lots, tracts or parcels on the Tax Map or Atlas of the municipality. The term "subdivision" shall also include the term "resubdivision." [Amended 11-23-1981 by Ord. No. 42-81; 2-14-1991 by Ord. No. 591]

- A. MINOR SUBDIVISION — A subdivision or resubdivision of land that does not involve the creation of more than six (6) lots, a planned development, any new street or extension of any off-tract improvement, the cost of which is to be prorated pursuant to N.J.S.A. 40:55D-42. If a "minor subdivision" has been granted for a parcel or tract of land, it may not be further subdivided as a "minor subdivision" for a period of two (2) years from the date of approval of the last minor subdivision approval, if such subdivision would result in the creation of more than six (6) lots from the original tract.
- B. MAJOR SUBDIVISION — Any subdivision not classified as a minor subdivision.

SUBDIVISION COMMITTEE — A Committee of at least three (3) Planning Board members of any classification which may be appointed by the Chairman of the Planning Board for the purpose of classifying subdivisions in accordance with this chapter and having such other duties

related to land subdivision as may be conferred upon this Committee by law or by the Planning Board Chairman.

ARTICLE III
Application and Approval Procedure

§ 297-3. County approval; exceptions to requirements; simultaneous review and approval.

- A. Each application for subdivision approval, when required pursuant to Section 5 of P.L. 1968, c. 285 (N.J.S.A. 40:27-6.3), shall be submitted by the applicant to the Ocean County Planning Board for review or approval as required by the aforesaid section, and the Planning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the Ocean County Planning Board or approval by the Ocean County Planning Board by its failure to report thereon within the required time period.
- B. The Planning Board, when acting upon an application for preliminary or minor subdivision approval, shall have the power to grant such exceptions from the requirements for subdivision approval as may be reasonable and within the general purpose and intent of the provisions for subdivision review and approval, if the literal enforcement of one (1) or more of the provisions of this chapter is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.
- C. The Planning Board shall have the power to review and approve or deny conditional uses or site plans simultaneously with review for subdivision approval, without the developer being required to make further application to the Planning Board or the Planning Board being required to hold further hearings. The longest time period for action by the Planning Board, whether it be for subdivision, conditional use or site plan approval, shall apply. Whenever approval of a conditional use is requested by the developer pursuant to the Municipal Land Use Act,² notice of the hearing on the plat shall include reference to the request for such conditional use.

§ 297-4. Standards for consideration of subdivision applications.

The Planning Board shall consider applications for subdivision approval if the detailed drawings, specifications and estimates of the application for subdivision approval conform to the standards established herein:

- A. The details of the subdivision application are in accordance with the standards of Chapter 335, Zoning, and any and all other ordinances of the Township of Lacey which may be in existence at the time of the application, and in harmony with the officially adopted comprehensive Master Plan of the Township of Lacey which may hereafter be adopted.
- B. The application complies with the requirements of N.J.S.A. 40:55D-38.
- C. There are provisions, if required, for off-tract water, sewer, drainage and street improvements which are necessitated by the subdivision application, with any contributions for the cost of the same to be computed in accordance with N.J.S.A. 40:55D-42 and Chapter 215, Land Use Procedures, of this Code.
- D. Provisions for standards to encourage and promote flexibility and economy in layout and design to the use of planned unit development, planned unit residential development

2. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

and residential cluster, provided that such standards will be appropriate to the type of development permitted and provided further that an ordinance shall be adopted by the Township of Lacey setting forth the limits and extent of any special provisions applicable to such planned developments.

- E. In the event there is a development which proposes construction over a period of years, provisions ensuring the protection of the interest of the public and the residents, occupants and owners of the proposed development in the total completion of the development.³

§ 297-5. Minor subdivision applications.

- A. In the event an application is made for a minor subdivision as heretofore defined, the Planning Board or its Subdivision Committee may waive notice and public hearing for an application for such development upon a finding that the application for development conforms to the definition of "minor subdivision" as defined in N.J.S.A. 40:55D-5 and § 297-2 of this chapter. Minor subdivision approval shall be deemed to be final approval of the subdivision by the Board, provided that the Board or said Subdivision Committee may condition such final approval on terms ensuring compliance with the standards set forth in N.J.S.A. 40:55D-38 and § 297-4 above herein, and may further condition any such approval upon any guaranties and/or off-tract contributions which are to be computed and made in accordance with this chapter.
- B. Time periods.
- (1) Time for Planning Board to act. Minor subdivision approval shall be granted or denied within forty-five (45) days of the date of submission of a complete application to the administrative officer 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 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 so accepted by the Ocean County recording officer for purposes of filing subdivision plats.
 - (2) Expiration of approval. 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, P.L. 1960, c. 141 (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 county recording officer, the Municipal Engineer and the Municipal Tax Assessor, provided that any such plat or deed accepted for such filing shall have been signed by the Chairman and Secretary of the Planning Board. The Planning Board may, in its discretion, accept a plat not in conformity with the Map Filing Law, P.L. 1960, c. 141 (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 said Act.
 - (3) Term of approval. The zoning requirements and their general terms and conditions, whether conditional or otherwise, upon which minor subdivision approval was

3. Editor's Note: Former § 93-5, Costs and fees, as amended, which immediately followed this section, was repealed 7-23-1987 by Ord. No. 33-87. For current provisions, see Ch. 211, Land Development Fees.

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 by law.

- C. Minor subdivision plat details. The minor subdivision plat, if submitted, shall be based on an actual survey of the tract(s) to be subdivided, resubdivided or consolidated and shall show the following information: **[Added 12-18-1980 by Ord. No. 32-80]**
- (1) The plat shall be clearly and legibly drawn and in conformance with all requirements of the New Jersey Map Filing Law, as amended.⁴
 - (2) Graphic scale not less than one (1) inch equals one hundred (100) feet.
 - (3) Based on actual survey prepared by a land surveyor licensed by the State of New Jersey.
 - (4) Standard sheet sizes of fifteen by twenty-one (15 x 21) inches, twenty-four by thirty-six (24 x 36) inches or thirty by forty-two (30 x 42) inches.
 - (5) Existing and proposed lot lines with bearings and dimensions must be shown.
 - (6) Existing lot lines to be eliminated shall be shown.
 - (7) Area of original tract to the nearest square foot shall be shown.
 - (8) Area of each proposed lot to the nearest square foot must be shown.
 - (9) All existing structures and uses shall be shown.
 - (10) Shortest distance between any existing building and a proposed or existing lot line shall be shown.
 - (11) All streams, lakes and drainage rights-of-way within the limits of the tracts being subdivided and within two hundred (200) feet thereof, including the location and dimensions of all drainage.
 - (12) Existing and proposed rights-of-way and easements with and adjoining the tract with dimensions, existing driveways, street names and the purpose for any easement. Sight triangles shall be shown. Copies of deed restrictions must be submitted to the Planning Board.
 - (13) The name of the owner of the tract to be subdivided and of all adjoining tracts as disclosed by the most recent tax records.
 - (14) The Tax Map sheet, block and lot number for the tract and all adjacent lots; title; graphic scale; written scale; North arrow; the date of the original drawing and the date and substance of each revision.
 - (15) The zoning district(s) in which the subject tract lie(s) and the zoning district(s) in which all immediately adjacent properties lie must be noted. The plat must show all front, side and rear yard setback lines on all proposed and existing lots within the proposed tract, conforming to Chapter 335, Zoning.⁵

4. Editor's Note: See N.J.S.A. 46:23-9.9 et seq.

- (16) A key map with a North arrow showing the entire development and its relation to surrounding areas at a scale not less than one (1) inch equals two thousand (2,000) feet.
 - (17) If the application is or includes a lot consolidation or is a resubdivision, it shall be so noted on the title block.
 - (18) If the applicant is a contract purchaser of the subject tract, it shall be so noted on the plat, and the approval of the record owner of the tract shall be provided by a certification on the plat duly executed and notarized.
 - (19) The distance in feet to the nearest intersection shall be noted.
 - (20) The right-of-way width, pavement width and type, and name of the street(s) on which the subject tract and all proposed lots front shall be noted on the plat.
 - (21) Appropriate signature blocks for approving signatures of the Planning Board Chairman, Secretary (Coordinator) and Engineer must be provided.
 - (22) All monuments as required by the New Jersey Map Filing Law⁶ shall be shown on the plat, and it must be noted whether these monuments have been set.
 - (23) All certifications as required by the New Jersey Map Filing Law⁷ shall be provided on the plat.
- D. Minor subdivisions, resubdivisions or consolidations, filed by deed. **[Added 12-18-1980 by Ord. No. 32-80]**
- (1) Under the provisions of N.J.S.A. 40:55D-47, the applicant may elect to file a deed rather than a minor subdivision plat. Under the following conditions, requirements for a minor subdivision, resubdivision or consolidation may be waived by the Planning Board.
 - (a) The application does not require any bulk variances permitting nonconformances with current applicable lot requirements of the zoning district in which the subject tract lies.
 - (b) The application meets all criteria of a minor subdivision, resubdivision or consolidation as set forth elsewhere in this Code.
 - (2) An application for minor subdivision, resubdivision and/or consolidation is subject to the same application procedures as an application by plat, including the application fee and application time periods. An application for minor subdivision, resubdivision and/or consolidation must include the following items:
 - (a) Deed(s) of subdivision, resubdivision or consolidation for each lot created. Such deeds shall be in proper form and contain a metes and bounds description of the lot created. The deed must contain provision for the approval signatures of the Planning Board Chairman, Secretary and Engineer.

5. Editor's Note: Former Subsection C(16), requiring information regarding the owner, applicant and professional preparing the plat, which immediately followed this subsection, was repealed 10-13-1983 by Ord. No. 31-83.

6. Editor's Note: See N.J.S.A. 46:23-9.9 et seq.

7. Editor's Note: See N.J.S.A. 46:23-9.9 et seq.

- (b) The deed(s) must be accompanied by a survey map of the tract to be subdivided, prepared and certified by a New Jersey licensed land surveyor and shall contain all information as required by N.J.S.A. 45:8-28 and, in addition, shall show the following information:
 - [1] All proposed new lot lines and/or lot lines to be eliminated.
 - [2] The areas of the existing tract and proposed new lots.
 - [3] The location of all existing structures on the subject tract and the setback distances of all structures from any existing or proposed lot line.
 - [4] All setback lines as per the current requirements of the zoning district in which the subject tract lies.
- E. Within the Pinelands Area, all minor subdivision applications shall be accompanied by a certificate of filing, pursuant to Chapter 335, Zoning, of this Code. **[Added 2-14-1991 by Ord. No. 5-91]**

§ 297-6. Preliminary major subdivision approval.

- A. The developer shall submit to the Planning Board a plat in compliance with §§ 297-23 and 297-24 herein. However, a minor subdivision as defined above herein shall not be subject to this section. In the event that the application for development is found to be incomplete, the developer shall be notified of the deficiencies thereof in writing, within forty-five (45) days of submission of such application by the Planning Board Coordinator, or said application shall be deemed to be properly submitted. **[Amended 12-18-1980 by Ord. No. 32-80]**
- B. In the event that the Planning Board or its engineer 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 for development. The Planning Board shall, if the proposed subdivision complies with this chapter and with N.J.S.A. 40:55D-1 et seq., grant preliminary approval of the subdivision. If the application, upon review by the Planning Board Engineer, is deemed to be incomplete in the engineering information presented, the developer shall be required to make application for resubmission of the upgraded preliminary plat submission and shall be required to post the required resubmission fee as set forth in Chapter 211, Land Development Fees, to defray the additional review costs required. **[Amended 12-18-1980 by Ord. No. 32-80]**
- C. Upon submission to the Planning Board Coordinator of a complete application for a subdivision of ten (10) or fewer lots, the Planning Board shall grant or deny preliminary approval within forty-five (45) days of the date of such submission or within such further time as may be consented to by the developer. Upon the submission of a complete application for a subdivision of more than ten (10) lots, the Planning Board shall grant or deny preliminary approval within ninety-five (95) days of the date of such submission 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 subdivision.

§ 297-7. Effect of preliminary approval.

Preliminary approval of a major subdivision pursuant to this chapter shall, except as provided for herein, confer upon the applicant the following rights for a three-year period from the date of preliminary approval:

- A. The general terms and conditions on which preliminary approval were 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. Nothing herein shall be construed so as to prevent the municipality from modifying by ordinance such general terms and conditions of preliminary approval as relate to public health and safety.
- B. 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, as the case may be.
- C. 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 design standards have been revised by ordinance, such revised standards may govern.
- D. In the case of a subdivision of an area of fifty (50) acres or more, the Planning Board may grant the rights referred to in Subsections A, B and C 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 the nonresidential floor area permissible under preliminary approval, the potential number of dwelling units and the nonresidential floor area of the section or sections awaiting final approval, economic conditions and the comprehensiveness of the development, provided that if the design standards have been revised, such revised standards may govern.
- E. Within the Pinelands Area, preliminary subdivision approval shall take effect as provided in Chapter 335, Zoning, of this Code. **[Added 2-14-1991 by Ord. No. 5-91]**

§ 297-8. Procedure for final approval of major subdivision.

Final approval of major subdivisions shall be as follows:

- A. The Planning Board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by this chapter for final approval, the conditions of preliminary approval and the standards prescribed by the Map Filing Law, P.L. 1960, c. 141 (N.J.S.A. 46:23-9.9 et seq.), provided that in the case of a planned unit development, planned unit residential development or residential cluster, the Planning Board may permit minimal deviations from the conditions of preliminary approval necessitated by a change of conditions beyond the control of the developer since the date of preliminary approval without the developer being required to submit another application for development for preliminary approval.
- B. Final approval shall be granted or denied within forty-five (45) days after submission of a complete application to the Planning Coordinator 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, 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 written endorsement or other evidence of approval herein required, and shall be so accepted by the Ocean County recording officer for purposes of filing subdivision plats.

- C. Whenever review or approval of the application by the Ocean County Planning Board is required by Section 5 of P.L. 1968, c. 285 (N.J.S.A. 40:27-6.3), the Municipal Planning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the Ocean County Planning Board or approval by the Ocean County Planning Board by its failure to report thereon within the required time period.

§ 297-9. Guaranties required; surety; release.

- A. The Planning Board may condition final subdivision plat approval upon or, as a condition to the issuance of a zoning permit in accordance N.J.S.A. 40:55D-65(d), the Planning Board may require and shall accept in accordance with the standards adopted herein for the purposes of assuring the installation or maintenance of on-tract improvements:
- (1) The furnishing of a performance guaranty in favor of the Township of Lacey in an amount not to exceed one hundred twenty percent (120%) of the cost of installation for improvements it may deem necessary or appropriate, including streets, grading, pavements, gutters, curbs, sidewalks, streetlighting, shade trees, surveyors' monuments as shown on the final map and required by the Map Filing Law, P.L. 1960, c.141 (N.J.S.A. 46:23-9.9 et seq.), water mains, culverts storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion control and sedimentation control devices, public improvements of open spaces, landscaping and any other on-site improvements as may be reasonably required by the Planning Board. The Township Engineer shall review the improvements required by the Planning Board which are to be bonded and itemize their cost. Said itemization shall be the basis for determining the amount of performance guaranty and maintenance guaranty required by the Planning Board. The Township Engineer shall forward his estimate of the cost of improvements to the applicant within thirty (30) days of the date of receipt of the request, sent by certified mail, for said estimate. **[Amended 3-17-1978]**
 - (2) Provision for a maintenance guaranty to be posted with the Township of Lacey for a period not to exceed two (2) years after final acceptance of the improvement, in an amount not to exceed fifteen percent (15%) of the cost of improvement. 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 Lacey Township for such utilities or improvements.
- B. The time allowed for installation of the improvements for which the performance guaranty has been provided may be extended by the Township Committee by resolution. As a condition or as part of any such extension, the amount of any performance guaranty shall be increased or reduced, as the case may be, to an amount not to exceed one hundred twenty percent (120%) of the cost of the installation, as determined as of the time of the passage of the resolution. **[Amended 3-17-1978; 12-18-1980 by Ord. No. 32-80]**

- C. In the event 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 municipality for the reasonable costs of improvements not completed or corrected, and the municipality may, either prior to or after the receipt of the proceeds thereof, complete such improvements.
- D. Upon substantial completion of all required appurtenant utility improvements and the connection of same to the public system, the obligor may notify the governing body, in writing, by certified mail addressed in care of the Municipal Clerk, of the completion or substantial completion of improvements and shall send a copy thereof to the Township Engineer. Therefore, the Township Engineer shall inspect all improvements for which such notice has been given and shall file a detailed report, in writing, with the governing body, 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. **[Amended 3-17-1978; 12-18-1980 by Ord. No. 32-80]**
- E. The governing body shall either approve, partially approve or reject the improvements on the basis of a report of the Township Engineer and shall notify the obligor, in writing, by certified mail, of the contents of said report and the action of said approving authority 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 his performance guaranty, except for that portion adequately sufficient to secure completion of the improvements not yet approved, provided that thirty percent (30%) of the amount of the performance guaranty posted may be retained to ensure completion of all improvements. The failure of the governing body 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 said performance guaranty. **[Amended 3-17-1978; 12-18-1980 by Ord. No. 32-80]**
- F. If any portion of the required improvements is rejected, the Planning Board may require the obligor to complete such improvements and, upon completion, the same procedure of notification as set forth above shall be followed.
- G. Nothing herein shall be construed to limit the right of the obligor to contest by legal proceedings any determination by the governing body or by the Township Engineer. **[Amended 3-17-1978]**
- H. The obligor shall reimburse the municipality for all reasonable inspection fees paid to the Township Engineer for the foregoing inspection of improvements, provided that the municipality may require of the developer a deposit for all or a portion of the reasonably anticipated fees to be paid to the Township Engineer for such inspection. **[Amended 3-17-1978; 12-18-1980 by Ord. No. 32-80]**
- I. In the event that final approval is by stages or sections of development pursuant to sections set forth in N.J.S.A. 40:55D-38, as amended, the provisions of this section shall be applied by stage or section. **[Added 12-18-1980 by Ord. No. 32-80]**

§ 297-10. Contributions for off-tract improvements.

- A. In the event that it is determined that the application for final subdivision approval by the developer requires off-tract improvements, the contributions thereon shall be determined pursuant to the provisions of N.J.S.A. 40:55D-42.
- B. All major subdivisions and developments are subject to an assessment by the Township of Lacey, as determined by the Planning Board Engineer and based upon the most current assessment rate for the drainage basin, as delineated by the Lacey Township Master Drainage Plan. If it is determined that the proposed major subdivision or development is designed in such a manner that no stormwater runoff from the tract will be contributed to or handled, disposed of or otherwise affect a storm drainage system of the Township of Lacey, it shall be exempt from any off-tract drainage assessment by the Township of Lacey. Should it be determined that only a portion of the proposed tract, development or major subdivision contributes runoff to a Township drainage basin, then the off-tract drainage assessment will be based on that area of the tract actually draining to the Township drainage basin. **[Added 12-18-1980 by Ord. No. 32-80]**

§ 297-11. Effect of final approval of major subdivision.

- A. The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer pursuant to this chapter, whether conditionally or otherwise, shall not be changed for a period of two (2) years after the date of final approval, provided that the rights conferred by this section shall expire if the plat has not been duly recorded within the time period provided in N.J.S.A. 40:55D-54 and § 297-12 of this chapter or any amendments thereto. If the developer has followed the standards prescribed for final approval and has duly recorded the plat as required by law, the Planning Board may extend such period of protection for extensions 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 granted pursuant to this chapter.
- B. In the case of subdivision for a planned unit development, planned unit residential development or residential cluster of fifty (50) acres or more or a conventional subdivision of one hundred fifty (150) acres or more, the Planning Board may grant the rights referred to in Subsection A of this section for a period of time longer than two (2) years, as shall be determined by the Planning Board to be reasonable, taking into consideration the number of dwelling units and the nonresidential floor area permissible under final approval, economic conditions and the comprehensiveness of the development. The developer may apply for thereafter, and the Planning Board may thereafter grant, an extension of final approval for such additional period of time as shall be determined by the Planning Board to be reasonable, taking into consideration:
 - (1) The number of dwelling units and the nonresidential floor area permissible under final approval.
 - (2) The number of dwelling units and the nonresidential floor area remaining to be developed.
 - (3) Economic conditions.
 - (4) Comprehensiveness of the development.

- C. Within the Pinelands Area, final subdivision approval shall take effect as provided in Chapter 335, Zoning, of this Code. **[Added 2-14-1991 by Ord. No. 5-91]**

§ 297-12. Expiration of final approval of major subdivisions and minor subdivisions; filing of plats.

- A. Expiration of final approval.

- (1) 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 Ocean 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.
- (2) Final approval of a minor subdivision shall expire one hundred ninety (190) days from the date of Planning Board approval unless within such period a plat in conformity with such approval and the provisions of the Map Filing Law, P.L. 1960, c. 141 (N.J.S.A. 46:23-9.9 et seq.), or a deed clearly describing the approved minor subdivision is filed by the subdivider with Ocean County Clerk's office. **[Added 12-18-1980 by Ord. No. 32-80]**

- B. No subdivision plat shall be accepted for filing by the Ocean 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 this chapter. The signatures of the Chairman and Secretary of the Planning Board shall not be affixed until the developer has posted the guaranties required. If the Ocean County recording officer records any plat without such approval, such recording shall be deemed null and void and, upon request of the municipality, the plat shall be expunged from the official record.

- C. It shall be the duty of the Ocean County recording officer to notify the Planning Board in writing within seven (7) days of the filing of any plat, identifying such instrument by its title, date of filing and official number.

§ 297-13. Filing of applications.

Not less than two (2) weeks prior to the regular meeting of the Planning Board, the subdivider shall file with the Planning Coordinator of the Planning Board at least nine (9) black-on-white prints of the minor subdivision map (for a minor subdivision) or of the preliminary plan (for a major subdivision) of the proposed subdivision for purposes of classification and preliminary discussion, together with the completed application on a form provided by the Board, and also the proper fees as provided for in this chapter.

§ 297-14. Classification of applications.

All applications shall be submitted to the Planning Coordinator of the Planning Board, who shall classify and secure either Planning Board or Site Plan Committee approval as to the classification.

§ 297-15. Review of developments.

Before granting approval for a minor subdivision or the granting of preliminary or final approval of a major subdivision by the Planning Board or the Subdivision Committee, there shall be a review of developments completed or under construction in the Township of Lacey by the subdivider and a review of his record with respect to the same to determine whether the subdivider has conducted his operations in a manner to best serve the residents of said development, as well as the Township, and in compliance with previous approvals heretofore given.

§ 297-16. Preliminary plat of major subdivision.

- A. The subdivider must first receive notification from the Planning Coordinator that his submission with respect to the preliminary approval is perfected before the subdivider may give notification to property owners pursuant to the provisions of this chapter. **[Amended 12-18-1980 by Ord. No. 32-80]**
- B. In the case of a submission of a preliminary plat for major subdivision approval, there shall be filed within the time provided for herein, and with the required fee, nine (9) prints of the map showing plans and profiles of all improvements, together with one (1) completed application form for preliminary approval submitted by the developer.
- C. Within the Pinelands Area, a certificate of filing, pursuant to Chapter 335, Zoning, of this Code, shall be required before the application is deemed complete. ⁸ **[Added 2-14-1991 by Ord. No. 5-91]**

§ 297-17. Lot grading. [Added 5-14-1987 by Ord. No. 14-87]

- A. A grading plan prepared by a New Jersey licensed professional engineer shall be submitted with the application. The grading plan shall indicate the following:
 - (1) Existing elevations of the subject property within a ten-foot radius of the property lines of the subject property.
 - (2) Proposed grades and elevation for all proposed lot grading, finished floor elevations and modifications to surface runoff patterns.
 - (3) Directions of flow for all stormwater runoff from the subject lot.
 - (4) Determination as to the impact that proposed construction and lot regrading will have upon downstream and adjacent properties.
 - (5) Methods or provisions to abate or prevent any adverse surface drainage impacts or conditions to downstream and adjacent lots.
- B. Under no circumstances shall the subdivision tract or any individual lots within the development be graded in such a manner as to redirect stormwater runoff onto adjacent and/or downstream properties, accelerate the velocity of flow of stormwater runoff or cause an increase in the volume of stormwater runoff which flows onto adjacent lands under

8. Editor's Note: Former § 93-18, Tentative approval of preliminary plat, as amended, which immediately followed this section, was repealed 12-18-1980 by Ord. No. 32-80.

natural conditions and in excess of the volume of runoff which would be generated from the subject property in its undeveloped or existing state.

- C. Certification. Prior to the issuance of any certificate of occupancy to any dwelling, the developer or holder of the building permit shall cause to have the lot grading plan certified by a New Jersey licensed professional engineer that the final as-built grading of the lot is in compliance with the approved grading plan.
- D. Grading standards. All lot grading plans shall conform to the following standards, and all lots shall be graded in accordance with the following requirements:
 - (1) The lowest floor of any structure, including garage floors, first floors or any floor area intended as usable space, other than area conforming to the definitions set forth in the BOCA Code, Chapter 335, Zoning, of the Lacey Township Code and defined as "basement" or "cellar," shall be not less than eighteen (18) inches above the center-line elevation of the abutting street(s).
 - (2) No lot shall be graded or regraded in such a manner as to direct surface runoff to downstream or abutting properties.
 - (3) Any swale intended to convey stormwater runoff shall be specifically delineated on the grading plan. A typical swale section, profile grades and calculations indicating the capacity of the swale shall be provided and certified by a New Jersey licensed professional engineer. All swales shall be constructed in strict compliance with the following standards:
 - (a) All swales shall be constructed to a parabolic cross section.
 - (b) No swale shall have a side slope greater than one-half (1/2) inch of rise or fall per foot of width as measured from the top of the slope to the center line of the swale invert unless specifically approved by the Planning Board.
 - (c) All swales shall be designed, constructed and stabilized in accordance with the requirements of the Ocean County Soil Conservation District.
 - (d) Swales shall have a minimum longitudinal or profile gradient to provide a positive flow of stormwater in the swale and prevent stagnation of water in the swale.
 - (e) No swales shall be designed in such a manner as to make a point discharge of stormwater runoff onto adjacent or downstream lands.
 - (f) Swales shall not discharge into high groundwater, inland freshwater or coastal wetlands or other environmentally sensitive areas unless specific approval of all outside agencies has been obtained.
 - (g) No swale shall be designed or constructed to discharge directly onto a public street unless specifically approved by the Director/Superintendent of Public Works or the entity holding jurisdiction over the public street and submission of a certification by a New Jersey licensed professional engineer as to the adequacy of the street gutter and storm drainage system to accept the additional flow of stormwater with no adverse impact to downstream lands.

- (4) All lots, open spaces and planting areas shall be graded to secure proper drainage and to prevent the collection of stormwater. Grading shall be performed in a manner which will minimize the damage to or destruction of trees growing on the land. Topsoil shall be provided or redistributed on the surface as cover and shall be stabilized by seeding, sodding or planting.
 - (5) All tree stumps, masonry and other obstructions shall be removed to a depth of two (2) feet below existing or finished grade, whichever is lower.
 - (6) The subdivider shall take all necessary precautions to prevent any siltation of streams during the construction of the subdivision. The subdivider shall provide adequate material in any stream or watercourse. Such provisions may include, but not be limited to, construction and maintenance of siltation basins or holding ponds and diversion berms throughout the course of construction and planting area.
 - (7) Retaining walls. When no other alternatives exist and natural topography dictates the use of retaining walls, complete design plans, including all construction details, design calculations, soil borings and soil data certified by a New Jersey licensed professional engineer, must be submitted. All retaining walls shall be designed such that the height of the retaining walls shall not exceed one-third (1/3) of the horizontal distance measured from the base of the retaining wall to any building.
- E. Lot grading plans. The grading plan shall be certified by a New Jersey licensed professional engineer and shall conform to the following requirements:
- (1) Any easement or land reserved for or dedicated to the public use shall be designated, and the proposed use of sites other than residential shall be noted.
 - (2) Each block and each lot shall be numbered in accordance with a scheme approved by the Tax Assessor.
 - (3) All municipal boundary lines crossing or adjacent to the territory intended to be subdivided shall be shown and designated.
 - (4) The names of adjoining subdivision, if any, and the file number of the recording or the names of the owners of adjacent properties shall be shown.
 - (5) All natural and artificial watercourses, streams, shorelines, water boundaries and encroachment lines existing or dedicated on or adjacent to the tract shall be shown.
 - (6) The final plat shall indicate the zone, tract acreage, the required minimum lot area, front, side and rear yard setback lines and the lot line dimensions and areas of each lot being created by the proposed subdivision.
 - (7) Final grading plan(s) shall be at a scale of not greater than one (1) inch equals fifty (50) feet horizontally, shall accompany the final plat and show the following information:
 - (a) Grading plan showing existing and proposed grading contours at intervals of one (1) foot throughout the tract, except that, if slopes exceed five percent (5%), an interval of two (2) feet is permissible. Datum shall be National Geodetic vertical datum, and source of datum shall be noted.

- (b) Proposed spot or finished elevation at all property corners, curb opposite property corners, first floor elevation of all proposed structures or dwellings and drainage arrows designating direction of overland drainage flow on each lot.
 - (c) Grate elevations of all storm inlets.
 - (d) Slope, direction of flow and typical section for all streams, swales and ditches.
 - (e) All center-line and gutterline elevations of each street at a maximum interval of fifty (50) feet.
 - (f) The tops of the banks and boundaries of the floodways and flood hazard areas of all existing watercourses, where such have been delineated, or the limits of alluvial soil where the boundaries of floodways and flood hazard areas have not been determined and/or such other information.
- F. Deed covenants and notice. The subdivider shall provide deed covenants for every lot within the major subdivision requiring all lot owners to adhere to the approved grading plan. Any deviations shall be subject to approval by the Planning Board. The proposed deed covenant shall be submitted to the Planning Board for approval. A Mylar reproducible of the grading plan shall be filed with the Lacey Township Planning Board, Lacey Township Construction Official and Ocean County Clerk's office with the filed map.

§ 297-18. Conditions for building permit.

In no case shall a building permit be issued prior to final approval. Before he issues a building permit, the Township Construction Officer shall obtain a copy of the recorded plat bearing the file number and date filed with the County Clerk.

§ 297-19. Conditions for occupancy permit. [Amended 3-17-1978]

Prior to the issuance of an occupancy permit, the Construction Officer shall obtain in writing the approval of the Township Engineer that all required improvements have been installed. In the event that said improvements are not completed, the Construction Official shall consult with the Planning Board to gain permission to issue a certificate of occupancy.

§ 297-20. Final plat of major subdivision.

- A. The final plat shall be submitted to the Planning Coordinator of the Planning Board, together with an appropriate application and filing fee, for presentation to the Planning Board within the time provided by this chapter.
- B. The original tracing of five (5) black-and-white prints and three (3) copies of the application form for final approval shall be submitted to the Planning Coordinator of the Planning Board at least twelve (12) days prior to the date of the next regularly scheduled Planning Board meeting. Unless the preliminary plat is approved without changes, the final plat shall have incorporated all changes and modifications required by the Board. After filing of the final plat with the Ocean County Clerk, the developer shall supply the Planning Board with one (1) translucent, two (2) cloth and three (3) paper prints bearing the file number and date of filing.

- C. The final plat shall be accompanied by a statement by the Township Engineer that he is in receipt of a map showing all utilities in exact location and elevation, identifying those portions already installed and those to be installed, and that the subdivider has complied with one (1) or both of the following: **[Amended 3-17-1978]**
- (1) Installed all improvements in accordance with the requirements of these regulations.
 - (2) Furnished a performance guaranty pursuant to the terms of this chapter, together with a fee for any off-tract improvements if required.
- D. The applicant shall provide a certificate of title by a recognized title company and examples of any proposed covenants and restrictions to be contained in deeds for the sale of said lots.
- E. In the event that grades have not been established with respect to the installation of water mains and/or sanitary sewers at the time of the filing of the application, the applicant shall pay to the Township of Lacey by certified check an amount equal to the cost of the improvement as determined by the Township Engineer. This sum shall be held in trust by the Township of Lacey, to be expended and used only for the construction of said improvements. Any balance remaining after completion of construction shall be returned to the applicant without interest. ⁹ **[Amended 3-17-1978]**
- F. All approval of maps and plans by the Lacey Township Planning Board shall be with the understanding that if the developer shall fail to comply with any of the conditions of the bond or bonds, the Township of Lacey will not be required to issue any further building permits after such failure of compliance is known to Township officials, and the Construction Official or Planning Board Coordinator may call back all building permits for buildings being constructed or to be constructed at such time as lack of compliance and stop notices may be placed on such buildings or dwellings for which permits have been issued.
- G. In addition to the requirements for adequate and proper drainage of the area comprising any particular subdivision as otherwise provided for herein, provision shall also be made for the disposition of stormwater runoff from said subdivision to an outlet of final disposal, such as a river, stream, lagoon or storm sewer. The Planning Board engineer shall determine the drainage basin or area of which the particular subdivision is a part and shall apportion among all of the landowners thereof the fair and reasonable costs of ultimately providing sufficient drainage to the said basin or area. As a condition precedent to final approval of any subdivision, there shall be paid to the Township of Lacey in cash such sum as shall have been determined by the Planning Board Engineer to be the proportionate cost of providing for the disposition of the stormwater runoff caused by such developer.
- H. For the purpose of computing the effective date of submission, such date shall be defined as the date upon which the Planning Board has officially declared the submission to be perfected.
- I. Within the Pinelands Area, notice that the Pinelands Commission has completed its review of the preliminary approval, pursuant to Chapter 335, Zoning, of this Code, shall be required before the final submission is deemed complete. **[Added 2-14-1991 by Ord. No. 5-91]**

9. Editor's Note: Former Subsection F, which pertained to deferral of the construction of the water and/or sewer lines and immediately followed this subsection, as amended, was repealed 12-18-1980 by Ord. No. 32-80.

§ 297-21. Use of existing roads.

- A. When applying for a final subdivision, the applicant must specify those roads which he intends to use for traffic to and from the subdivision. Only those roads approved by the Planning Board will be allowed for vehicular traffic into and servicing the subdivision prior to acceptance.
- B. Should the major subdivision propose to incorporate any existing roads presently shown on the Tax Map of the Township of Lacey, the road(s) must be clearly shown on the preliminary map, and the width of right-of-way, pavement width, if improved, and details regarding all existing improvements must be noted on the preliminary plat. If the existing road or roads are not improved, the developer will be required to construct, at his expense, all required road improvements in accordance with the current standards for road construction as set forth in § 297-36 of this chapter or as otherwise directed by the Planning Board. **[Added 12-18-1980 by Ord. No. 32-80]**

§ 297-22. Filing of final plat after final approval. [Amended 12-18-1980 by Ord. No. 32-80]

Upon final approval and signing of the final plat by the Planning Board Chairman, Secretary (or Coordinator) and Engineer, the applicant shall provide the Planning Board Secretary with one (1) duplicate Mylar and six (6) paper prints of each sheet of the final plat and final construction plans.

ARTICLE IV
Plat Details

§ 297-23. Sketch plat.

- A. The sketch plat, if submitted, shall be based on Tax Map information or some other similarly accurate base, at an appropriate scale, and shall show the following information:
- (1) The location of that portion which is to be subdivided in relation to the entire tract.
 - (2) All existing structures, streams and other watercourses and wooded area within the portion to be subdivided and within two hundred (200) feet thereof.
 - (3) The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax record.
 - (4) The Tax Map sheet number, block and lot numbers, and block and lot numbers of adjoining property.
 - (5) All existing or proposed streets or roads within or adjoining the subdivision, setting forth the names of said streets or roads and the right-of-way and pavement widths thereof.
 - (6) Distance in feet to nearest intersection.
 - (7) Dimensions and areas of all lots.
 - (8) Arrow indicating direction of North; graphic scale; date of plat preparation.
 - (9) The appropriate zone districts applicable to all land shown on the plat shall be clearly indicated.
 - (10) A key map.
 - (11) The name and address of the property owner of record. **[Added 12-18-1980 by Ord. No. 32-80]**
 - (12) The name and address of the subdivider or applicant. **[Added 12-18-1980 by Ord. No. 32-80]**
 - (13) Availability and location of sanitary sewerage and water service to the proposed development. **[Added 12-18-1980 by Ord. No. 32-80]**
 - (14) Reference meridian and graphic scale. **[Added 12-18-1980 by Ord. No. 32-80]**
 - (15) Acreage of the entire tract to be subdivided to the nearest hundredth of an acre. **[Added 12-18-1980 by Ord. No. 32-80]**
- B. The sketch plat must be clearly and legibly drawn by a licensed New Jersey professional engineer and/or land surveyor or by a planner and shall be on a standard sheet size not smaller than twenty-four by thirty-six (24 x 36) inches nor larger than thirty by forty-two (30 x 42) inches. The sketch plat must be drawn in black India ink. **[Amended 12-18-1980 by Ord. No. 32-80]**

§ 297-24. Preliminary plat.

- A. The preliminary plat shall be designed in accordance with the provisions of Articles V and VI hereof and in strict accord with modern and accepted planning techniques and procedures by qualified persons, with the cooperation of the Lacey Township Planning Board. The preliminary plat shall be clearly and legibly drawn or reproduced at a scale of not less than one (1) inch equals one hundred (100) feet by a licensed New Jersey professional engineer and/or licensed land surveyor.
- B. For initial consideration by the Planning Board prior to the granting of tentative approval, the plat shall show or be accompanied by sufficient information to establish the design, arrangement and dimensions of streets, lots and other planned features as to form, size and location. This information shall form the basis for the general terms and conditions upon which tentative approval may be granted and shall include:
- (1) A key map showing the entire subdivision and its relation to surrounding areas.
 - (2) The tract name, Tax Map sheet, block and lot numbers, date, reference meridian, graphic scale and the following names, addresses and facts:
 - (a) Certification that the applicant is the owner of the land or his authorized agent, giving names and addresses of both.
 - (b) Certification that the applicant or a company in which the applicant has an interest does not own nor has contracted to purchase abutting land.
 - (c) Name and address of owner if the subdivider is a contract purchaser.
 - (d) Name and address of the subdivider.
 - (e) Name and address of the person who prepared the map.
 - (f) Certificate from the Tax Collector that taxes are paid to date.
 - (g) The appropriate zone districts applicable to all land shown on the plat shall be clearly indicated.
 - (3) Acreage of tract to be subdivided, to nearest tenth of an acre.
 - (4) Contours at two-foot intervals in order to determine the general slope and natural drainage of the land and sufficient elevations in order to determine the high and low points of all proposed new streets. Proposed contours shall be shown in dashed lines, with arrows indicating the direction of runoff. The proposed elevations at the corners of the lots shall be shown.
 - (5) The location of existing and proposed property lines, streets, buildings, underground utility easements, watercourses, railroads, bridges, culverts, drainpipes and any natural features such as wooded areas and rock formations. Underground utility easements are required to follow existing and proposed property lines and to be described in the deeds to the affected lots in the subdivision.
 - (6) Plans and profiles of all proposed streets, showing storm and sanitary sewers and appurtenances, water mains, gas mains, bridges, major tree growths and showing

connections to existing or proposed utilities, all meeting the requirements of the Planning Board engineer.

- (7) Plans for all water supply and sewage disposal systems are to be submitted to the Municipal Utilities Authority if in existence,¹⁰ and to the Planning Board if the Utilities Authority is not in existence. Evidence of application to the Municipal Utilities Authority or Planning Board for approval of any water or sewage disposal systems shall be a condition to final subdivision approval. The engineering data must be compiled by a licensed professional engineer of the State of New Jersey. All engineering data must be approved by the local and State Department of Health where applicable. Any subdivision or part thereof which does not meet with the established requirements of this chapter or other applicable regulations shall not be approved. Any remedy proposed to overcome such situation shall first be approved by the Board of Health of the Township of Lacey.
- (8) Map must include certification for signatures of Chairman, Secretary and Planning Board engineer.
- (9) If maps are revised, revision date must be indicated on map.
- (10) When the preliminary plat which has been granted tentative approval forms the basis upon which application for final approval will be made, such plat map and its accompanying engineering plans must be prepared by a licensed professional engineer in compliance with all the provisions of Chapter 358 of the Laws of 1953.

§ 297-25. Final plat.

The final plat shall be drawn in ink on tracing cloth at a scale of not less than one (1) inch equals one hundred (100) feet and in compliance with all the provisions of Chapter 358 of the Laws of 1953. The final plat shall show or be accompanied by the following:

- A. Date, name and location of the subdivision, name of owner, graphic scale and reference meridian.
- B. Tract boundary lines, right-of-way lines of streets, street names, easements, including underground utility easements, and other rights-of-way, land 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. Underground utility easements are required to follow existing and proposed property lines and to be described in the deeds to the affected lots in the subdivision.
- C. The purpose of any easement or land reserved or dedicated for public use shall be designated and the proposed use of sites other than residential shall be noted.
- D. Block and lot numbers as approved by the Tax Assessor or Engineer.
- E. Minimum building setback line on all lots and other sites.
- F. Location and description of all monuments.
- G. Names of owners of adjoining unsubdivided land, block and lot numbers.

10. Editor's Note: See Ch. 73, Municipal Utilities Authority.

- H. Certification by engineer or surveyor as to accuracy of details of plat; name, address and license number of engineer.
- I. Certification that the applicant is agent of the owner of the land or the owner or is a contract purchaser, or that the owner has given consent under an option agreement.
- J. When approval of a plat is required by any other officer or body of the municipality, county or state, approval shall be certified on the plat.
- K. Plans, profiles and typical cross sections of all proposed and as-built streets, showing curbs, storm and sanitary sewers and appurtenances, water mains, gas mains, street signs, bridges, major tree growths, as approved by the Planning Board engineer, shall accompany the final plat.
- L. Certificate from Tax Collector that all taxes are paid to date.
- M. A statement by the Township Engineer that he is in receipt of a map showing all utilities in exact location and elevation, identifying those portions already installed and those to be installed, and that the subdivider has complied with one (1) or both of the following:
[Amended 3-17-1978]
 - (1) Installed all improvements in accordance with the requirements of these regulations.
 - (2) A performance guaranty has been posted with the Planning Board Secretary in sufficient amount to assure the completion of all required improvements.
- N. In addition to the final plat required herein, the subdivider shall provide a copy of the preliminary plat originally approved by the Planning Board, which map shall indicate the flow of drainage from the subdivision and shall estimate the maximum volume of water that would be anticipated at the time of heavy rain and shall show watercourses, pipes or culverts under roads and other existing facilities that may be required to handle said water until said water arrives at a natural brook, stream, river or other water body which will provide for the carrying off of the water.
- O. Key map at a scale of not less than one (1) inch equals one thousand (1,000) feet.
- P. A lot grading plan showing proposed first floor grades of all buildings with relation to road grades. The finished floor shall be a minimum of eighteen (18) inches above the center line opposite the building.
- Q. A copy of the final plat shall be submitted to the Township in digital form for updating of the Township Tax Map. **[Added 12-23-2003 by Ord. No. 2003-60]**

ARTICLE V
Improvements

§ 297-26. Conformity with specifications; inspections.

- A. The improvements required for final approval by § 297-9 and any subsequent amendments thereto shall be in accordance with the Lacey Township Code Standard Specifications for Subdivisions, which specifications are incorporated herein as though fully set forth. Three (3) copies of said code shall be on file with the Planning Board Secretary.
- B. All of the required improvements shall be subject to inspection and approval by the Township Engineer, who shall be notified by the developer at least twenty-four (24) hours prior to the start of construction. No underground installation shall be covered until inspected and approved. **[Amended 3-17-1978]**

§ 297-27. Swampy areas. [Amended 2-14-1991 by Ord. No. 5-91]

No area shall be approved for subdivision which, being of low, wet or swampy nature, shall not have first been filled to a depth of five (5) feet above sea level or four (4) feet above local mean high water, whichever is greater, or a cleared surface free of fallen trees, brush and debris and sufficiently high above the minimum to assure proper operation of domestic sanitary sewer facilities where required; such fill shall be compacted and shall provide sufficient grade for surface drainage of all areas; and such an area shall not be approved until surface drainage has been provided for by installation of an adequate drainage system. Within the Pinelands Area, filling of wetlands is prohibited pursuant to Chapter 335, Zoning, of this Code.

§ 297-28. Waterfront or lakefront subdivisions.

- A. No subdivision shall be named or designated in such a manner as to indicate that the subdivision is of a waterfront or lakefront character if the lands in question are not capable of waterfront or lakefront development.
- B. Lakes or ponds to be shown on a subdivision plan shall have sufficient source of water supply and runoff to prevent drying up and stagnation.
- C. All waterfront subdivisions shall provide fire stations available to the public within a maximum distance of one thousand (1,000) feet across land.
- D. All waterfront and lakefront subdivisions shall conform to all requirements of all agencies, local, state and federal, having jurisdiction over waterfront or lakefront development. Copies of all application submissions shall be furnished to the Planning Board and Planning Board Engineer as part of the preliminary plat submission. All final plat approvals granted to waterfront or lakefront development shall be conditional upon the developer's receiving all approvals as required by outside agencies having jurisdiction over the subject development and the developer's providing evidence of receipt of all approvals to the Planning Board. **[Added 12-18-1980 by Ord. No. 32-80]**

§ 297-29. Filling operations.

- A. No trees, brush or debris shall be used as landfill or in lieu thereof, nor shall any landfilling operation be performed in such a manner as to cover unremoved trees and debris on any streets, lots or other areas.

- B. All filling operations shall be conducted in accordance with the requirements of Soil Conservation District, any other agency having jurisdiction over the development in question and as directed by the Planning Board or Township Engineer. **[Added 12-18-1980 by Ord. No. 32-80]**

§ 297-30. Stormwater pockets.

The subdivider shall make provision for filling in all stormwater pockets, holes or areas in which stormwater may collect.

§ 297-31. Flood control.

- A. Land subject to flooding and land deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard. However, such land within the plat may be set aside for such uses as will not be endangered by periodic or occasional inundation or will not produce unsatisfactory living conditions.
- B. All land subject to flooding or located within an area designed as a flood hazard area shall be developed in conformance with the provisions of Chapter 185, Flood Hazard Areas, of the Lacey Code. **[Added 12-18-1980 by Ord. No. 32-80]**

§ 297-32. Street continuations.

- A. All streets or roads which are designed to become part of the street or road system of the Township of Lacey and environs, as shown on the preliminary and final plans, shall be coterminous with adjoining links to said system.
- B. Dead-end streets shall be avoided wherever possible. If their use is unavoidable, all such streets and roads serving several otherwise isolated lots, where necessary, in the opinion of the Planning Board Engineer and the Planning Board, shall have a circular turning space at the end with a minimum radius of fifty (50) feet at the curblineline; the overall minimum radius of the right-of-way shall be sixty (60) feet.

§ 297-33. Inspection fees. [Amended 3-17-1978]

- A. The subdivider or developer shall pay to the Township Planning Board Secretary, in addition to the application fee, six percent (6%) of the estimated cost of improvements, for inspection by the Township Engineer of the installation of all improvements required to be installed by said subdivider or developer. Payment of the inspection fees shall be made in the following manner: As a condition of final approval or prior to commencing actual construction, whichever is first in time, the developer shall deposit with the Secretary of the Planning Board an amount as determined above, which will be a reasonable charge for inspections.
- B. Payments for inspection charges by the Township Engineer or his agents shall be paid out of this fund upon presentation of bills by the Township Engineer to the Township Chief Financial Officer for such inspections.
- C. When the subdivision has been completed and all engineering inspection fees have been paid to the Township Engineer, any remaining balance in the account shall be returned to the subdivider by resolution of the Township Committee, without interest.

ARTICLE VI
Design Standards and Requirements

§ 297-34. Conformity with standards.

The subdivider or owner shall observe the following requirements and principles of land subdivision in the design of each subdivision or portion thereof as set forth herein. All materials and construction practices for construction of streets, curbs, sidewalks, storm sewers, as well as the type and quantity of topsoil and other concrete work, shall be accomplished in accordance with the New Jersey State Highway Department Standard Specifications for Road and Bridge Construction — 1961, and as amended, which shall hereafter be referred to as "standard specifications."

§ 297-35. General requirements.

- A. The subdivision plat shall conform to design standards that will encourage good development patterns within the Township of Lacey. Where either or both an Official Map or Master Plan has or have been adopted, the subdivision shall conform to the proposals and conditions shown thereon. It is the intention of these regulations that proper performance of the work is the sole responsibility of the subdivider. The streets, drainage rights-of-way, school sites, public parks and playgrounds shown on an officially adopted Master Plan or Official Map shall be considered in approval of subdivision plats.
- B. Only two (2) minor subdivisions shall be allowed in any one (1) tract of land unless the owner or subdivider conforms to such regulations herein provided pertaining to major subdivisions as the Planning Board may require.

§ 297-36. Streets.

- A. The arrangement of streets not shown on the Master Plan or Official Map shall be such as to provide for the appropriate extension of existing streets.
- B. Minor streets shall be designed so as to discourage through traffic.
- C. Subdivisions abutting arterial streets.
 - (1) Subdivisions abutting arterial streets shall provide a marginal access service road or reverse frontage with a buffer strip for planting, or some other means of separation of through and local traffic as the Planning Board may determine appropriate. When frontage on a minor street is required, there shall be no driveway or other curb cut permitted along the frontage of the primary road.
 - (2) All lots requiring reverse frontage shall have an additional twenty-five (25) feet of depth above the requirements of Chapter 335, Zoning. At the discretion of the Planning Board this twenty-five (25) feet of depth will be planted by the developer in evergreen trees and shrubs so as to provide a visual screen at least six (6) feet in height and covering fifty percent (50%) of the frontage of the property by the end of two (2) growing seasons.
 - (3) The reverse frontage height of growth requirements can be met in part by grading dirt at a slope of one to three (1:3) to a height of four (4) feet within the twenty-five-foot reverse strip.

- (4) No subdivision showing reverse strips controlling access to streets shall be approved except where the control and disposal of land comprising such strips has been placed in the governing body under conditions approved by the Board.

D. Rights-of-way.

- (1) The right-of-way width shall be measured from lot line to lot line. The pavement width shall be as specified. The following dimensions shall be the minimum acceptable:

	Over-all Width	Road-way Width	Side-walk Width
Type of Street	(feet)	(feet)	(feet)
Arterial	80	50	4
Collector	60	40	4
Minor	50	30	4

- (2) The right-of-way for internal roads in multifamily, commercial and industrial developments shall be determined on an individual basis and shall never be less than thirty-three (33) feet and shall in all cases be of sufficient width and design to safely accommodate the maximum traffic, parking and loading needs and maximum access for fire-fighting equipment; provided, however, that such rights-of-way are in conformance with the Lacey Township Master Plan.

- E. Subdivisions that adjoin or include existing streets that do not conform to widths as shown on the Master Plan or Official Map or the street width requirements of this chapter shall dedicate additional width along either one (1) or both sides of said road. If the subdivision is along one (1) side only, one-half (1/2) of the required extra width shall be dedicated. In the case of such a one-half street, the subdivider shall be required to improve, in accordance with Article V, the one-half street, including ten (10) feet on either side of the center line of the street. If a realignment of an existing road is proposed, the developer shall provide not less than one-half (1/2) of the future width of the side or sides owned by him and one-half (1/2) of the future width from the new chapter line through any parcels not owned by him. It shall be the developer's obligation to obtain the required right-of-way from the owner/owners of the lands not owned by the developer which are affected by the proposed realignment.

F. Grades. **[Amended 12-18-1980 by Ord. No. 32-80]**

- (1) Grades of arterial and collector streets shall not exceed four percent (4%). Grades of other streets shall not exceed six percent (6%). No street shall have a minimum grade of less than one-half of one percent (1/2 of 1%). Changes of grades may be had under special improvement conditions recognized and approved by the Planning Board. Special details may be required where grades exceed two and one-half percent (2 1/2%).
- (2) Under certain conditions, the above-noted maximum longitudinal profile grades may be exceeded upon approval by the Planning Board, based on the recommendation of the Planning Board Engineer. Where the algebraic difference between two (2) intersecting longitudinal profile grades exceeds one (1), vertical (parabolic) curves

must be provided at such grade intersections. The location of all such vertical curves and complete curve data must be shown on the proposed road profile. All vertical curves shall be of sufficient length to provide a smooth transition and proper sight distance in accordance with the most current standards of the American Association of State Highway and Transportation Officials (AASHTO) and as approved by the Planning Board Engineer.

- G. Street intersections shall be as nearly at right angles as is possible and in no case shall be less than sixty degrees (60°). The block corners at intersections shall be rounded at the curbline with a curve having a radius of not less than twenty (20) feet. Any intersection of other than ninety degrees (90°) may be treated as an exception to the above and special requirements may be imposed.
- H. Street jogs with center-line offsets of less than one hundred twenty-five (125) feet shall be prohibited.
- I. A tangent of at least one hundred (100) feet long shall be introduced between reverse curves on arterial, collector, local and marginal access streets. When connecting street lines deflect from each other at any one (1) point, they shall be connected by a curve with a radius of not less than one hundred (100) feet for minor streets and three hundred (300) feet for arterial and collector streets, radii to be measured from the center of streets.
- J. Street right-of-way lines shall be smooth and continuous. Bulges in the right-of-way, bubbles, half-circles and similar irregularities are prohibited.
- K. Roadway cross slopes shall be such that a uniform cross slope producing a curb reveal of six (6) inches from top of curb to finished pavement is obtained. **[Amended 12-18-1980 by Ord. No. 32-80]**
- L. All streets or roads which are designed to become part of the street or road system of the Township of Lacey and environs, as shown on the preliminary and final plans, shall be coterminous with adjoining links to said system. Dead-end streets (culs-de-sac) shall be avoided wherever possible. If their use is unavoidable, all such streets and roads serving several otherwise isolated lots, where necessary in the opinion of the Planning Board engineer and the Planning Board, shall have a circular turning space at the end with a minimum radius of fifty (50) feet at the curbline; the overall minimum radius of the right-of-way shall be sixty (60) feet. Dead-end streets shall not be longer than eight hundred (800) feet. If a dead-end street is of a temporary nature, a similar turnaround shall be provided and provisions made for future extension of the street and reversion of the excess right-of-way to the adjoining properties. The length of a temporary cul-de-sac shall be determined by the Board. **[Amended 12-18-1980 by Ord. No. 32-80]**
- M. No street shall have a name which will duplicate or so nearly duplicate as to be confused with the names of existing streets. The continuation of an existing street shall have the same name.
- N. Prior to the construction of the final paving, the developer shall have installed all underground utility mains and services. The services-mentioned shall consist of the installation of connections from the main to a point on the property side of the curb.
- O. Such design features as multilegged intersections with more than four (4) legs, acute angle, V-type intersections and jog intersections are prohibited.

- P. Continuous through local streets extending from one major street to another should be avoided.
- Q. Four-legged intersections should be used infrequently. Type intersections should be used more frequently.
- R. Curbs. **[Amended 12-18-1980 by Ord. No. 32-80]**
- (1) Curbs shall conform to the standard detail configuration of the New Jersey Department of Transportation for six by eight by eighteen (6 x 8 x 18) inches and shall be of Portland-cement concrete and shall conform to the requirements of the Standard Specifications for Road and Bridge Construction — 1961, as amended by the latest addenda.
 - (2) Combination curb and gutter may be permitted by the Planning Board upon specific application.
 - (3) Alternate curb types may be permitted upon application to the Planning Board. The applicant shall submit for review by the Planning Board Engineer typical section details and specifications of the proposed alternate curb type.
 - (4) The use of continuous form or machine-laid slip-formed curb shall be permitted upon application to the Planning Board. The applicant shall provide for review by the Planning Board Engineer typical section details, specifications and specific details as to the construction methods and equipment to be employed.
- S. Sidewalk and drive aprons shall be required for all major subdivisions and developments unless specifically waived by the Planning Board. Sidewalk widths shall be as specified in Subsection D(1) of this section and shall be four (4) inches thick, except in areas of driveway crossings, where the thickness shall be six (6) inches. The concrete apron shall be six (6) inches thick, Class A concrete. **[Amended 12-18-1980 by Ord. No. 32-80]**
- T. Road pavement. All streets shall be constructed as follows:
- (1) All materials, equipment and methods of construction shall conform to the Standard Specifications for Road and Bridge construction of the New Jersey Department of Transportation-1961, as amended by the most recent addenda or as otherwise directed by the Engineer. Each stage of the construction must be approved by the Engineer prior to commencing the next stage. The Engineer shall be notified at least one (1) working day prior to the start of any stage. **[Amended 12-18-1980 by Ord. No. 32-80]**
 - (2) Subgrade. The subgrade shall be in a proper, finished condition conforming to the proper line and grade and free of any soft spots or other deficiencies. The subgrade shall be tested by running a roller, of a weight at least equal to that to be used in the paving operation, over the entire subgrade. If the deformation of the subgrade is excessive in the opinion of the Engineer, the subgrade must be stabilized in a manner satisfactory to the Engineer.
 - (3) Gravel base course. The gravel base course shall be minimum six-inch thickness, Type 2, Class B, and conform to the current New Jersey State Highway Department Standards Specifications for Road and Bridge Construction. There shall also be an

asphaltic oil prime coat applied to the gravel base course prior to the construction of the bituminous stabilized base course.

- (4) Subbase. Where subbase conditions of proposed streets are wet, spongy or of such a nature that surfacing would be inadvisable without first treating the subbase, the treatment of subbases shall be made in the following manner: The street shall be excavated to a depth that shall be a minimum of twelve (12) inches below the proposed finished grade. Where required by the Township Engineer, a system of porous concrete pipe subsurface drains shall be constructed beneath the surface of the road and connected to a suitable drain. After this subbase material has been properly placed and compacted, the street surfacing material, as described, shall be spread thereon.
- (5) Pavement. **[Amended 12-18-1980 by Ord. No. 32-80]**
 - (a) A bituminous concrete pavement shall be constructed in two (2) courses as follows and in accordance with the most current Standard Specifications for Road and Bridge Construction of the New Jersey State Highway Department — 1961, as amended by the latest addenda or as otherwise directed by the Engineer.
 - [1] For major collector streets.
 - [a] Surface course: hot-mixed bituminous concrete Type FABC-1 modified mix No. 5, one and one-half (1 1/2) inches compacted thickness on:
 - [b] Base course: hot-mixed bituminous stabilized base, gravel mix, three (3) inches compacted thickness.
 - [2] For minor collector streets.
 - [a] Surface course: hot-mixed bituminous concrete Type FABC-1, modified mix No. 5, one and one-half (1 1/2) inches compacted thickness on:
 - [b] Base course: hot-mixed bituminous stabilized base, gravel mix, two (2) inches compacted thickness.
 - [3] For local through streets.
 - [a] Surface course: hot-mixed bituminous concrete Type FABC-1, modified mix No. 5, one and one-half (1 1/2) inches compacted thickness on:
 - [b] Base course: hot-mixed bituminous stabilized base course, gravel mix, one and one-half (1 1/2) inches compacted thickness.
 - [4] For local residential (non-through) streets (or on specific certain cases involving major subdivisions approved prior to 1971).
 - [a] Surface course: hot-mixed bituminous surface course, Type FABC-1, modified mix No. 5, two (2) inches compacted thickness on:

- [b] Base course: soil aggregate (gravel) Type 2, Class A or B, six (6) inches compacted thickness conforming to the requirements of § 297-36S(3) herein.
 - [c] Construction of the top or surface course of the pavement shall be held in abeyance for at least one (1) year from the time of construction of the base course. However, temporary paving shall be placed around all manholes, valve boxes, inlets, etc., immediately after construction of the base course. Prior to laying the top or surface course, an inspection by the Township Engineer shall be necessary to determine repairs required (i.e. potholes, defects, etc.).
- (b) All major subdivisions and developments for which approval was obtained under a prior ordinance shall conform to the pavement thicknesses and materials as required by the ordinance in effect at the time of approval of the major subdivision or development or as shown on the approved final construction plans. Should the developer wish to amend the approved final construction plans to permit the use of a pavement design conforming to current standards, an amended preliminary and final plat application amending the pavement design must be submitted to the Planning Board, and approval for such changes will be on an individual case basis as per the recommendation of the Planning Board Engineer.
- (6) Test cores. If, in the opinion of the Township Engineer, the thickness and/or composition of any road construction is doubtful, the Engineer shall instruct the developer to supply cores, then under the supervision of the Township Engineer, for analysis and evaluation. Failure to notify the Township Engineer's office at least twenty-four (24) hours prior to any phase of road construction shall be considered cause for the Township Engineer to require the developer to supply material cores as specified above.

§ 297-37. Blocks.

- 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 Chapter 335, Zoning, and to provide for convenient access, circulation control and safety of street traffic, but in no case shall be less than four hundred (400) feet nor more than one thousand two hundred (1,200) feet in length, except where unusual conditions make these dimensions impossible.
- B. Pedestrian crosswalks shall be required in locations deemed necessary by the Planning Board in order to provide access to schools, recreation areas, shopping facilities, transportation facilities, churches and other community facilities. Such walkway or right-of-way shall be at least fifteen (15) feet wide and be straight from street to street and contain a four-foot-wide sidewalk, but no planting of shrubs or trees or building of fences or other obstructions shall be permitted on such fifteen-foot walkway. Such walkway shall provide a visual connection from street to street.
- C. For commercial, group housing or industrial use, block size shall be sufficient to meet all area and yard requirements for such use.

§ 297-38. Lots.

- A. Lot dimensions, frontage and area shall not be less than the requirements of Chapter 335, Zoning, shall be appropriate to the topography and natural character of the land being subdivided and shall be appropriate to the type of development and use contemplated. Lot frontage shall be determined at the property line.
- B. Insofar as is practical, side lot lines shall be at right angles to straight street lines and radial to curved street lines. Each lot must front upon an approved street at least fifty (50) feet in width, except lots fronting on streets described in § 297-36D(1) of this Article.
- C. Where extra width has been dedicated for widening of existing streets, lots shall begin at such new street line and all setbacks shall be measured from such line.
- D. 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, topography, internal drainage, flood conditions or similar circumstances, the Planning Board may, after adequate investigation, withhold approval of such lots. The Planning Board shall require certification by a professional engineer, substantiated with soil borings, that the soil has sufficient bearing capacity for building foundations.
- E. Acreage must be subdivided in accordance with Chapter 335, Zoning, of the Township of Lacey.
- F. Corner lots for residential use shall have additional width in order to accommodate the requirements of Chapter 335, Zoning, of the Code of the Township of Lacey for front yard setbacks on both streets.
- G. Excessive conformity and excessive nonconformity in building setback lines shall be avoided.
- H. The Planning Board shall not approve any subdivision which permits more than one (1) principal residential use on any one (1) lot, except in cases where multiple-family structures are permitted by ordinance.

§ 297-39. Public use and service areas.

- A. In large-scale developments, easements along side or rear property lines or elsewhere for utility installation and maintenance or for access to a public use area or facility may be required. Such easements shall be at least twenty (20) feet wide and located in consultation with the companies or municipal departments concerned, but no planting of shrubs or trees or building of fences or other obstructions shall be permitted on such twenty-foot easement. All such easements must meet with the approval of the Planning Board engineer.
- 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, and such further width or construction, or both, as will be adequate for the purpose and shall conform to comprehensive plans for these facilities in the Township, if such exist or should hereafter be adopted.
- C. Natural features such as trees, brooks, hilltops and views shall be preserved whenever possible in designing any subdivision containing such features. They shall be modified only insofar as necessary to provide protective drainage and water-runoff slopes away from all sides of all buildings. Due consideration shall be given to the laying out of adequate

parks and playgrounds in residential areas for dedication to the Township or reservation for common use of the public by deed, covenants or agreements which are approved by the Planning Board. Areas for parks and playgrounds shall be of reasonable size for neighborhood recreational use and shall be conveniently located.

§ 297-40. Streams.

- A. When a natural waterway traverses or borders the tract for which approval is being sought, § 297-41 of this chapter must be complied with. When the New Jersey State Water Policy Commission determines that the Board shall make the review, the following shall be required:
- (1) Design shall be based on the rational method.
 - (2) A fifteen-year storm shall be used to compute the capacity of the section.
 - (3) A minimum runoff coefficient of thirty-hundredths (0.30) shall be used for residential and rural areas.
 - (4) The side slopes shall not be steeper than three (3) feet horizontally to one (1) foot vertically and shall be stabilized with topsoil in accordance with § 297-44.
 - (5) All calculations shall be submitted to the Board Engineer.
 - (6) An easement shall be provided sufficient in width to contain the watercourse, and of such further width as will be adequate for the purpose of construction and maintenance.
- B. Land subject to flooding, land determined to be uninhabitable and land required for floodplain control, all as determined by the Planning Board, shall not be platted.

§ 297-41. Storm sewers and other drainage structures.

- A. The determination of sizes of pipe and box culverts must be based upon hydraulic calculations, copies of which shall be submitted to the Planning Board Engineer as part of the preliminary plat submission. Complete runoff calculations shall be provided as part of the preliminary plat submission for all major subdivisions and shall be on the following criteria: **[Amended 12-18-1980 by Ord. No. 32-80]**

- (1) For watershed areas of less than two hundred fifty (250) acres, the rational method shall be used. The following coefficients of runoff shall be used:

Surface	Coefficient C
Grass	0.30
Wooded areas	0.35
Walks, stoned and graveled areas	0.85
Pavements, roadways and shoulders	0.95

- (2) Runoff calculations shall be based on a ten-year design frequency storm using the Atlantic City Rainfall Intensity-Duration Curve. The duration of a storm used in computing the stormwater runoff from a major subdivision shall be the time of

concentration which is the time required for rainfall falling at the most remote point in the drainage area to reach the point of discharge into the storm drainage system under consideration. Under certain situations, the Planning Board Engineer may require that the design storm used as the basis for runoff calculations be greater than a ten-year storm.

- (3) For watershed areas greater than two hundred fifty (250) acres, the method employed in determining stormwater runoff from the development shall be as outlined: TP-55, Urban Hydrology for Small Watersheds, and TP-149, A Method for Estimating Volume and Rate of Runoff in Small Watersheds.
 - (4) Within the Pinelands Area, volume and rate calculations shall be determined for a fifty-year storm of a twenty-four-hour duration as calculated in accordance with the United States Soil Conservation Service Technical Release No. 55 of the Soil Conservation Service National Engineering Handbook, Subsection 4. **[Added 2-14-1991 by Ord. No. 5-91]**
- B. Storm drainage systems shall be designed to carry all stormwater runoff coming to or accumulating on the street and shall have sufficient capacity to carry that volume of stormwater runoff which it is expected to receive based on the storm runoff volume as computed above. In general, self-cleaning grades shall be designed for all pipes so that a minimum velocity of two (2) feet per second will be obtained when the pipe is flowing one-fourth (1/4) full. Complete hydraulic calculations sizing the storm drainage system piping and structures shall be submitted to the Planning Board Engineer as part of the preliminary plat submission. **[Amended 12-18-1980 by Ord. No. 32-80]**
- (1) The pipe sizes to be used in a storm drainage system shall be of sufficient capacity to carry the volume of stormwater runoff directed to it, as computed in accordance with the methods outlined in § 297-41A herein, with the pipe flowing one-fourth (1/4) full, in open channel, free flow. Pipes of less than fifteen (15) inches in diameter will not be permitted. All storm drainage pipes running under streets shall be one (1) size larger than the minimum pipe size required for the runoff volume which it must carry. Under unusual and extreme conditions and upon specific application to and approval by the Planning Board Engineer, pressure-flow storm sewers may be permitted.
 - (2) Inlets shall be located at all intersections and located in streets with inlets on both sides of the street at intervals of not more than four hundred (400) feet or such shorter distances as required to prevent the flow of surface water from exceeding four and five-tenths (4.5) cubic feet per second at a New Jersey Standard Type B inlet. Access manholes shall be placed at maximum five-hundred-foot intervals throughout the system and at pipe junctions where there are no inlets.
- C. The minimum pipe size shall be fifteen (15) inches and shall only be used for storm drain runs of fifty (50) feet or less in length. Inlets shall be spaced so that the run of water in gutters does not exceed one thousand (1,000) feet or one (1) block. Manholes or inlets shall be placed wherever a change in grade or alignment of a storm drain occurs, but in any case not more than two hundred fifty (250) feet apart. Where the pipe sizes are increased, the invert of the larger pipe shall be dropped so the tops of the pipes will be at the same elevation. In general, all storm sewers shall have a minimum cover of two (2) feet. Outlet pipes shall extend to the edge of existing streams and must have a concrete headwall on the end of all pipes.

- D. Headwalls shall be of concrete (Class D); they shall be at least four (4) pipe diameters long and must have the foundation at least thirty (30) inches below final grade. They must have a return into the stream bed at least eighteen (18) inches deep on the upstream and outside edges. They must have a splash block the length of the headwall and be at least one and one-half (1 1/2) pipe diameters wide.
- E. If underdrains and/or subbase drains are required, they shall conform to 5.1 of the standard specifications. In no case shall a drainpipe be placed within two (2) feet horizontally of any sanitary sewer installation when running parallel with it.
- F. Retention and detention facilities. **[Amended 12-18-1980 by Ord. No. 32-80]**
- (1) All detention or retention facilities shall conform to the requirements of the New Jersey Department of Environmental Protection, Bureau of Water Resources; Soil Conservation Service, United States Department of Agriculture; and as directed by the Planning Board or Engineer. Complete design details, hydraulic and hydrologic calculations, including inflow/outfall, an assessment as to the impacts to any lands downstream from the detention or retention basin discharge and all other information as required by the Planning Board Engineer shall be provided.
 - (2) For tributary areas of less than fifty (50) acres, the detention facility shall be designed to accept the stormwater runoff volume from a fifty-year storm with a twenty-four-hour duration. For tributary areas greater than fifty (50) acres, the facility shall be designed to accept the stormwater runoff volume of a one-hundred-year storm of a twenty-four-hour duration.
- G. Manholes and inlets shall conform to 5.3 of the standard specifications.
- H. Within the Pinelands Area, the total runoff generated from any net increase in impervious surfaces by a ten-year storm of a twenty-four-hour duration shall be retained and infiltrated on-site. The rates of runoff generated from the parcel by a two-year, ten-year and one-hundred-year storm, each of a twenty-four-hour duration, shall not increase as a result of the proposed development. Runoff volumes and rates shall be calculated in accordance with the United States Soil Conservation Service Technical Release No. 55 or the S.C.S. National Engineering Handbook, Section 4. **[Added 2-14-1991 by Ord. No. 5-91; amended 3-27-1997 by Ord. No. 97-12]**

§ 297-42. Monuments. [Amended 12-18-1980 by Ord. No. 32-80]

All boundary monuments as required by the New Jersey Map Filing Act, Chapter 358 of the Laws of 1953,¹¹ shall be set and shall be of concrete or hard durable material at least thirty (30) inches long. The top and bottom shall be a minimum of five (5) inches square.

§ 297-43. Street signs.

Street signs shall be of a type as approved by the Township Engineer. They shall be placed in a foundation of concrete (Class D) which shall be a minimum of three (3) feet deep by one (1) foot square, with the vertical member of the sign being embedded for the full depth. The head of the sign shall be so secured by welding or bolting as to ensure refusal to turning under normal conditions and shall be mounted at a minimum height of ten (10) feet.

11. Editor's Note: See N.J.S.A. 46:23-9.9 et seq..

§ 297-44. Topsoil. [Amended 12-18-1980 by Ord. No. 32-80]

All topsoil, fertilizer, seed, sod, mulch and placement thereof shall also conform to the most current requirements of the Ocean County Soil Conservation District.

§ 297-45. Testing and certification.

- A. Certification. The subdivider shall require the manufacturer or supplier to furnish two (2) copies of certification of compliance with each delivery of materials, components and manufactured items that are to be used to construct or install any of the items required by § 297-9. One (1) copy shall be furnished the Municipal Engineer and one (1) copy shall be retained by the subdivider.
- B. Testing.
 - (1) The subdivider shall, prior to the installation of any bituminous surface cover, have the thickness of the base course tested for compliance with the requirements. The Municipal Engineer or his representative shall indicate the locations and shall measure the thickness. If the base course is determined to be inadequate, additional base material shall be added to bring the base course to the prescribed thickness.
 - (2) The subdivider shall have bituminous surface course tested for compliance with the thickness requirements by coring. The Municipal Engineer or his representative shall indicate the locations for the test borings and shall measure the thickness thereof. If the surface course is determined to be inadequate, an additional course of bituminous material shall be applied to bring the surface course to the prescribed thickness. Where an additional course of bituminous material is required, the Municipal Engineer shall determine if a tack coat of bituminous material is required prior to the additional thickness being applied.

§ 297-46. Underground utilities.

All utilities shall be placed underground unless the Planning Board shall determine that such installation is deemed impractical.

§ 297-47. Streetlighting.

All surface streetlighting consisting of ornamental aluminum light standards shall be placed approximately 200 feet apart.

§ 297-48. Shade trees. [Amended 2-14-1991 by Ord. No. 5-91; 3-27-1997 by Ord. No. 97-12; 9-12-2013 by Ord. No. 2013-25]

Shade trees shall be planted in all major subdivisions and major site plans and shall be located on the street line in a manner not to interfere with utilities, sidewalks or sight triangles. A plan showing location and type of all proposed shade trees shall be submitted to the Planning Board before final approval.

- A. Tree wells suitable for planting and maintenance of shade trees shall be established along both sides of each new street, and along the frontage of all site plans. The tree wells shall be not less than four feet in width. "Tree well" is defined, for the purposes of this chapter,

as an area of the street in which trees shall be planted and maintained for street shade or decoration, or both.

- B. The developer shall plant shade trees in said tree wells along all public and private roads at spacings from a minimum of 30 feet to a maximum of 50 feet apart. Species noted as small or compact in this section shall be planted with a maximum spacing of 40 feet. On sites where visual access is demonstrably encumbered, but is commercially desirable, the required number of trees may be distributed in a clustered fashion with spacings varying from the above.
- C. All shade trees to be planted shall conform to The American Standard for Nursery Stock, latest edition, as published by the American Nursery and Landscape Association, for quality, size form and root-ball specifications. All shade trees shall be single-trunked, and be tagged at the nursery for their species, variety and size gradation, and shall remain tagged until inspected by the Township at the planting.
- D. Shade trees shall preferably be planted in a dormant state. Exceptions may be granted upon receiving approval from the Township; however, performance guarantees for such plantings shall be extended for an additional growing season. Impaired growth of trees planted any time other than dormancy shall be grounds for rejection of the tree by the Township, at any time guarantees remain in place.
- E. The plan for shade trees to be submitted to the Planning Board shall depict typical means of planting trees in planting pits within the tree wells. The planting pit shall be no less than 18 inches wider in all directions than the root ball. It shall not be deeper than the root ball, except in the event of impeded drainage or compacted soil conditions. Trees shall be set so that the root flare is visible above final grade, and such that the tree bears the same relationship to the ground elevation as it had at the growing nursery. The planting pit shall be backfilled with topsoil from the site, except as otherwise permitted by the Planning Board. No chemical fertilizer shall be added for the first year after planting.
- F. Provision for watering all shade trees shall be made through the first two full growing seasons, to ensure proper establishment. Specification for the method of providing water shall be stated on the plan. The use of permanent irrigation systems is encouraged for greater growth rates and longevity.
- G. In areas of land requiring more than five shade trees, more than one species shall be selected to be planted, in order to prevent plant disease. It is preferable that the trees be planted in small groupings of a given species rather than in an alternating pattern of single individuals of each species, for aesthetic reasons.
- H. Initial, replacement or subsequent plantings shall conform to the type shown on the approved plans. If deviation is anticipated, it shall be done only with advance written request specifying the requested change and only upon approval by the Planning Board.
- I. Species selection.
 - (1) The developer shall consider the space available for the tree and the species's typical growth habit and rate, and shall not plant large scale or spreading-canopied trees where overhead and underground utilities or other structures are likely to create spatial conflict with the species chose. In places where space is available, larger trees are generally preferred over smaller-growing species.

- (2) Anticipated post-development soil moisture conditions shall be examined before species selection. The ability of a particular soil to hold moisture available to plants is important, is typically related to its texture (i.e., sand, loam, etc.) and shall be considered in selection. The hydrologic position of each planting site shall be considered. Water availability may be from groundwater and may fluctuate greatly by season; this water may be fresh, or somewhat saline if hydrologically connected to estuarine waters. Bay water can be more saline than ocean water. Tree species are noted in this section for their particular moisture tolerances.
- (3) The varied salt-tolerance of trees species shall be considered in species selection. Salt which is generally detrimental to trees can be from airborne sources, if near Barnegat Bay and estuaries, and can also be from the ground or groundwater, or both. Species are noted with relative tolerance of both, except as otherwise noted. Tree species not noted in this section are not tolerant of salt.
- (4) In all areas, shade trees shall be selected from the following lists in this section. Trees native to Ocean County, New Jersey, are preferred over others for their special adaptations in local soil, climate and other conditions.
- (5) The developer may request a waiver from the species listed, provided that specific reasons for the variation from the species are given, and such reasons are found to be justifiably acceptable to the Township.
- (6) All tree species noted in this section are broad-leaved, deciduous trees, except as otherwise noted. All notations of any cultivar or variety are for informational purposes and shall not limit the cultivars or varieties proposed by the developer.
- (7) In areas of anticipated seasonally, statically or tidally high water tables, typically adjacent to waterways, bays, lagoons or wetlands, the following trees are recommended:
 - (a) Red Maple (*Acer rubrum*): limited tolerance of salt in soil; numerous cultivars and varieties exist which have varied growth habits to suit various sized planting locations, somewhat flood tolerant.
 - (b) Serviceberry (*Amelanchier Canadensis*): salt tolerant, small-scale tree, conspicuous flowers, brilliant fall color.
 - (c) Common Hackberry (*Celtis occidentalis*) and Hybrid Hackberry (*Celtis occidentalis* x *laevigata*, such as variety *Celtis* x "Magnifica"): limited tolerance of airborne salt, tolerant of salt in soil, flood tolerant.
 - (d) Seedless Sweet Gum (*Liquidambar styraciflua* "Rotundiloba" or other sterile variety only): rapid growing in youth, salt intolerant, flood tolerant; varieties which produce fruit (seed) shall be prohibited.
 - (e) Southern Magnolia (*Magnolia grandiflora*): large growing, showy, fragrant flowers, broadleaved evergreen, messy growth habit, inadvisable where it will overhang sidewalks, limited salt tolerance; use cold-hardest varieties such as "Bracken's Brown Beauty," "Edit Bogue" or others.
 - (f) Black Gum (*Nyssa sylvatica*): some salt tolerance, limited flooding tolerance, brilliant fall color.

- (g) Swamp White Oak (*Quercus bicolor*): some salt tolerance.
 - (h) Willow Oak (*Quercus phellos*): large growing, salt tolerant.
 - (i) Bald Cypress (*Taxodium distichum*): rapid and large growing, deciduous conifer, flood tolerant, useful in some relatively narrow locations: pedestrian access at all stages of growth shall be considered; cultivars such as "Shawnee Brave," "Monarch of Illinois" and others can predictively control the dimensions of this somewhat variable species.
- (8) In areas of upland, not subject to anticipate seasonally, statically or tidally high water tables, the following trees are recommended:
- (a) Red Maple (*Acer rubrum*): limited drought tolerance, limited tolerance of salt in soil; numerous cultivars and varieties exist which have varied growth habits to suit various sized planting locations; somewhat flood tolerant.
 - (b) Serviceberry (*Amelanchier Canadensis*; varieties "Autumn Sunset," "White Pillar," "Cumulus" and others are adapted as single-trunked trees): salt tolerant, compact flowering tree, brilliant fall color.
 - (c) Common Hackberry (*Celtis occidentalis*) and Hybrid Hackberry (*Celtis occidentalis* x *laevigata*, such as variety *Celtis* x "Magnifica": highly drought tolerant, tolerant of salt in soil, slightly tolerant of airborne salt.
 - (d) Thornless Cockspur Hawthorn (*Crataegus crus-galli* "Inermis" or other thornless type): very drought tolerant after establishment, conspicuous flowers and fruit, somewhat compact tree.
 - (e) Eastern Redcedar (*Juniperus virginiana*): needled evergreen to be planted at 12 feet to 14 feet in height, very salt tolerant, very drought tolerant after establishment, useful in some relatively narrow locations; pedestrian access at all stages of growth shall be considered; use of cultivars such as "Emerald Sentinel," "Manhattan Blue" and others can predicatively control the dimensions of this very variable species.
 - (f) American Hophombeam (*Ostrya virginiana*): useful in relatively narrow locations, very drought tolerant after establishment.
 - (g) White Oak (*Quercus alba*): large, slow growing, tolerant of salt in soil, somewhat tolerant of airborne salt, drought tolerant after establishment.
 - (h) Swamp White Oak (*Quercus bicolor*): limited salt tolerance, some drought tolerance after establishment.
 - (i) Scarlet Oak (*Quercus coccinea*): large growing, very drought tolerant after establishment, brilliant fall color.
 - (j) Red Oak (*Quercus rubra* [*Q. borealis*]): somewhat tolerant of salt in soil, somewhat drought tolerant after establishment, the State Tree of New Jersey.
 - (k) Willow Oak (*Quercus phellos*): large growing, salt tolerant, some drought tolerance after establishment.

- (l) Bald Cypress (*Taxodium distichum*): rapid and large growing, deciduous conifer, drought tolerant after establishment.
- (9) Where native trees are not desired for design reasons, the following tree is permissible:
 - (a) Japanese Zelkova (*Zelkova serrata* including cultivars such as "Musachino" [upright], "Village Green," "Green Vase" and others): formal appearance, highly urban tolerant; use of cultivars predicatively controls size, but seedling-grown trees tend to have superior fall color.
- J. All tree species and varieties which have been deemed to be invasive by the United States Department of Agriculture, the State of New Jersey, or applicable regional or local jurisdictional authority shall be prohibited from being planted as a shade tree in the Township.
- K. Each developer shall present with their map, when approval of map is requested, a written and signed statement of the number and kinds of trees to be planted, which statement shall be dated, addressed to the Township of Lacey and signed by the developer or developer's duly authorized agent. All Township officials shall require that all guarantees given the municipality by developers include an item for the fair cost of such trees and their planting in each particular development.
- L. In the maintenance bond required by the municipality, provision shall be made to cover the maintenance and replacement of trees within that period.
- M. The applicant shall provide the Planning Board with a map showing the proposed location of all shade trees within the proposed subdivision.
- N. Within the Pinelands Area, shade trees authorized in N.J.A.C. 7:50-6.23 are permitted.
- O. At time of construction, the developer may request a field change to substitute other species, provided that specific reasons for the variation from the preferred species are given, and such reasons are found to be justifiably acceptable to the Township Engineer.

§ 297-49. Sanitary sewers and water mains.

No subdivision approval, either tentative or final, shall be granted under this chapter without the written approval of the Lacey Municipal Utilities Authority¹² with regard to water supply and sewage disposal systems.

- A. Sanitary sewer installations shall be required in all major subdivisions except those located within the Pinelands Area. Such installations shall be in accordance with the standards and specifications of the Lacey Municipal Utilities Authority and subject to its approval. All such installations shall be properly connected with an approved system, if possible, and shall be adequate to handle all present and probable future development. **[Amended 2-14-1991 by Ord. No. 5-91]**
- B. The construction of water mains, if required, shall be in accordance with the standards and specifications of the Lacey Municipal Utilities Authority and subject to its approval.

12. Editor's Note: See Ch. 73, Municipal Utilities Authority.

- C. The developers or owners shall lay all sewer and water mains, connections and appurtenances in the street according to the specifications and under the inspection of the Lacey Municipal Utilities Authority.
- D. Developers and owners shall make all house connections within the street limits from the curb to the main, including the Y-branches, and provide each house connection with a vent at the curb.
- E. All expenses are to be paid by developers or owners, including plans, specifications and inspection of the construction.
- F. The Lacey Municipal Utilities Authority is to receive a deed for all rights and title to and interest in the collection system lines, water mains and culverts.
- G. Sewer mains in the street may be of a greater diameter than necessary to serve the project, in which case increased costs are to be paid by developers situate the further distance from the treatment plant than the previous development; said additional costs are to be deposited with the Township in cash.
- H. The developer or owner is to pay for all construction, including replacement of roadway pavement materials similar to present composition.
- I. Each home owner shall apply an annual sewer rental as established by the Lacey Municipal Utilities Authority.
- J. A sewer connection charge is to be paid to the Lacey Municipal Utilities Authority for each connection.
- K. All of the above-listed improvements shall be subject to inspection and approval by the Lacey Municipal Utilities Authority. No underground installation shall be covered until inspected and approved.
- L. All major subdivisions not required to hook up to the Lacey Municipal Utilities Authority sewer system shall be required to furnish proof of acceptance and approval from the Lacey Township Board of Health and the appropriate county and state agencies of an adequate sanitary sewer system or individual sewage disposal system.
- M. No sanitary sewer plant or collection system shall be installed without first acquiring approval from the appropriate county and state agencies.

§ 297-50. Rodent control. [Amended 12-18-1980 by Ord. No. 32-80]

Prior to beginning any excavation or land clearance operation involving any major subdivision within the limits of the Township of Lacey, the developer shall effect a rat control program. All rat control programs shall be carried out by a New Jersey licensed pest control operator whose experience and qualifications meet with the approval of the Township Health Officer.

ARTICLE VII
Interpretation and Enforcement

§ 297-51. Interpretation and application.

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 Township of Lacey. 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.

§ 297-52. Violations and penalties.

- A. If, before favorable referral and 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 or the Township Committee is required to act, such person shall be guilty of a violation and, upon conviction thereof, for each and every violation, be subject to a fine of not more than five hundred dollars (\$500.) or be imprisoned in the county jail for a period not exceeding ninety (90) days, or both, at the discretion of the Township Municipal Judge.
- B. In addition to any other penalty for the violation of this chapter, the Township may institute and maintain a civil action for injunctive and other relief as provided for by the laws of the State of New Jersey.
- C. Each parcel, plot or lot so disposed of as mentioned in Subsection A above shall be deemed a separate violation.
- D. Each day that a violation is permitted to exist shall constitute a separate offense.

§ 297-53. Certificates showing approval. [Added 12-18-1980 by Ord. No. 32-80; amended 7-11-1991 by Ord. No. 36-91]

- A. Any interested party, as defined in N.J.S.A. 40:55D-56, may apply to the Zoning Officer for a certificate certifying whether or not a subdivision has been approved by the Planning Board for a parcel located in Lacey Township. Such application shall contain a diagram showing the location and dimensions of the land to be covered by the certificate and the name of the owner thereof.
- B. The Zoning Officer shall make and issue such certificate within fifteen (15) days after receipt of such written application and the fees established by the Board therefor.
- C. The certificate shall be designated as a certificate as to approval of subdivision of land and shall certify:
 - (1) That there is a duly established Planning Board in Lacey Township and that there was and is an ordinance governing subdivision of land adopted pursuant to this Act.
 - (2) Whether or not the subdivision as it relates to the land shown in the application has been approved by the Planning Board and, if so, the date of such approval and any extensions and terms thereof showing that subdivision of which lands are a part is a validly existing subdivision.

- (3) Whether such subdivision, if the same has not been approved, is statutorily exempt from the requirements of approval as provided in the Municipal Land Use Law.¹³
- (4) The Zoning Officer shall be entitled to demand and receive for such certificate those fees not in excess as provided by law.

13. Editor's Note: See N.J.S.A. 40:55D-1 et seq.