

LAND DEVELOPMENT

Chapter 115A

From the

CODE

of the

BOROUGH OF DUNELLEN

COUNTY OF MIDDLESEX

STATE OF NEW JERSEY

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LAND DEVELOPMENT

CHAPTER 115A

LAND DEVELOPMENT

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115A-1. Short Title.

This chapter shall be known and may be cited as the "Land Development Ordinance of the Borough of Dunellen."

115A-2. Purpose.

The purpose of this chapter shall be to provide rules, regulations and standards to guide land subdivision and site development in the Borough of Dunellen in order to promote the public health, safety, convenience and general welfare of the municipality. It shall be administered to ensure the orderly growth and development, the conservation, protection and proper use of land and adequate provision for circulation, utilities and services.

It shall also be a purpose of this chapter to ensure that any new development gives due consideration to the physical, visual and spatial characteristics of the existing streetscape, neighborhood and district in which such is located and the Borough generally, and to ensure that the physical, visual and spatial characteristics of any proposed development shall not be so markedly incongruous with the same characteristics of the existing streetscape, neighborhood and district in which such is located, and the Borough generally, so as to materially detract from the real property value of the adjacent or nearby properties.

115A-3. Approving authorities.

The approval provision of this chapter shall be administered by the Borough of Dunellen Planning Board or Board of Adjustment, all in accordance with applicable statutes, laws and ordinances.

115A-4. Definitions.

For the purposes of this chapter, the terms used herein are defined as follows:

ADMINISTRATIVE OFFICER – The Zoning Official of the Borough of Dunellen.

APPLICANT – A developer submitting an application for development.

APPLICATION FOR DEVELOPMENT – The application form and all accompanying documents required by this chapter for approval of a subdivision plat, site plan, conditional use, zoning variance or direction of the issuance of a permit pursuant to applicable statutes, laws and ordinances.

APPROVING AUTHORITY – The Planning Board and/or Zoning Board of Adjustment of the municipality, unless a different agency is designated by ordinance, when acting pursuant to the authority of this Act.¹

BOARD OF ADJUSTMENT – The Board established by the Zoning Ordinance of the Borough of Dunellen. May be referred to herein as the “Board”.

BUILDING – A combination of materials to form a construction adapted to permanent, temporary or continuous occupancy and having a roof as further defined by the Uniform Construction Code.

CAPITAL IMPROVEMENT – A governmental acquisition of real property or major construction project.

CIRCULATION – Systems, structures and physical improvements for the movement of people, goods, water, air, sewage or power by such means as streets, highways, railways, waterways, towers, airways, pipes, cables and conduits.

CONDITIONAL USE – A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use, as contained in the Zoning Ordinance, and upon the issuance of an authorization therefor by the Planning Board and/or Zoning Board of Adjustment.

CONSTRUCTION STANDARDS – When used in this chapter, the construction specifications and standard construction details as specified by the Borough Engineer of the Borough of Dunellen.

COUNTY MASTER PLAN – A composite of the Master Plan for the physical development of Middlesex County, with the accompanying maps, plats, charts and descriptive and explanatory matter adopted by the County Planning Board pursuant to New Jersey statute.

COUNTY PLANNING BOARD – The Planning Board of Middlesex County.

DEVELOPER – The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including

¹ Editor's Note: “This Act” refers to the Municipal Land Use Law.

the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT – The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement, of any building or other structure or of any mining, excavation or landfill; and any use or change in the use of any building or other structure or land or extension of use of land for which permission may be required.

DEVELOPMENT REGULATION – A zoning ordinance, subdivision ordinance, site plan ordinance, official map or other municipal regulation of the use and development of land or amendments thereto.

DRAINAGE – The removal of surface water or groundwater from land by drains, grading or other means and includes control of runoff to minimize erosion and sedimentation during and after construction or development and means necessary for water supply preservation or prevention or alleviation of flooding.

DRAINAGE RIGHT-OF-WAY OR EASMENT – The lands required for the installation of stormwater 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.

EROSION – The detachment and movement of soil or rock fragments by water, wind, ice, gravity or otherwise.

FINAL APPROVAL – The official action of the Planning Board and/or Zoning Board of Adjustment taken on a preliminary approved major subdivision, site plan or other application for development after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guaranties properly posted for their completion or approval conditioned upon the posting of such guaranties.

FINAL PLAT – The final map of all or a portion of the subdivision, which is presented to the Planning Board for final approval in accordance with these regulations and which, if approved, shall be filed with the proper county recording officer.

INTERESTED PARTY – In a criminal or quasi-criminal proceeding, any citizen of the State of New Jersey, and, in the case of a civil proceeding in any court or in an administrative proceeding before a municipal agency, any person, whether residing within or without the municipality, whose

developer that the application is complete and the date of the hearing. If the application is incomplete, the applicant shall be notified in writing of the deficiencies in said application. If the application is complete, the developer shall file the required number of copies of plans or maps within the time prescribed by the Board.

- C. The Board shall adopt rules and regulations setting forth the form of application and a checklist with the information necessary to be shown on sketch plats and preliminary final site plans.
- D. The requirements of preliminary and final subdivision plans set forth in the Board's rules and regulations shall not be in conflict with this chapter.
- E. The developer shall submit the required number of plans and such other information as is required in 115A-12 of this chapter and by the rules and regulations of the Board.

115A-7. Improvements and guaranties prior to final approval.

- A. Before consideration of a final subdivision plat or final site plan, the developer will have installed the improvements required under Municipal Ordinance, or the Board shall require the posting of adequate performance guaranties to assure the installation of the required improvements. The Board may require up to ten percent (10%) of the performance guaranties in the form of cash or other equivalent security, and, further, the Board may stipulate that a certain number of certificates of occupancy shall not be issued until all improvements are installed and approved by the Borough Engineer.
- B. It shall be expressly understood that, notwithstanding the posting of a performance guaranty for a lot in a major subdivision, no building permits shall be issued until the final subdivision application has been approved and duly recorded in accordance with law, and, further, no occupancy permit shall be issued until a finished road base has been installed pursuant to Borough specifications and until all other improvements and conditions as may be required by the Board, this chapter, the Borough Engineer and the Uniform Construction Code have been properly complied with and approved. All such improvements shall be certified in writing by the Borough Engineer or other designated administrative officer prior to the issuance of such certificate of occupancy.

right to use, acquire or enjoy property is or may be affected by any action taken under this Act or under any other law of this state or of the United States or whose right has been denied, violated or infringed upon by an action or a failure to act under this Act.

LAND – Includes improvements and fixtures on, above or below the surface.

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

MAINTENANCE GUARANTY – Any security which may be accepted by a municipality for the maintenance of any improvements required by this chapter.

MAJOR SUBDIVISION – Any subdivision not classified as a minor subdivision. In addition, any proposed subdivision which would otherwise qualify as a minor subdivision shall be classified as a “major subdivision” if the subdivision under consideration represents a further subdivision of an original tract of land for which previous minor subdivision(s) have been approved by the Planning Board and/or Zoning Board of Adjustment within the past three (3) years. The original tract of land shall be considered any tract in existence at the time of the adoption of the Zoning Ordinance of the Borough of Dunellen.

MASTER PLAN – A composite of the mapped and written proposals recommending the physical development of the municipality, which shall have been duly adopted by the municipality.

MINOR SUBDIVISION – Any subdivision containing not more than two (2) lots fronting on an existing street and not involving any new street, road or the extension of any off-site improvements.

NONCONFORMING LOT – A lot, the area, dimension, location or development of which was lawful prior to the adoption, revision or amendment of a zoning ordinance but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

NONCONFORMING USE – A use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

OFF SITE- Located outside the lot lines of the lot in question but within the property (of which the lot is a part) which is the subject of a development application or the closest half of the street or right-of-way abutting the property of which the lot is a part.

OFF TRACT – Not located on the property which is the subject of a development application nor on the closest half of a street or right-of-way abutting the property.

ON SITE – Located on the lot in question and excluding any abutting street or right-of-way.

ON TRACT – Located on the property which is the subject of a development application or on the closest half of a street or right-of-way abutting the property.

OPEN SPACE – Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

OWNER – Any individual, firm, association, syndicate, copartnership or corporation having sufficient proprietary interest in the land sought to be developed to commence and maintain proceedings to develop the same under this chapter.

PARTY IMMEDIATELY CONCERNED – For purposes of notice, any applicant for development, the owners of the subject property and all owners of property and government agencies entitled to notice under applicable New Jersey statute, the Municipal Zoning Ordinance and this chapter.

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

PLANNING BOARD – The municipal Planning Board of the Borough of Dunellen established pursuant to applicable New Jersey statute. May be referred to herein as the “Board”.

PLAT – A map or maps of a subdivision, site plan or variance application.

PRELIMINARY APPROVAL – The conferral of certain rights pursuant to this chapter prior to final approval after specific elements of development plan have been agreed upon by the Planning Board and/or Zoning Board of Adjustment and the applicant.

PRELIMINARY FLOOR PLANS AND ELEVATIONS – Architectural drawings prepared during early and introductory stages of the design of a project, illustrating, in a schematic form, its scope, scale and relationship to its site and immediate environs.

PUBLIC AREAS – Includes public parks, playgrounds, trails, paths and other recreational areas; other public open space; scenic and historic sites; and sites for schools and other public buildings and structures.

PUBLIC DEVELOPMENT PROPOSAL – A Master Plan, capital improvement program or other proposal for land development adopted by the appropriate public body or any amendment thereto.

PUBLIC DRAINAGEWAY – The land reserved or dedicated 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 to safeguard the public against flood damage, sedimentation and erosion.

PUBLIC OPEN SPACE – An open space area conveyed or otherwise dedicated to a municipality, municipal agency, Board of Education, state or county agency or other public body for recreational or conservational uses.

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 instrument.

SEDIMENTATION – The deposition of soil that has been transported from its site of origin by water, ice, wind, gravity or other natural means as a product of erosion.

SITE PLAN – A development plan of one (1) or more lots on which is shown the existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, floodplains, marshes and waterways; the location of all existing and proposed buildings drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, lighting, structures, signs

and screening devices; and any other information that may be reasonably required in order to make an informed determination pursuant to this chapter requiring review and approval of site plans by the Planning Board and/or Zoning Board of Adjustment adopted pursuant to applicable New Jersey statute.

SKETCH PLAT – The sketch map of a subdivision of sufficient accuracy to be used for the purpose of discussion and classification and meeting the requirements of this chapter.

STANDARDS OF PERFORMANCE – Standards adopted by ordinance regulating noise levels, glare, earthborne or sonic vibrations, heat, electronic or atomic radiation, noxious odors, toxic matters, explosive and inflammable matters, smoke and airborne particles, waste discharge, screening of unsightly objects or conditions and such other similar matters as may be reasonably required by the municipality or required by applicable federal or state laws or municipal ordinances.

STREET – Any street, avenue, boulevard, road, parkway, viaduct, drive or other way which is an existing state, county or municipal roadway 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. **ARTERIAL STREETS** – Those which are used primarily for fast or heavy traffic.
- B. **SECONDARY TRAFFIC STREETS** – Streets connecting places of relatively dense settlement with each other and with arterial streets and intended primarily for inter-municipal and commuter traffic.
- C. **CONNECTOR STREETS** – Those which carry traffic from minor streets to the major systems of arterial streets, including the principal entrance streets of a residential development.
- D. **MINOR STREETS** – Those which are used primarily for access to the abutting properties.
- E. **MARGINAL ACCESS STREETS** – Streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.

- F. **ALLEYS** – Minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

SUBDIVIDER – Any individual, firm, association, syndicate, co partnership, corporation, trust or any other legal entity commencing proceedings under this chapter to effect a subdivision of land hereunder for himself or for another.

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: divisions of property upon court order; and conveyances so as to combine existing lots by deed or other instrument. The term “subdivision” shall also include the term “resubdivision.”

SUBDIVISION COMMITTEE –A committee of at least three (3) Planning Board members appointed by the Chairman of the Board for the purposes of classifying subdivisions in accordance with the provisions of applicable New Jersey statues and Municipal Ordinances, and such other duties relating to land subdivision which may be conferred on this Committee by the Board.

WALKWAY or SIDEWALK – A way for carrying pedestrian traffic and may be located within the right-of-way provided for a street or may be located adjacent to a property line, between lots and laid out so that it may provide pedestrian traffic along a street or road or within a subdivision connecting two (2) streets.

115A-5. Filing of sketch plat and preliminary or final site plan.

A. General procedures.

1. Sketch plats and preliminary and final site plans, together with an application, shall be filed with the Zoning Official of the Borough of Dunellen. At the time of filing the application, the developer shall pay all fees and submit fourteen (14) copies of applications, maps and other documents as required by this chapter and the Board’s rules and regulations.
2. The Board, shall review the sketch plat and preliminary or final site plan application, which are filed, with the assistance of the Borough Engineer, Zoning Official and Board Attorney to make a determination as to whether or not the application is complete. If the application is

determined to be complete, the Administrative Officer shall have the application scheduled for hearing at the next available meeting. The administrative officer shall notify the developer that the application is complete and of the date of the hearing. If the application is incomplete, the applicant shall be notified in writing of the deficiencies in said application. If the application is complete, the developer shall file the required number of copies of plans or maps within the time prescribed by the Board.

3. The Board shall adopt rules and regulations setting forth the form of application and a checklist with the information necessary to be shown on sketch plats and preliminary final site plans. The requirements for sketch plats and preliminary site plans set forth in the Board's rules and regulations shall not be in conflict with this chapter.

- B. **Minor Subdivisions.** The Board or designated Subdivision Committee shall classify the application. If classified as a minor subdivision, the minor subdivision shall be approved 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 Board to act within the period prescribed may constitute minor subdivision approval, and a certificate of the administrative officer as to the failure of the Board to act may be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement of other evidence of approval herein required and may be so accepted by the county recording officer for purposes of filing subdivision plats.

115A-6. Preliminary and final subdivision plans.

- A. Preliminary and final subdivision plans, together with an application, shall be filed with the Zoning Official of the Borough of Dunellen. At the time of filing the application, the developer shall pay all fees and submit fourteen (14) copies of applications, maps and other documents as required by this chapter.
- B. The Board shall review the application and preliminary or final subdivision, which are filed, with the assistance of the Borough Engineer, Zoning Official and Board Attorney to make a determination as to whether or not the application is complete. If the application is determined to be complete, the Administrative Officer shall have the application scheduled for hearing at the next available meeting. The Administrative Officer shall notify the

115A-8. Submission of final plat or final site plan for major subdivisions.

- A. The final plat shall be submitted to the Construction Official for final approval within three (3) years from the date of preliminary approval. The Board shall act upon the completed application for final plat within forty-five (45) days after the date of submission for final approval (or ninety-five (95) days in the case of a subdivision involving more than ten (10) lots), and a certificate of the administrative officer as to the failure of the Board to act shall be issued on request of the applicant, and it may be sufficient in lieu of the written endorsement or other evidence of approval herein required and may be so accepted by the county recording officer for purposes of filing subdivision plats.
- B. Whenever review or approval of the application by the County Board is required by applicable law, statute, regulations or ordinance, in the case of a subdivision or a site plan, the municipal Planning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board in its failure to report thereon within the required time period.
- C. An applicant shall submit one (1) translucent reproducible Mylar or equivalent copy, fourteen (14) black-on-white prints and fourteen (14) copies of the application form to the Board. Unless the preliminary plat is approved without changes, the final plat shall have incorporated all changes or modifications as required by resolution of the Board.
- D. The final plat shall be accompanied by a statement by the Borough Engineer that he is in receipt of a map showing all utilities or extensions thereof 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:
 - 1. Installed all improvements in accordance with the requirements of these regulations.
 - 2. A performance guaranty has been posted with the Borough in sufficient amount to assure the completion of all required improvements.

- E. Upon final approval, copies of the final plat shall be filed by the Board with the following:
1. Borough Clerk.
 2. Borough Engineer.
 3. Construction Official.
 4. Tax Assessor.
 5. County Planning Board.
 6. Official issuing certificate for approved lots.
- F. The final plat, after final approval, shall be filed by the subdivider with the county recording officer within ninety-five (95) days from the date of such approval. If any final plat is not filed within this period, the approval shall expire. The Board may, for good cause, extend the period for recording for an additional period not to exceed one hundred ninety (190) days from the date of the signing of the plat.
- G. No plat shall be accepted for filing by the county recording officer unless it has been duly approved by the Board and signed by the Chairman and Secretary of the Board and Borough Engineer.

115A-9. Filing Fees.

An application to the Planning Board or Zoning Board of Adjustment for any application for development as defined herein shall be accompanied by a filing fee which shall be used to defray the administrative cost of processing the application as follows:

<u>Type of Application</u>	<u>Application Fee</u>	<u>Escrow Amt.</u>
Minor subdivision involving lot line adjustment	\$50.00	\$150.00
Minor subdivision	\$105.00	\$750.00
Major subdivision	\$180.00	\$750.00, plus \$25.00 per lot
Final major subdivision	\$105.00	\$750.00
Variance with subdivision	\$125.00	\$750.00
Minor site plan	\$105.00	\$750.00

Major site plan	\$165.00	\$1,000.00
Variance with site plan	\$145.00	\$750.00
Interpretation application	\$65.00	\$150.00
Variance application to Board of Adjustment	\$95.00	\$500.00
Special meetings	\$200.00 charge Per meeting	\$0.00
Application for variance for Residential accessory building	\$50.00	\$0.00
<u>Tax Map revisions</u>	<u>\$200.00</u>	<u>\$0.00</u>
Site plan review and requirements For New Jersey Department of Environmental Protection permits Or county environmental protection permits	\$150.00	\$1,000.00

The Board may increase, decrease or waive the required fee as may be deemed necessary, taking into consideration the complexity of the application, time necessary to conduct proceedings and the circumstances of the applicant.

- 115A-10. Waiver of applicability of subdivision or site plan regulations.**
- A. The Board, when acting upon applications for sketch plats or preliminary 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, if the literal enforcement of one (1) or more provisions of this chapter is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.
- B. The Board, when acting upon applications for preliminary site plan 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, if the literal enforcement of one (1) or more provisions of this chapter is impracticable or will exact undue

hardship because of peculiar conditions pertaining to the land in question.

115A-11. Details of sketch plat.

The sketch plat shall be based on a survey of land (prepared no earlier than two (2) years from the date of the application) prepared by a New Jersey licensed surveyor at a scale not less than one hundred (100) feet to the inch in order to enable the entire tract to be shown on one (1) sheet not exceeding 24" x 36" in size and shall show or include, in addition to the proposed street layout, the following information:

- A. A key map showing the general location of the site.
- B. A map drawn at a minimum scale of one (1) inch equals one hundred (100) feet.
- C. The location of that portion which is to be subdivided in relation to the entire tract.
- D. The names and addresses of the applicant and the property owner.
- E. The Tax Map sheet, block and lot number.
- F. Zoning boundaries and a schedule indicating required bulk regulations and requested variances.
- G. The title and date of the plan, revision box and North arrow.
- H. All existing structures, topography and wooded areas within the portion to be subdivided and within two hundred (200) feet thereof.
- I. The names of the owners and lot and block numbers of all property located within a two hundred (200) foot radius of the site.
- J. New Jersey license number of the land surveyor preparing the plat.
- K. Flood hazard boundaries affecting the tract.
- L. A stockholder's certificate, if applicable.

115A-12. Details of preliminary plat for major subdivisions.

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. Preliminary plats shall be designed and drawn by a licensed New Jersey land surveyor. All engineering details shown on the plat shall be certified and sealed by a New Jersey licensed engineer. The plat shall be designed in compliance with the provision of S115A-20 of this chapter and shall show or be accompanied by the following information:

- A. A key map showing the entire subdivision and its relation to surrounding areas within one thousand (1,000) feet and zone boundaries.
- B. A map drawn at a minimum scale of one (1) inch equals one hundred (100) feet.
- C. The tract name; Tax Map sheet, block and lot number; date; North arrow; graphic scale; and the following names and addresses:
 - 1. The name and address of the record owner or owners.
 - 2. The name and address of the applicant.
 - 3. The name, address, New Jersey license number, seal and signature of the person who prepared the map.
 - 4. The names of the owners and the lot and block numbers of properties within two hundred (200) feet of the extreme limits of the subdivision.
- D. Acreage of the tract to be subdivided, to the nearest one-tenth (1/10) of an acre.
- E. Zoning boundaries and a schedule indicating required bulk regulations and requested variances.
- F. Sufficient elevations and contours, drawn at one-foot vertical intervals for slopes averaging ten percent (10%) or less and at five-foot intervals for land of greater slopes, to determine the general slope and natural drainage of the land and the high and low points.
- G. The proposed street system and right-of-way for pedestrian traffic. Elevations at important points on the street system, such as street intersections, high and low points, etc., shall be indicated. Plans and profiles of existing conditions a

minimum distance of two hundred (200) feet beyond the subdivision boundaries.

- H. The location of existing and proposed property lines, streets, buildings, watercourses, railroads, bridges, culverts, sewers drainpipes and any natural features, such as wooded areas and rock formations.
- I. Plans for proposed utility layouts (water, gas, cable, telephone and electricity), showing feasible connections to existing or any proposed utility system.
- J. Plans and profiles of all proposed and existing sanitary sewers, storm drains, drainage ditches and streams within the subdivision, together with the locations, size, elevations, grades and capacities of any existing sanitary sewer, storm drain, drain, drainage ditch or stream to which the proposed facility shall be connected. The plat shall show flood hazard boundaries.
- K. When the development of the subdivision or improvements within the subdivision are contingent upon information outside the boundaries of said subdivision, such information shall be supplied by the subdivider.
- L. The proposed stormwater retention or detention facilities.
- M. A copy of the deed and any protective covenants or deed restrictions applying to the land being subdivided.
- N. The proposed landscaping and lighting, including intensity patterns.
- O. A signature block for required approvals.
- P. A stockholders certificate, if applicable.
- Q. A tax affidavit.

115A-13. Details of final plat for major subdivisions.

The final plat shall be drawn in ink or tracing cloth on Mylar at a scale of not less than one (1) inch equals one hundred (100) feet and shall be in compliance with all applicable provisions of Chapter 358 of the Laws of 1953 and N.J.S.A. 46:23-9.9 et seq. The final plat shall show or be accompanied by the following:

- A. Date, name and location of the subdivision; name of the owner; graphic scale; and North arrow.
- B. Tract boundary lines, right-of-way lines of streets, street names, easements and other rights-of-way, land to be reserved or dedicated to public use, all lot lines and other site lines, with accurate dimensions, bearing or deflection angles and radii, area and central angles of all curves.
- C. The purpose and location of any easement or land reserved or dedicated to public use and the proposed use of sites other than residential.
- D. Each block and lot(s) within each block shall be numbered as assigned by the Borough Tax Assessor.
- E. Minimum building setback lines on all lots and other sites.
- F. Location of all existing and proposed monuments.
- G. Block and lot numbers of adjoining lots and name(s) of owner(s).
- H. Certification by the surveyor as to the accuracy of the details of the plat.
- I. Certification that the applicant is agent or owner of the land or that the owner has given consent under an option agreement.
- J. Certification of approval by any officer or body of a municipality, county or state when such approval is required.
- K. Final cross-sections and profiles of streets, curbs or gutters if changed from preliminary plat approval or required by the Borough Engineer.
- L. Plans and profiles of storm and sanitary sewers and water mains and cross sections of manholes, catch basins and other appurtenances approved by the Borough Engineer.
- M. Plans and profiles of all streams, ditches and watercourses, where applicable.

- N. A certificate from the Tax Collector that all taxes are paid to date.

115A-14. Details of preliminary and final site plans.

A site plan, as herein required, shall be submitted in twelve (12) copies to the Construction Official. The preliminary and final site plans shall be drawn, show or be accompanied by the following:

- A. A minimum scale of fifty (50) feet to the inch, except where otherwise authorized by the Board. All distances shall be in feet and decimals of a foot, and all bearings shall be given to the nearest ten (10) seconds.
- B. The names of all owners of record of all adjacent properties and any property directly across from any official street and the block and parcel number of the property and a key map showing general location of the site to adjacent properties.
- C. Existing zoning district boundaries, boundaries of the property, setback lines and lines of existing streets, lots, reservations, easements and areas dedicated to public use, where applicable.
- D. A copy of the deed and any covenants or deed restrictions that exist or are intended to cover all or any part of the tract.
- E. Location of existing buildings and all other physical structures, such as walls, fences, culverts, bridges and roadways, with spot elevations of such features. The outline of such structures shall be indicated by a dashed line.
- F. Location of all sanitary and storm drainage structures and utility lines, whether existing or proposed, publicly or privately owned.
- G. Existing and proposed contours with intervals of one (1) foot where slopes are ten (10%) percent or less and five (5) feet where slopes are more than ten (10%) percent, referred to a datum as required by the Borough Engineer. Control elevations shall be shown.
- H. Location of existing rock outcrops, high points, watercourses, depressions, ponds, marshes, wooded areas

and other significant existing features, including flood hazard boundaries.

- I. Title, date, North arrow, scale, name and address of record owner and name, address and New Jersey professional license number and seal of the engineer, architect or land surveyor preparing the site development plan, to appear in a box at the lower right-hand corner of the site plan which shall contain the date of revisions.
- J. A survey prepared by a surveyor licensed in the State of New Jersey, which survey shall show the boundaries of the parcel and the limits of all proposed streets, easements and any other property to be dedicated to public use, and all existing and proposed monuments.
- K. The proposed use or uses of land and buildings and existing and proposed location of buildings and elevations of all proposed buildings.
- L. All proposed means of vehicular access and egress to and from the site onto public streets, showing the location and dimension of driveways and curb cuts.
- M. The location and design of any off-street parking areas or loading areas, showing size and location of bays, aisles and barriers.
- N. The location of all proposed waterlines, valves and hydrants and of all sewer lines or alternative means of water supply or sewerage disposal and treatment in conformance with the applicable standards of the Borough and the New Jersey Department of Environmental Protection (NJDEP).
- O. The proposed location, direction of illumination, type and shielding of proposed outdoor lighting.
- P. All proposed landscaping, including a planting plan, showing type, size and quantity of proposed plantings.

115A-15. Required Improvements.

- A. Street signs. Approved street signs shall be installed at all street intersections by the applicant, if applicable, in accordance with the Borough specifications.

- B. Walkways. The subdivider or developer shall construct, on one (1) side of each lot, a walkway four (4) feet in width and located no less than one (1) foot from the side line of the roadway but within the right-of-way. The developer shall construct, on one (1) side of each street, a walkway four (4) feet in width and constructed in accordance with standard Borough specifications. Sidewalks or additional walkways shall be required in residential, business or industrial areas as determined on an individual basis with a purpose that same be in conformity with the surrounding properties.
- C. Topsoil protection. Topsoil removal shall be in accordance with the requirements of the Borough Engineer.
- D. Monuments. Monuments of the size and shape required by Section 4 of Chapter 358 of the Laws of 1953, as amended, shall be placed in accordance with said statute, as amended (See N.J.S.A. 46:23-9.9 et seq.), or as may be required by the Board.
- E. Drainage. Drainage shall be provided so that surface water will not flow either over private property, unless the course of the natural drainage by an existing ditch is indicated, or over a street so as to erode same. The method of disposal of surface waters must be satisfactory in the opinion of the Borough Engineer. In the case of a major subdivision, the drainage plan for the entire subdivision, including the street or streets, must be submitted with the preliminary plans at the time of the request for preliminary approval by the Board. There must be sufficient drainage to intercept any water seepage so as to overcome unfavorable subgrade underground service connections, and same are to be completed before the placing of any pavement construction material. All driveways from house to street shall be constructed in such a manner as not to interfere with the flow of water in the road or drainage ditches along the public road and so as not to direct water to adjoining properties. Stormwater drainage calculations shall accompany drainage plans. Storm drainage facilities shall generally be designed in accordance with the following standards:
- (1) Zero (0) to ten (10) acres of drainage area: twenty-five year storm.

- (2) Ten (10) to fifty (50) acres of drainage area: twenty-five-year storm.
- (3) Fifty (50) acres of drainage area: one-hundred-year storm.

F. New roads. In all subdivisions, the subdivider shall construct a paved roadway thirty (30) feet wide or larger as required by the Board. Specifications for new roads shall be as described below. However, modifications based on soil conditions may be required or permitted to either increase or decrease pavement thickness due to engineering evaluation. In instances where the site plan and/or subdivision is located on a county road, the road should be improved and/or constructed to the standards set forth in the Middlesex County Land Subdivision and/or Site Plan Resolutions or as required by the County Planning Board.

(1) Local residential access street.

- (a) Base course: five-inch-thick bituminous stabilized base course placed on a minimum of six (6) inches of acceptable subbase material
- (b) Top course: two-inch-thick bituminous surface course, Type FABC-1, Mix No. 5.

(2) All other streets.

- (a) Subbase: three-inch-thick, Type 5, Class A, subbase, if required.
- (b) Base course: six-inch-thick bituminous stabilized base course.
- (c) Top course: two-inch-thick bituminous surface course, Type FABC-1, Mix No. 5.

G. Curbing. Every residential street shall have integral concrete curb and gutter or Belgian block curb where prevailing. The curbing shall be a minimum of six (6) inches thick and the gutter portion thereof shall be a minimum of six (6) inches thick and twenty-four (24) inches wide. Composition of the concrete material shall be Class A concrete defined in the standards set forth in accordance with the New Jersey State Highway Department Standard Specifications, 1962. All aprons shall be constructed in accordance with the Borough standards.

- H. Existing roads. No street or road already constructed shall be accepted by the Borough of Dunellen unless the Borough Engineer first certifies that such street or road is in such condition as to substantially comply with the standards prescribed for new streets or roads or until the owner or owners thereof shall have improved such street or road in accordance with the Borough Engineer.
- I. Streetlighting. Streetlighting shall be as required by the local ordinance or the Board.
- J. Sanitary sewer. Sanitary sewer shall be installed in areas which are accessible to a public sewer system and shall be installed in accordance with specifications approved by the Borough Engineer. If a public sewer system is not accessible, a sewage disposal system shall be installed in accordance with the requirements of the State Department of Health and subject to the approval of the Borough Engineer and the Borough of Dunellen Board of Health.
- K. Utilities. The subdivider shall request the servicing utilities to install its distribution supply lines, services and streetlighting supply facilities underground in accordance with its specifications and with the provisions of the applicable standard terms and conditions incorporated as a part of its tariff, as the same are then on file with the State of New Jersey Board of Public Utility Commissioners, and shall submit to the Board a written instrument from each utility which shall evidence its disposition of the request. If approved by the utility, the subdivider or developer shall, if so directed by the Board, arrange with the utility for such underground installation; provided, however, that lots which, in such subdivisions, abut existing streets where overhead electric or telephone distribution supply lines have heretofore been installed on any portion of the street involved may be supplied with electric and telephone service from those overhead lines or extensions thereof, but the service connections from the utilities' overhead lines may be installed underground.
- L. Earth removal. No change shall be made in the elevation or contour of any lot or site by removal of earth to another site except when approved by the Borough Engineer. All changes in elevation and contours approved by the Borough Engineer shall be shown on the preliminary plat and profiles.

- M. Shade trees. Where required by the Board, two (2) new shade trees shall be installed on the owner's property so as not to interfere with utilities, roadways or walkways and sidewalks. Trees shall be two (2) inches or more in caliper, twelve (12) feet or more in height and shall include but not be limited to the following types: silver linden; European linden; sweet gum; white ash; Norway, red, crimson, king or sugar maple; and red, pin, black or scarlet oak. All plant material must be certified to be nursery-grown stock or the equivalent and not collected material. Shade trees shall not be required if two (2) or more equivalent trees exist and are to remain in the front-yard area.

All tree removal, replacement and planting shall first be submitted to the Shade Tree Commission in the form of a plan or report and the Shade Tree Commission shall issue the Board its findings and recommendations, if such commission is then in existence.

115A-15.1 Off-street parking and loading.

A. General provisions.

- (1) **Scope of provisions.** Off-street parking, unloading and service requirements of this section shall apply and govern in all present and future zoning districts within the Borough. Except as provided in this section, no application for a building permit shall be approved unless there is included with the plan for such building, improvement or use a site plan showing the required space reserved for off-street parking, unloading and service purposes. An occupancy permit shall not be given unless the required off-street parking, unloading and service facilities have been provided in accordance with those shown on the approved plan.
- (2) **Duty to provide and maintain off-street parking and loading.** No land shall be used or occupied; no structure shall be designed, created, altered, used or occupied; and no use shall be operated, unless off-street parking and loading facilities are provided in at least the amount and maintained in the manner required by this section; provided, however, that any use in operation on the effective date of these regulations is not affected by the provisions of this section

until such time as the existing gross floor area is increased, or the use intensified.

- (3) Recreational vehicles.
 - (a) Any motorized recreational vehicles exceeding a manufacture's gross vehicle weight of eleven thousand (11,000) pounds shall be parked in the required space reserved for off-street parking in all zones. Said vehicles must be registered in the name of a legal occupant of the premises where it is stored.
 - (b) Trailered recreational vehicles shall be stored in a private garage or in the rear yard, provided that said rear yard is accessible. In cases where the rear yard is not accessible or a private garage does not exist, trailered recreation vehicles shall be stored in the side yard of the premises or in the required space for off-street parking and shall be shielded from view from all off-site areas.
- (4) Commercial vehicles. Trucks, trailers, trailers and semi-trailers, excluding recreation vehicles, exceeding manufacturer's gross vehicle weight of eleven thousand (11,000) pounds shall not be parked in any residential zone at any time on any lot or on the street adjoining the same unless delivering merchandise or providing services to the public.

B. Plan and Design Standards.

- (1) Required size of spaces and access.
 - (a) Employee off-street parking spaces. Each parking space shall not be less than nine (9) feet wide nor less than eighteen (18) feet deep. Employee parking spaces shall not be intermixed with other spaces. Employee parking must be located in separated and designated parking-bay areas.
 - (b) All other off-street parking spaces. Each space shall be not less than ten (10) feet wide nor less than nineteen (19) feet deep.

- (c) All parking spaces shall connect to an on-site driveway.
- (2) Provision for proper drainage and maintenance. All off-street parking, off-street loading and service facilities shall be so drained as to prevent damage to abutting properties or public streets and shall be paved and constructed of materials which will assure a surface resistant to erosion. Such drainage and materials shall be installed as approved by the Borough Engineer. All such areas shall at all times be maintained at the expense of the owners thereof in a clean, orderly and dust-free condition.
- (3) Separation from walkways and streets. All off-street parking, off-street loading and service areas shall be separated by walkways, sidewalks, streets or alleys by curbing or other protective device.
- (4) Private walks adjacent to business buildings. A private walk, if provided, adjacent to a building shall not be less than four (4) feet in width and shall be in addition to the other requirements of this section.
- (5) Screen required when adjoining property is residential. Where off-street parking, loading or service areas are proposed to be located closer than fifty (50) feet to a lot in any residential zoning district or to any lot in any residential zoning district or to any lot upon which there exists a dwelling as a permitted use under these regulations, except where a state or federal highway coincides or is located between the lot line and the residential district, and where such parking, loading or service areas are not entirely screened visually from such lot by an intervening building or structure, there shall be provided along the lot line a continuous screen in accordance with applicable buffer and transition requirements set forth in this chapter. No such screen shall extend nearer to a street right-of-way line than the established building line of the adjoining residential lot, and no screen shall be required along the line of a public street.
- (6) Interior driveway. Interior driveways shall be at least twenty-four (24) feet wide where used with ninety-degree-angle parking, at least twenty (20) feet wide where used with sixty-degree-angle parking and at least fifteen (15) feet wide where used with forty-five-degree-angle parking.

Where used with parallel parking or where there is no parking, interior driveways shall be at least twelve (12) feet wide for one-way traffic movement and at least twenty-two (22) feet wide for two-way traffic movement.

- (7) Connection to a public right-of-way. Each off-street parking, loading or service area shall be connected to a public street right-of-way by means of a driveway constructed in accordance with at least the minimum standards required by the Engineer.
- (8) Size of driveways. A driveway, exclusive of curb return radii, shall be not less than twelve (12) feet nor more than twenty-four (24) feet in width.
- (9) Location of curb cuts. At the intersection of streets, except lanes and alleys, a curb cut shall be set back not less than twenty-five (25) feet from the intersection of two (2) curblines or such lines extended and shall be set back not less than five (5) feet from the intersection of two (2) property lines or such lines extended. Between the curb returns for any two (2) driveways serving the same property, there shall be at least twenty-five (25) feet of curb, except that this distance may be reduced to as little as five (5) feet where it is demonstrated that restricted frontage makes this necessary in order to provide not more than two (2) adequate driveways for the property.
- (10) Off-street parking space within building. Garage space or space within a building, in basements or on the roofs of buildings may be used to meet the off-street parking requirements of this chapter, provided that each space is designated to serve as an off-street parking space.
- (11) Pavement markings and signs. Each off-street parking space shall be clearly marked, and pavement directional arrows or signs shall be provided wherever necessary. Markers, directional arrows and signs shall be properly maintained so as to ensure their maximum efficiency.
- (12) Lighting for night use. Adequate lighting shall be provided if the off-street parking facilities are used at night. If the parking facilities abut residential land, the lighting shall be arranged and installed so as not to reflect or cause glare on the abutting residential land, in accordance with the provisions of performance standards.

- (a) Lighting. A minimum of twenty-five hundredths (0.25) of a footcandle shall be provided for all nonresidential off-street parking facilities.
 - (b) A minimum of one (1) footcandle shall be provided at driveways and driveway internal intersections.
 - (c) The lighting of parking facilities that abut residential land shall be arranged and installed so as not to reflect or cause glare on the abutting residential land, in accordance with provisions of performance standards.
 - (d) Unshielded spotlight or flood light fixtures attached to buildings are prohibited.
 - (e) Freestanding lights shall not exceed twenty-five (25) feet in height.
- (13) Required off-street parking area shall not be reduced. No off-street parking area shall be reduced in size or encroached upon by any building, vehicle storage, loading or unloading or any other use where such reduction or encroachment will reduce the off-street parking and loading spaces below that required by these regulations.
- (14) Joint parking facilities. The off-street parking requirements for two (2) or more nonresidential neighboring uses of the same or different types located on the same lot or on contiguous lots and within the same zoning district may be satisfied by the allocation of the required number of spaces for each use in a common parking facility, provided that the number of off-street parking spaces is not less than the sum of individual requirements, and provided that there is compliance with all other provisions of these regulations.
- (15) Parking provided on same lot as main building. Off-street parking spaces for one-family, two-family and multifamily dwellings shall be provided on the same lot as the main building. Off-street parking spaces for all other uses shall be provided on the same lot as the main building to be served by such parking, unless otherwise provided for herein.
- (16) Requirements for combined uses. The number of off-street parking spaces required by land or buildings used for two (2) or more purposes shall be the sum of the requirements for the various individual uses.

- (17) Sharing of parking facilities. Off-street parking facilities for one (1) use shall not be considered as providing the required facilities for any other use, provided that one-half (1/2) of the off-street parking space required by any use whose peak attendance will be at night or on Sundays, such as churches, theaters and assembly halls, may be assigned to a use which will be closed at night or on Sundays.
- (18) Computing number of employees. For the purpose of this subsection, the number of employees shall be computed on the basis of the maximum number of persons to be employed, taking into consideration day, night and seasonal variations.
- (19) Fractional spaces required. When units of measurement determining the number of required off-street parking spaces and off-street loading spaces result in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and any fraction over one-half (1/2) shall require one (1) off-street parking or loading space.
- (20) Off-street parking and loading space within required setback. No required off-street parking and loading space, including maneuvering areas for such off-street parking and loading space, shall be established between the front property line and the front yard setback line in the Borough's Industrial District.
- (21) Other use of off-street parking spaces prohibited. No off-street parking or loading area shall be used for the sale, repair, dismantling or servicing of any vehicle, equipment, materials or supplies.
- (22) Size of loading berth.
- (a) A loading berth shall be at least twelve (12) feet wide with at least fifteen (15) feet overhead clearance. The length of the loading berth shall be at least forty-eight (48) feet or shall be a length such that the horizontal distance from the front of a dock for back-in parking to the limit boundary of the loading and unloading area shall be not less than twice the overall length of the longest vehicle expected to use the facility.

- (b) A loading space need not be necessarily a full berth but shall have a minimum plan dimension of at least ten (10) feet overhead clearance.

(23) Paving.

- (a) Areas of ingress and egress, loading and access aisles, and other areas subject to interior driveways or heavy traffic will be paved with not less than four (4) inches of compacted bituminous stabilized base and a minimum of two-inch thick bituminous surface course, FABC.
- (b) Parking areas and other areas subject to light traffic shall be paved with not less than three (3) inches of compacted bituminous stabilized base and a minimum of two (2) inches of thick compacted bituminous surface course, FABC.
- (c) Where subbase conditions are wet, springy, or not of a nature where it can be considered firm and unyielding, these areas shall be excavated to a depth below proposed subgrade elevations and filled with a suitable subbase material as may be determined by the Borough Engineer.
- (d) All off-street parking and driveways shall be set back a minimum of two (2) feet from any property line.

- (24) Curbing. All off-street parking areas and driveways in nonresidential districts shall have concrete or granite block curbing. The curbing shall be a minimum of six (6) inches in height, as approved by the Borough Engineer.

C. Minimum space requirements for off-street parking areas.

- (1) Automobile and gasoline service stations: at least one (1) space for each gasoline pump, grease rack or similar service area.
- (2) Automobile repair and service stations: at least one (1) space for each gasoline pump, grease rack or similar service area and one (1) additional space for each five hundred (500) square feet of gross floor area of the shop or garage.

- (3) Automobile sales establishments; flower or plant nurseries and landscape gardeners' businesses: at least one (1) space for every one thousand (1,000) square feet of the building area used for such purposes
- (4) Bowling establishments: at least four (4) spaces for each bowling lane. If additional facilities, such as a bar or restaurant are provided, additional parking spaces shall be provided in accordance with the requirements for similar uses set forth in this section.
- (5) Churches, synagogues or other places of worship: at least one (1) space for each three (3) seats.
- (6) Commercial, retail or personal service establishments, unless otherwise specified hereinafter: at least one (1) space for each two hundred (200) square feet of gross first floor area, plus one (1) additional space for each three hundred (300) square feet of additional gross floor area. Floor area shall not include areas used solely for storage which are not accessible to the public.
- (7) Educational institutions, public or private: at least one (1) space for each two (2) employees, including teachers and administration, sufficient off-street spaces for the safe and convenient loading and unloading of students and additional facilities for student parking, taking into consideration the total number of students driving automobiles. The requirements for stadium, gymnasium and auditorium use shall be in addition to the above requirements.
- (8) Eleemosynary or philanthropic institutions: at least one (1) space for each two (2) employees, plus such additional facilities for residents and visitors as shall be deemed necessary in accordance with the provisions of S. 115A-6.
- (9) Professional home offices: at least one (1) parking space in addition to the requirement for the dwelling unit, plus one (1) additional space for any full-time employee, where permitted, except that, in the case of doctors and dentists, three (3) parking spaces in addition to the requirement for the dwelling unit, plus one (1) space for any full-time employee, shall be required.
- (10) Hotel-motel: one (1) space for each sleeping room.
- (11) Industrial or manufacturing establishment or warehouses: at least one (1) space for each two (2) plant employees and one (1) space for each eight hundred (800) square feet of floor area, except that the Board may waive the construction of up to fifty percent (50%) of the required number of spaces, provided that an area equal to the

amount of off-street parking area waived by the Board is reserved and so delineated on a site plan as off-street parking area.

- (12) Medical or dental practitioner's offices: Each office shall provide at least five (5) spaces for each professional person occupying or using each office, plus an additional space for each employee.
- (13) Mortuaries or funeral homes: at least one (1) parking space for each four (4) seats in the chapel, one (1) additional space for each residential family and one (1) additional space for each funeral vehicle.
- (14) Motels, auto courts, motor lodges and tourist courts: at least one (1) space for each guest or sleeping room.
- (15) Multifamily dwellings: one and seventy-five hundredths (1.75) spaces per dwelling unit.
- (16) Office buildings, professional buildings or similar uses: at least one (1) space for each three hundred (300) square feet of floor area, exclusive of utility rooms, stairwells and corridors and other common areas.
- (17) One- or two-family detached dwellings: at least two (2) spaces per dwelling unit. A driveway shall be calculated as providing two (2) off-street parking spaces, provided that the same has a surface area of four hundred (400) square feet or greater.
- (18) Private clubs: at least one (1) space for one hundred fifty (150) square feet of gross floor area.
- (19) Restaurants or similar places dispensing food, drink or refreshments: at least one (1) space for each three (3) seats provided for patron use or one (1) space for each seventy-five (75) square feet of building floor area, excluding kitchen and utility room(s), whichever is the greater and one (1) space for each employee.
- (20) Shopping centers: at least six and five-tenths (6.5) spaces for each one thousand (1,000) square feet of floor area or fraction thereof for shopping centers having a gross floor area of less than two hundred thousand (200,000) square feet. In shopping centers containing more than two hundred thousand (200,000) square feet of gross floor area, five and five-tenths (5.5) spaces for each one thousand (1,000) square feet of floor area or fraction thereof shall be required.
- (21) Swimming pools or natural bathing places operated for profit: at least one (1) space for each four (4) persons within the recommended or legal capacity prescribed under

applicable state and local laws, ordinances or resolutions, and one (1) space for each employee.

- (22) Theaters: at least one (1) space for each four (4) seats.
- (23) Tennis courts: four (4) spaces per court, plus one (1) space for each two hundred (200) square feet of floor area used for lounge or restaurant service.
- (24) Neighborhood convenience centers: at least four (4) spaces for each one thousand (1,000) square feet of gross floor area.
- (25) Bars and nightclubs: at least one (1) square foot of parking space for every square foot of floor space devoted to said use.
- (26) Warehouse: at least one (1) space for each five thousand (5,000) square feet of gross floor area.

D. Minimum requirements for off-street loading space for industrial and wholesale operations with gross floor areas of ten thousand (10,000) square feet or over are as follows:

Greater Floor Area (square feet)	Required Spaces
10,000 to 40,000	1
40,001 to 100,000	2
100,001 to 160,000	3
160,001 to 240,000	4
Each 100,000 above 240,000	1

115A-16. Off-tract improvements.

Additional improvements and guaranties prior to final approval where off-tract improvements are required shall be as follows:

- A. Where the need for off-tract improvements of the type described in S.115A-15 of this chapter is, in whole or in part, made necessary by the application of the subdivider or developer and the installation of the improvement would confer a benefit upon the subdivision, a determination of the contribution of the developer for said off-tract improvement shall be made in accordance with the provisions as hereinafter set forth, and the performance of the work or the posting of adequate performance guaranties to ensure installation of the required off-tract improvement or improvements shall be made by the developer.
- B. Where the Board has determined by resolution the necessity of an

off-tract improvement, it shall forward its recommendation, together with the estimated cost of the off-tract improvement, to the governing body of the Borough of Dunellen. Said estimated cost of the off-tract improvement shall set forth an estimate by which all properties to be serviced thereby, including the developer's property, shall be benefited thereby.

C. Upon receipt of the recommendation and report of the Board, the governing body shall, within thirty (30) days from the date of receipt thereof, make a determination as follows:

- (1) That the recommended off-tract improvement should not be required of the developer; or
- (2) If the governing body, by resolution, concurs with the recommendation of the Board in whole or in part, it shall notify the Board of its recommendation, and the Board shall then, with the aid of the Borough Engineer or such other persons who have pertinent information or expertise, calculate the cost of the improvement and the amount by which all properties to be serviced thereby, including the subdivider's or developer's property, will be specifically benefited therefrom.

D. Manner of construction. Upon completion of the Board studies with respect to the cost of the improvement and special benefits to be conferred, these reports shall be forwarded to the governing body, and a determination shall be made by the governing body as to whether the offtract improvement is to be constructed:

- (1) By the Borough of Dunellen as a general improvement; or
- (2) By the Borough as a local improvement; or
- (3) By the subdivider or developer under a formula providing for partial reimbursement by the borough for benefits to properties other than the subdivision, if any.

E. Amount of contribution. When this has been determined, the subdivider or developer may be required to provide, as a condition for final approval of the subdivision, a bond or a cash deposit in lieu thereof to ensure payment to the borough of one (1) of the following amounts:

- (1) If the improvement is to be constructed by the borough as a general improvement, an amount equal to the difference between the estimated cost of the improvement and the estimated total amount, if less, by which all properties to be serviced thereby, including the subdivision property, will be specifically benefited by the off-tract improvement.
- (2) If the improvement is to be constructed by the borough as a local improvement, then in addition to the amount referred

to in Subsection E(1), the estimated amount by which the subdivision will be specifically benefited by the off-tract improvement.

- (3) If the improvement is to be constructed by the subdivider, an amount equal to the estimated cost of the off-tract improvement, less an offset for benefits to properties other than the subdivision.

F. Determination of special benefits. In determining benefits conferred on properties specially benefited by an off-tract improvement, the following formula shall be used, subject to adjustment for peculiar or exceptional conditions:

- (1) The subdivision shall be allocated that percentage of one hundred (100) computed by dividing the subdivision land area by the total land area benefited by the off-tract improvement.

- (2) The subdivision shall be allotted that percentage of one hundred (100) computed by dividing the maximum potential intensity of use of the subdivision, total square feet of building floor area, by the maximum potential intensity of use under existing zoning limitations in the total land area benefited by the off-tract improvement.

- (3) In the case of linear improvements, i.e., roads, curbing, sidewalks, pipes, drains, sewers, drainage easements, etc., the subdivision shall be allotted that percentage of one hundred (100) computed by dividing the distance, measured along the course of the off-tract improvement, from the connecting facility to the farthest abutting point of the subdivision by the sum of the distance of all intervening properties, including the subdivision, abutting the off-tract improvement similarly measured.

- (4) The sum of Subsection F(1), (2) and (3), if applicable, shall be divided by two (2), or three (3) if Subsection F(s) is included, to arrive at the percentage which, subject to discretionary adjustment as above stated, shall be the percentage of the total cost of the off-tract improvement which shall be apportioned to the subdivider.

G. The requirement of appropriate off-tract improvements and the apportionment of the cost of a portion thereof to the subdivider shall, where applicable, be a condition of either preliminary (tentative) approval or final approval of the major subdivision or a condition of classification as a minor subdivision. If not imposed as a condition of preliminary approval, such off-tract improvements and the apportionment of the cost thereof shall be considered Improvements under the terms of this chapter and may be imposed at the time of final approval.

H. Payment of allocated cost.

- (1) The estimated cost of the off-tract improvement allocated to the subdivider, if deposited in cash, shall be paid by the subdivider to the Borough Treasurer, who shall provide a suitable depository therefore, and such funds shall be used only for the off-tract improvements serving the same purpose. If such improvements are not initiated by the borough within a period of ten (10) years from the date of payment, then funds so deposited shall be returned, together with accumulated interest or other income thereon, if any.
- (2) In the event that the payment by the subdivider to the Borough Treasurer provided for herein is less than its share of the actual cost of the off-tract improvement, then the subdivider shall be required to pay its additional share of the cost thereof within ten (10) days of receipt of notice to do so.
- (3) In the event that the payment by a subdivider to the Borough Treasurer provided for above is more than its appropriate share of the actual cost of installation of the off-tract improvements, the subdivider shall be repaid an amount equal to the difference between the deposit and its share of the actual cost.
- (4) Before apportioning the cost of off-tract improvements to a subdivider, the Board shall notify and afford the subdivider an opportunity to be heard thereon at a public meeting. If the subdivider shall deem that any of the amounts so estimated by the Board are unreasonable, the subdivider may challenge them and seek to have them revised in appropriate proceedings brought to compel subdivision approval.
- (5) If the subdivider and the Borough cannot agree with respect to the subdivider's appropriate share of the actual cost of the off-tract improvement or the determination made by the officer or Board charged with the duty of making assessments as to special benefits if the off-tract improvement is constructed as a local improvement, the dispute shall be decided in an appropriate judicial proceeding.

I. Assessment of properties. Upon receipt from the subdivider of its allocated share of the costs of the off-tract improvements, the borough may adopt a local improvement assessment ordinance for the purpose of construction and installation of the off-tract improvements based upon the actual cost thereof. Any portion of the cost of the improvements not defrayed by a subdivider may be assessed against benefited property owners by the borough. Any assessment for benefits conferred made against the subdivider or

its successors in interest shall be first offset by a pro rata share credit of the allocated costs previously deposited with the Borough Treasurer pertaining thereto. The subdivider, or his successors in interest, shall not be liable for any part of an assessment for such improvements unless the assessment exceeds its pro rata share credit for its deposit and then only to the extent of the deficiency.

J. Credit for work performed. In the event that the subdivider installs and constructs an off-tract improvement on any portion thereof, which improvement is accepted by the borough, then the cost, as submitted by the assessment commission and certified by the Mayor and Council, shall be treated as a credit against any future assessment for that particular off-tract improvement or portion thereof constructed by the borough in the same manner as if the subdivider had deposited its apportioned cost with the Borough Treasurer as provided herein.

K. Installation of improvements by applicant.

(1) At the discretion and option of the borough, the borough may enter into a contract with the subdivider providing for the installation and construction of the off-tract improvements by the subdivider upon contribution by the borough of the remaining unallocated portion of the cost of the off-tract improvement.

(2) In the event that the Borough so elected to contribute to the cost and expense of installation of the off-tract improvements by the subdivider, the portion contributed by the borough shall be subject to possible certification and assessment as a local improvement against benefiting property owners in the manner provided by law, if applicable.

L. Design standards. Should the subdivider and the borough enter into a contract for the construction and erection of the off-tract improvements to be done by the subdivider, the subdivider shall observe all requirements and principles of the Land Subdivision Ordinance and other ordinances in the design of such improvements.

115A-17. (Reserved)

115A-18. Construction requirements.

A. All construction stakes and grades shall be set by a professional engineer or land surveyor in the employ of the developer or his contractor, and a duplicate copy of the notes made therefrom shall be filed with the Borough Engineer.

B. No construction work shall commence without the Borough Engineer being properly notified. Such notice shall be given at

least one (1) week before the commencement of work.

115A-19. Performance guaranties.

- A. Prior to granting approval of the final plat for a site plan or subdivision, the developer shall have installed or shall have furnished performance guaranties as provided for in N.J.S.A. 40:55D-53 for the ultimate installation of the improvements hereinbefore required. Such performance guaranty shall run for a period to be fixed by the Board but in no case for a term of more than two (2) years. However, with the consent of the owner and the surety, if there is one, the governing body may, by resolution, extend the term of such performance guaranty for an additional period, not to exceed three (3) years. The amount of the performance guaranty may be reduced by the governing body by resolution when portions of the required improvements have been installed.
- B. No final plat shall be approved by the Board until the completion of all such required improvements has been certified to the Board by the Borough Engineer, unless the subdivision owner shall have filed with the Borough of Dunellen a performance guaranty sufficient in amount to cover the cost of all such improvements or uncompleted portions thereto as estimated by the Borough Engineer, and insuring the installation of such uncompleted improvements on or before an agreed date. Such performance bond or surety company bond shall be approved by the Board and to be returnable to the subdivider after full compliance, or any other type of surety approved by the Board.
- C. When all of the required improvements have been completed, the obligor shall notify the governing body in writing, by certified mail and addressed in care of the Municipal Clerk, of the completion of said improvements and shall send a copy thereof to the Municipal Engineer. Thereupon, the Municipal Engineer shall inspect all of the improvements and shall file a detailed report, in writing, with the governing body, indicating either approval, partial approval or rejection of the improvements, with a statement of reasons for any rejection. If partial approval is indicated, the cost of the Improvements rejected shall be set forth.
- D. The governing body shall either approve, partially approve or reject the improvements on the basis of the report of the Municipal 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 its performance guaranty, except for that portion adequately sufficient to secure provision of the improvements not yet approved. 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 such performance guaranty. If the required improvements have not been installed in accordance with the performance guaranty, the obligor and surety shall be liable thereon to the Borough of Dunellen for the reasonable cost of the improvements not installed. and, upon the receipt of the proceeds of the performance guaranty, the Borough of Dunellen shall install such improvements.

- E. If any portion of the required improvements are rejected, the approving authority may require the obligor to complete such improvements, and, upon completion, the same procedure of notification as set forth in this section shall be followed.
- F. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the governing body or the Municipal Engineer.
- G. Upon completion and approval of a section of improvements, but prior to acceptance of same by the Borough, the developer shall be required to file a maintenance bond sufficient in amount to guarantee that the completed improvements will be maintained by the developer until completion of improvements in the remaining portions or sections of the subdivision and for a stated period of time thereafter not to exceed two (2) years from the date of completion of all improvements. The amount of the maintenance bond shall be fifteen (15%) percent of the amount of the performance bond and it shall be approved by the Borough Attorney as to form, sufficiency and execution.

115A-20. Design standards.

The subdivision plat shall conform to design standards that will encourage good development patterns within the municipality. Where either or both an Official Map and a Master Plan has or have been adopted, the subdivision shall conform to the proposals and conditions shown thereon. 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 connection with the approval of subdivision plats. Where no Master Plan or Official Map exists, streets and drainage rights-of-way shall be shown on the final plat in accordance with N.J.S.A. 40:55D-41 and shall be such as to lend themselves to the harmonious development of the municipality and to enhance the public welfare in accordance with the following design standards:

- A. The arrangement of streets not shown on the Master Plan shall be such as to provide for the appropriate extension of existing streets. Whenever a cul-de-sac is permitted, the subdivider shall dedicate a parcel of land fifty (50) feet wide to be used as a future street and running from the cul-

de-sac to any adjoining land not fronting on a street, as defined in this chapter, whether such adjoining land is owned by the subdivider or not.

- B. Minor streets shall be so designed as to discourage through traffic.
- C. Subdivisions abutting arterial streets shall provide a marginal service road or reverse frontage with a buffer strip for planting or some other means of separation of through and local traffic as the Board may determine appropriate.
- D. Right-of-way widths.
 - (1) The right-of-way width for streets under the Borough's jurisdiction shall be in accordance with the following:
 - (a) Arterial streets: eighty (80) feet.
 - (b) Minor arterial streets: sixty-six (66) to seventy-two (72) feet.
 - (c) Connector streets: sixty (60) feet.
 - (d) Minor streets: fifty (50) feet.
 - (2) Notwithstanding the above, it is recognized that rigorous application of such standards for arterial and minor arterial streets may be impractical, and the applicant may propose deviation from such standards.
- E. No subdivision showing reserve strips controlling access to streets shall be approved.
- F. Subdivisions that adjoin or include existing streets that do not conform to widths as shown on the Master Plan, 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.
- G. Street grades. Grades of through and main traffic streets shall not exceed ten percent (10%) except under special conditions which may be approved by the Planning Board. No street shall have a minimum grade of less than one-half of one percent ($1/2$ of 1%).
- H. Street intersections shall be laid out as nearly at right angles as possible and in no case shall be less than sixty degrees (60). The block corners at intersections shall be rounded at the curblines with a curve having a radius of not less than twenty (20) feet.

- I. A tangent of at least one hundred (100) feet long shall be introduced between reverse curves.
- J. When connecting street lines deflect each other, they shall be connected by a curve extending one center line to the other. Radii for minor streets shall be a minimum of one hundred twenty-five (125) feet on the center line. Radii for all other streets shall be designed in accordance with American Association of State Highway Officials or other accepted traffic engineering standards.
- K. All changes in grade shall be connected by vertical curves of sufficient radii to provide a smooth transition and proper distance.
- L. Connecting streets shall be planned wherever possible. Dead-end streets, where planned, shall not be longer than six hundred (600) feet, except where unusual circumstances require granting additional footage at the direction of the Board, and shall provide a turnaround at the end with a radius of not less than fifty (50) feet and tangent wherever possible to the right side of the street. If a dead-end street is of a temporary nature, a similar turnaround shall be provided and provision made for future extension of the street and reversion of the excess right-of-way to the adjoining properties.
- 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. All street names shall be approved by the Board after consultation with other appropriate agencies.
- ~~N. Existing vegetation. To the greatest extent possible, significant existing vegetation in good health and condition shall be preserved. Particular consideration shall be given to preserving any existing tree greater than four (4) inches in diameter at breast height, as well as existing stands of trees and tall shrubs and hedgerows along or near lot lines.~~
- ~~O. Building location. A building shall be located to front towards and relate to a public street, both functionally and visually. In a multiple-building development, buildings located on the interior of a site shall front towards and relate to one another, both functionally and visually. To the greater extent possible, the development shall divide proposed buildings into smaller, individualized groupings, utilizing such features as courtyards, quadrangles and alleys that encourage pedestrian activity and incidental social interaction among users. Spatial relationships between buildings shall be geometrically logical and architecturally formal. No building shall be oriented to front toward a parking lot. All buildings shall be located to allow for~~

adequate fire and emergency access.

- P. Parking lot location. A parking lot shall be located to the rear of a building and/or the interior of the site where its visual impact to adjacent properties and the public right-of-way can be minimized, whenever practical and the circumstances permit.
- Q. Decorative lampposts. The exterior of a site with greater than one hundred (100) feet of street frontage shall provide decorative lampposts approximately ten (10) feet to twelve (12) feet high, spaced at intervals of approximately forty (40) feet to sixty (60) feet along or near all street lines and driveways. Walkways in the interior of a site shall have decorative lampposts approximately ten (10) feet to twelve (12) feet high, spaced at intervals of approximately thirty (30) feet to forty (40) feet. The style, size, color and type of light source of such lampposts shall be determined by the Board based on existing fixtures located in other similar type developments in the Borough. Lighting levels from such fixtures shall be subject to Board approval.
- R. I) Lot access. All lots shall have private walkway access to a public sidewalk in the right-of-way. Such access shall be designed for the safety, control, efficient movement, convenience and encouragement of pedestrian traffic into and out of the site and to promote pedestrian circulation generally within the Borough.
- II) Materials. The Board may require that paving material(s) will be architecturally compatible with the style, materials, colors and details of buildings and other structures on the site, adjacent properties and public sidewalks and will create a more attractive development generally. In no instance, however, shall a sidewalk located in a public right-of-way be permitted to be constructed of asphalt.
- S. Layout. All parking lots and loading areas shall be designed for the safety, control, efficient movement and convenience of motor vehicles circulation within a site. Traffic circulation shall be designed to minimize the use of aisles serving parking areas as access drives. For nonresidential uses, parking areas with more than twenty-five (25) spaces shall have separate entrances and exits, where possible. Trees and/or other vegetation as required by the Board shall be planted in all landscaped islands within and surrounding said parking lot.

115A-21. Block requirements.

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

115A-22. Lot requirements.

- A. Lot dimensions and area shall not be less than the requirements of the Zoning Ordinance.
- B. Insofar as is practical, side lot lines shall be at right angles to straight streets and radial to curved streets.
- C. Each lot must front upon an approved street.
- 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 formation, flood conditions or similar circumstances, the Board shall require the applicant to demonstrate utility of lots for use in accordance with acceptable engineering standards.

115A-23. Easements; preservation of natural features.

- A. In large-scale development, easements along rear property lines or elsewhere for utility installation may be required. Such easements shall be at least twenty (20) feet wide and located in consultation with the companies or municipal departments concerned.
- B. Where a subdivision is traversed by a watercourse, drainage way, 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.
- C. Natural features, such as trees, brooks, hilltops and views, shall be preserved whenever possible in designing any subdivision containing such features.

115A-24. 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

ordinance, the Board and the governing body is required to act, such person shall be subject to a fine of not less than five hundred dollars (\$500.) or imprisonment for not more than thirty (30) days, or both. Each parcel, plot or lot so disposed of shall be deemed a separate violation.

B In addition to the foregoing, if the streets in the subdivision are not such that a structure on said land in the subdivision would meet requirements for a building permit under Section 3 of the Official Map and Building Permit Act, 1953 the municipality may institute and maintain a civil action:

(1) For injunctive relief.

(2) To set aside and invalidate any conveyance made pursuant to such contract for sale if a certificate of compliance has not been issued in accordance with N.J.S.A. 40:55D-56.

C. In any such action, the transferee, purchaser or grantee shall be entitled to a lien upon the portion of the land from which the subdivision was made that remains in the possession of the subdivider or his assigns or successors, to secure the return of any deposit made or purchase price paid, and also a reasonable search fee, survey expense and title-closing expense, if any. Any such action must be brought within two (2) years after the date of the recording of the instrument of transfer, sale or conveyance of said land, or within six (6) years if unrecorded.

115A-25. Administrative standards; variances authorized.

These rules, regulations and standards shall be considered the minimum requirements for the protection of the public health, safety and welfare of the citizens of the Borough of Dunellen. Any action taken by the Board and the governing body under the terms of this chapter shall give primary consideration to the above-mentioned matters and to the welfare of the entire community. However, if the subdivider, developer or his agent can clearly demonstrate that, because of peculiar conditions pertaining to his land, the literal enforcement of one (1) or more of these regulations is impractical or will exact undue hardship, the Board may permit such variance or variances as may be reasonable and within the general purpose and intent of the rules, regulations and standards established by this chapter and the Municipal Land Use Law.

115A-26. Severability.

If any article, section, subsection, sentence, clause or phrase of this chapter is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this chapter.

115A-27. Payment of taxes and assessments.

Pursuant to N.J.S.A. 40:55D-39e, all applicants for development approval must obtain from the office of the Dunellen Borough Tax Collector a certification providing that all taxes and assessments are paid as of the date the Board first considers any application and as of the date the Board is prepared to take final action on an application

115A-28. Applicability of improvement and design standards.

Standard required improvements set forth under 115A-15 of this chapter shall apply to both subdivision and site plan applications. Also, the design standards set forth under 115A-20 shall apply not only to subdivision applications but also to site plan applications and variance applications.