

## **Title 17 SUBDIVISIONS**

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Chapter 17.08 - PROCEDURE

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## **Chapter 17.04 GENERAL PROVISIONS**

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### **17.04.010 Short title.**

This title shall be known and may be cited as the "Land Subdivision Ordinance of the Borough of Freehold."

(Prior code § 18-1)

### **17.04.020 Purpose.**

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

This title shall be read and interpreted in conjunction with Titles 16 and 18 of this code.

(Prior code § 18-2)

### **17.04.030 Approving agency.**

The approval provisions of this title shall be administered by the planning board of the borough and the zoning board of adjustment of the borough in accordance with the powers and provisions of the land

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use procedures ordinance of Freehold Borough, which ordinance was adopted in accordance with R.S. 40:55D-1 et seq.

Approval of final plats by the approving agency shall not constitute an acceptance of proposed dedications of land for streets, parks and other public uses or purposes without specific acceptance thereof by the borough council of the borough.

(Prior code § 18-3)

### **17.04.040 Definitions.**

All definitions set forth in the Municipal Land Use Law, R.S. 40:55D-1 et seq., are adopted by reference as though fully set forth herein. In addition, the following definitions shall be applied administering this title:

"Drainage right-of-way" means the lands required for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage in accordance with Chapter One of Title 58 of the Revised Statutes.

"Final plat" means 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 meeting the requirements of Chapter 17.12.

"Lot" means a parcel or portion of land separated from other parcels or portions by description as on a subdivision or record of survey map or by the metes and bounds for purpose of sale, lease, or separate use.

"Major subdivision" means all subdivisions not classified as minor subdivisions.

"Master plan" means a composite of the mapped and written proposals recommending the physical development of the borough which shall have been duly adopted by the planning board.

"Minor subdivision" means any subdivision containing not more than two lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel of which the same is a part, or adjoining or adjacent property, and not involving any drainage problem or drainage right-of-way to adjoining or adjacent property or to any street or road, and not in conflict with any provision or portion of the master plan, official map, zoning ordinance or this title.

Municipal Agency. Whenever reference is made to a reviewing board, it may be referred to as planning board, board of adjustment or municipal agency. A reference to one board does not preclude the exercise of powers granted by the Municipal Land Use Law, R.S. 40:55D-1 et seq., by the other board.

"Official map" means a map adopted in accordance with the Official Map and Building Permit Act, Chapter 434 of the Laws of 1953, or any prior act authorizing such adoption. Such a map shall be deemed to be conclusive with respect to the location and width of the streets, public parks and playgrounds, and drainage right-of-way shown thereon.

"Owner" means any individual, firm, association, syndicate, co-partnership, or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this title.

"Performance guarantee" means security which may be accepted in lieu of a requirement that certain improvements be made before the planning board or other approving body approves a final plat. Specific provisions relating to same are set forth in Title 16 of this code.

"Plat" means the map of the subdivision.

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"Preliminary plat" means the preliminary map indicating the proposed layout of the subdivision which is submitted to the secretary of the planning board for planning board consideration and tentative approval and meeting the requirements of Chapter 17.12.

"Sketch plat" means the sketch map of a subdivision of sufficient accuracy used for the purpose of discussion and classification and meeting the requirements of Chapter 17.12.

"Street" means any street, avenue, boulevard, road, lane, parkway, viaduct, alley or other way which is an existing state, county, or municipal roadway, or a street or way shown upon a plat heretofore approved pursuant to law or approved by official action or a street or way on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats, and includes the land between the street lines whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the street lines. For the purpose of this title, streets shall be classified as follows:

1. Arterial streets are those which are used primarily for fast or heavy traffic.
2. Collector streets are those which carry traffic from minor streets to the major system of arterial streets including the principal entrance streets of a residential development and streets for circulation within such a development.
3. Minor streets are those which are used primarily for access to the abutting properties.
4. Marginal access streets are streets which are parallel to and adjacent to arterial streets and highways, and which provide access to abutting properties and protection from through traffic.
5. Alleys are minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

"Subdivider" means any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under this title to effect a subdivision of land hereunder for himself or for another.

"Subdivision" means the division of a lot, tract, or parcel of land into two or more lots, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development; except that the following divisions shall not be considered subdivisions provided, however, that no new streets or roads are involved: divisions of property by testamentary or intestate provisions, or divisions of property upon court order. Subdivision also includes resubdivision, and where appropriate to the context, relates to the process of subdividing or to the lands or territory divided.

"Subdivision committee" means a committee of at least five planning board members appointed by the chairperson of the board for the purpose of classifying subdivisions in accordance with the provisions of this title and such other duties relating to land subdivision which may be conferred on this committee by the board.

(Prior code § 18-4)

### **17.04.050 Administration.**

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. Any action taken by the council and the planning board under the terms of this title shall give primary consideration to the abovementioned matters and to the welfare of the entire community.

(Prior code § 18-11)

**17.04.060 Violation—Penalty.**

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 planning board and the council are required to act, such person shall be subject to the provisions of Chapter 1.08, and each parcel, plot or lot so disposed of shall be deemed a separate violation.

In addition to the foregoing, if the streets in the subdivision are not such that a structure on the land in the subdivision would meet requirements for a building permit under Section Three of the Official Map and Building Permit Act (1953) or under any ordinance providing for the issuance of such permits then in effect in the borough, the borough may institute and maintain a civil action for injunctive relief and to set aside and invalidate any conveyance made pursuant to such a contract or sale if a certificate of compliance has not been issued in accordance with Section 24 of Chapter 433 of the Laws of 1953.

In any such section 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 or her 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 years after the date of the recording of the instrument of transfer, sale or conveyance of the land, or within six years if unrecorded.

(Prior code § 18-9)

**Chapter 17.08 PROCEDURE**

**Sections:**

[17.08.010 Informal discussion with planning board.](#)

[17.08.020 Submission of sketch plat.](#)

[17.08.030 Submission of preliminary plat for major subdivision.](#)

[17.08.040 Submission of final plat.](#)

**17.08.010 Informal discussion with planning board.**

The planning board will be available at any regularly scheduled meeting for informal discussion with any person who wishes to subdivide land.

(Prior code § 18-5.1)

**17.08.020 Submission of sketch plat.**

- A. Any owner of land within the borough shall, prior to subdividing or resubdividing land, as defined in this title, submit to the secretary of the planning board, at least two weeks prior to the regular meeting of the board, twelve (12) copies of a sketch plat of the proposed subdivision for purposes of classification and preliminary discussion and arrange to pay the application fee.
- B. If classified and approved as a minor subdivision by unanimous action of the subdivision committee, a notation to that effect will be made on the sketch plat. Where county planning board approval is required, it will be forwarded by the applicant to that board for its consideration. The plat will then be forwarded to the chairperson of the planning board and the secretary of the planning board for their signatures and returned to the subdivider. No further planning board approval shall be required.

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- C. Approval of a minor subdivision shall expire one hundred ninety (190) days from the date of the municipal approval unless within such period a plat in conformity with such approval and the provisions of the Map Filing Law, or a deed clearly describing the approved minor subdivision is filed by the developer with the county recording officer, the municipal engineer and the municipal tax assessor. Any such plat or deed to be accepted for filing or recording shall be signed by the chairperson and secretary of the planning board.
- D. The effect of an approval of a minor subdivision shall be as set forth in R.S. 40:55D-47.
- E. The secretary of the planning board shall make distribution of the copies of the sketch plat to each of the following:
  - 1. Borough clerk;
  - 2. Borough engineer;
  - 3. Building inspector or zoning officer;
  - 4. Tax assessor;
  - 5. Planning board attorney;
  - 6. Environmental commission;
- F. If the plat is classified as a major subdivision, a notation to that effect shall be made on the plat, which will be returned to the subdivider for compliance with the procedure in Sections 17.08.030 and 17.08.040.

(Prior code § 18-5.2)

### **17.08.030 Submission of preliminary plat for major subdivision.**

- A. At least twelve (12) black on white prints of the preliminary plat, together with five completed application forms for preliminary approval, shall be submitted to the secretary of the planning board two weeks prior to the planning board meeting at which consideration is desired. At the time of filing the plat, a filing fee determined in accordance with the fee schedule of the land use procedures ordinance of Freehold Borough shall be paid. All fees shall be made payable to the borough, but delivered to the planning board clerk.
- B. Notice shall be in compliance with the land use procedures ordinance of Freehold Borough.
- C. Copies of the preliminary plat shall be forwarded by the secretary of the planning board prior to the hearing to the following persons:
  - 1. Borough engineer or superintendent of public works, as applicable;
  - 2. Planning board attorney;
  - 3. Secretary of board of health;
  - 4. Environmental commission;
  - 5. Fire department chief;
  - 6. Police chief;
  - 7. Such other municipal, county or state officials as directed by the planning board.
- D. If the planning board acts favorably on a preliminary plat, the chairperson and secretary of the planning board shall affix their signature to the plat with a notation that it has received preliminary approval and return it to the subdivider for compliance with final approval requirements.
- E. After approval of the preliminary plat of a major subdivision and prior to the start of construction of any of the improvements required by Section 17.16.010, if the developer seeks to install the

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improvements prior to bonding the improvements and prior to obtaining final approval, the developer shall tender to the borough council a fee, in cash, of five percent of the estimated costs of the improvements to cover costs of the engineering inspection thereof.

F. The effect of preliminary major subdivision approval shall be as set forth in R.S. 40:55D-49.

(Prior code § 18-5.3)

### **17.08.040 Submission of final plat.**

- A. The final plat shall be submitted to the secretary of the planning board for final approval, within three years from the date of preliminary approval, unless a longer period of time has been specifically set forth by the planning board in its resolution of preliminary approval pursuant to R.S. 40:55D-49(d). The secretary of the planning board shall immediately notify the planning board upon receipt of a final plat, and the planning board shall act upon the final plat within the time prescribed by the Municipal Land Use Law, R.S. 40:55D-1 et seq.
- B. The original tracing, one translucent tracing copy, two cloth prints, twelve (12) blue-on-white prints and five copies of the application form for final approval shall be submitted to the secretary of the planning board at least two weeks prior to the date of a regular planning board meeting. Unless the preliminary plat was approved without changes, the final plat shall have incorporated all changes or modifications required by the planning board.
- C. The final plat shall be accompanied by a statement by the borough engineer that he or she is in receipt of a map showing all utilities in exact location and elevation, identifying those portions already installed and those to be installed, and that the subdivider has complied with one or both of the following:
  - 1. Installed all improvements in accordance with the requirements of these regulations; or
  - 2. A performance guarantee has been posted with the borough clerk in sufficient amount to assure the completion of all required improvements in accordance with the land use procedures ordinance of Freehold Borough.
- D. Any plat which required county planning board approval pursuant to N.J.R.S. 40:27-12 shall be forwarded by the applicant to the county planning board for its action. Any approval of the local planning board shall be made subject to county planning board approval, if such approval has not previously been received by the applicant.
- E. If the planning board approves the final plat, a notation to that effect shall be made on each plat and shall be signed by the chairperson and secretary of the planning board.
- F. Upon final approval, copies of the final plat shall be filed by the planning board with the following:
  - 1. Borough clerk;
  - 2. Borough engineer;
  - 3. Building inspector;
  - 4. Tax assessor.
- G. The final plat, after final approval, shall be filed by the subdivider with the county recording officer in accordance with the applicable New Jersey Statutes.
- H. The effect of final major subdivision approval shall be as set forth in R.S. 40:55D-52.

(Prior code § 18-5.4)

## Chapter 17.12 PLATS

### Sections:

[17.12.010 Minor subdivision plat.](#)

[17.12.020 Sketch plat of major subdivision.](#)

[17.12.030 Preliminary plat.](#)

[17.12.040 Final plat.](#)

### 17.12.010 Minor subdivision plat.

A minor subdivision plat shall be clearly and legibly drawn at a scale of not less than one inch equals one hundred (100) feet. The plat shall be drawn by a licensed New Jersey land surveyor, and shall show or be accompanied by the following information:

- A. The entire tract to be subdivided;
- B. All existing and proposed property lines, both within and immediately adjoining the tract;
- C. All buildings or structures within the limits of the area to be subdivided which are within fifty (50) feet of the proposed property lines of the subdivision;
- D. The right-of-way width on all streets adjoining the premises;
- E. The name of the owner and all adjoining property owners as disclosed by the most recent borough tax records;
- F. The tax map sheet, block and lot numbers.

(Prior code § 18-6.1)

### 17.12.020 Sketch plat of major subdivision.

The sketch plat shall be drawn by a licensed New Jersey professional engineer or land surveyor and shall be based on tax map information or some other similarly accurate base at a scale (preferably not less than four hundred (400) feet to the inch) to enable the entire tract to be shown on one sheet and shall show or include the following information:

- A. The location of that portion which is to be subdivided in relation to the entire tract;
- B. All existing structures and wooded areas within the portion to be subdivided and within two hundred (200) feet thereof;
- C. The name of the owner and of all adjoining property owners as disclosed by the most recent borough tax records;
- D. The tax map sheet, block and lot number;
- E. All streets or roads and streams within five hundred (500) feet of the subdivision.

(Prior code § 18-6.2)

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### 17.12.030 Preliminary plat.

The preliminary plat shall be clearly and legibly drawn or reproduced at a scale of not less than one inch equals one hundred (100) feet. Preliminary plats shall be designed and drawn by a licensed New Jersey land surveyor or a licensed professional engineer. The plat shall be designed in compliance with the provisions of Chapter 17.16 and shall show or be accompanied by the following information:

- A. A key map showing the entire subdivision and its relation to surrounding areas;
- B. The tract name, tax map sheet, block and lot number, date, reference meridian, graphic scale and the following names and addresses:
  1. Name and address of record owner or owners,
  2. Name and address of the subdivider,
  3. Name and address of person who prepared map;
- C. Acreage of tract to be subdivided to the nearest tenth of an acre;
- D. Sufficient elevations or contours to determine the general slope and natural drainage of the land and the high and low points and tentative cross sections and center line profiles showing existing surface and proposed finished grades for all proposed new streets. All elevations shown shall be related to the U.S. Coast and Geodetic survey datum;
- E. A grading site plan which shall contain the following:
  1. Final ground grades on corners of lot,
  2. Finished first floor elevations,
  3. Critical grades of ground at four corners of house,
  4. Arrows indicating flow of storm water,
  5. Existing contours of ground.

This grading site plan is to be submitted as part of the tentative plat;
- F. The preliminary plat for apartment zone A and garden apartment zones shall also contain the following:
  1. Final ground grades throughout the area,
  2. Finished first floor elevations of each apartment house,
  3. Critical grades of ground at four corners of each apartment house,
  4. Arrows indicating flow of storm water,
  5. Existing contours of ground.

This grading site plan is to be submitted as part of the tentative plat;
- G. The location of existing and proposed property lines, streets, building lines, street improvements, water courses, railroads, bridges, culverts, drain pipes, and any natural features such as wooded areas and rock formations;
- H. Detailed plans and profiles of proposed utility layouts (sewers, storm drains, water, gas, and electricity) showing feasible connections to existing or any proposed utility systems. When an individual water supply and or sewage disposal system is proposed, the plan for such system must be approved by the appropriate local, county or state health agency. When a public sewage disposal system is not available, the developer shall have at least one percolation test per acre made and submit the results with the preliminary plat. Any subdivision or part thereof which does not meet with the established requirements of this title or other applicable regulations shall not be approved. Any remedy proposed to overcome such a situation shall first be approved by the appropriate local, county or state health agency;



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- I. A copy of any protective covenants or deed restrictions applying to the land being subdivided shall be submitted with the preliminary plat.

(Prior code § 18-6.3)

### **17.12.040 Final plat.**

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

- A. Date, name and location of the subdivision, name of owner, graphic scale and reference meridian;
- B. Tract boundary lines, right-of-way lines of streets, street names, easements and other right-of-way, land to be reserved or dedicated to public use; all lot lines and other site lines; with accurate dimensions, bearings or deflection angles and radii, arcs, and central angles of all curves;
- C. The purpose of any easement or land reserved or dedicated to public use shall be designated, and the proposed use of sites other than residential shall be noted;
- D. Each block shall be numbered, and the lots within each block shall be numbered consecutively beginning with number one;
- E. Minimum building setback line on all lots and other sites;
- F. Location and description of monuments;
- G. Names of owners of adjoining unsubdivided land;
- H. Certification by engineer or surveyor as to accuracy of details of 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. When approval of a plat is required by any officer or body of such a municipality, county or state, approval shall be certified on the plat;
- K. Certificate from tax collector that all taxes are paid to date.

(Prior code § 18-6.4)

## **Chapter 17.16 DESIGN STANDARDS AND IMPROVEMENTS**

### **Sections:**

[17.16.010 Improvements.](#)

[17.16.020 Design Standards.](#)

[17.16.030 General compliance.](#)

[17.16.040 Streets.](#)

[17.16.050 Blocks.](#)

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[17.16.070 Public use and service areas.](#)

[17.16.080 Utility line installations.](#)

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### 17.16.010 Improvements.

Prior to the granting of final approval, the subdivider shall have installed or shall have furnished performance guarantees, as provided in Title 16 of this code of the following:

- A. Streets shall be brought to approved grade between property lines and surfaced between gutter lines in accordance with specifications herein provided, except that where a subdivision adjoins an existing street on one side, grading and surfacing shall only be required on one side to meet the edge of existing surfacing.
  1. Where sub-base conditions of proposed streets are wet, springy or of such nature that surfacing would be inadvisable without first treating the sub-base, the treatment of the sub-base shall be made in the following manner: the street shall be excavated to a depth that shall be a minimum of twelve (12) inches below the proposed finished grade; sand gravel shall be placed to a depth which after thorough rolling, shall be not less than six inches; after the sub-base material has been properly placed and compacted, the street surfacing material shall be spread thereon.
  2. The minimum requirement for the thickness of any street shall be eight inches. The eight-inch thickness will consist of six inches of compacted road gravel and two inches of bituminous concrete. The road gravel shall meet the specifications of the New Jersey State Highway Department for Type 2, Class B, as defined in Table 36, page 420 of the New Jersey State Highway Department Standard Specifications for Road and Bridge Construction 1961. The two-inch compacted layer of bituminous concrete, New Jersey State Highway Department FABC-1 shall be provided in accordance with the Highway Department specifications defined as Mixture IV in Table 3, page 169. This material shall be placed on the compacted gravel after the gravel has received a tack coat of asphaltic oil, Grade MC-0 or MC-1 applied at the rate of .20 gallons per square yard and allowed to cure without traffic for a period of twenty-four (24) hours.
- B. At each street intersection there shall be erected or constructed a street sign of a size and type prescribed by the council and erected at a location approved by the borough engineer.
- C. Curbs and gutters shall be constructed on both sides of all streets, except that where a subdivision adjoins an existing street on one side, the curb and gutter shall be constructed only on that side. Curb and gutter shall be constructed monolithically with curb portion six inches in width at the top, eight inches in width at the gutter line, twelve (12) inches deep at the back, and six inches vertical depth between top of curb and gutter line. Gutter portion shall be three feet in width with a minimum thickness of six inches. Curb and gutter shall be constructed of a minimum concrete mixture of one part air entrainment cement, two parts washed sand and three parts washed gravel or other suitable aggregate. The concrete shall have a compressive strength of three thousand (3,000) pounds per square inch after twenty-eight (28) days. The length of sections shall be ten feet, with a preformed bituminous expansion joint filler one-half inch thick installed every forty (40) feet. The finish shall be a float finish with corners rounded.
- D. Sidewalks shall be constructed on both sides of all streets, except that where a subdivision adjoins an existing street on one side the sidewalk shall be constructed only on that side. Concrete sidewalk shall be at least four feet in width, and four inches in thickness, except at driveways where the sidewalk shall be six inches in thickness.
- E. Top soil moved during the course of construction shall be redistributed so as to provide at least six inches of cover to all areas of the subdivision and shall be stabilized by seeding or planting.
- F. Monuments shall be of the size and shape required by Section 4 of Chapter 358 of the Laws of 1953, and shall be placed in accordance with said statute.

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- G. Storm water drainage facilities shall be provided along all streets, and at other locations where the same may be necessary for proper surface drainage. The requirements of this section shall not be satisfied by the construction of dry wells.
1. Catch basins shall be constructed at all surface water concentration points, designed in accordance with New Jersey State Highway Department standard plans and specifications. Frames and grates shall be Campbell Foundry Co. Pattern No. 2541 or No. 2548, stream flow grating with six-inch curb face, or equal. A concrete apron twenty-four (24) inches wide and six inches thick shall be constructed around catch basins.
  2. Storm drain pipes shall be constructed between catch basins and point of disposal and shall be reinforced concrete culvert pipe, extra strength, conforming to A.S.T.M. specifications C-76-55 when installed in streets, and may be reinforced concrete sewer pipe, standard strength, conforming to A.S.T.M. specifications C-75-55 when installed off streets. Joints shall be bell and spigot properly caulked with jute or oakum and filled with cement mortar, or shall be provided with a suitable rubber gasket of a type approved by the borough engineer and installed in accordance with the manufacturer's recommendations.
  3. Manholes shall be constructed at all drain pipe intersections and at all angle points and shall be designed in accordance with New Jersey State Highway Department standard plans and specifications. Frames and covers shall be Campbell Foundry Co. Pattern No. 1203 or equal.
  4. Poured concrete headwalls and splash-blocks shall be constructed at the point of discharge of all storm drains, in accordance with New Jersey State Highway Department standard plans and specifications.
  5. At intersections where it is necessary to carry surface water across a street, it shall be accomplished by the use of a twelve (12)-inch diameter cast iron culvert pipe. Catch basins shall be constructed at inlet or outlet wherever inlet or outlet is located in concrete gutter. Dished gutters, constructed of portland cement concrete or bituminous concrete type S.M., shall be permitted to carry water across intersections at minor streets only if approved by the borough engineer.
  6. Storm drains shall be located within the curb lines of streets. Catch basins shall be located at the end of curb returns unless other locations are approved by the borough engineer.
- H. Water mains, not less than six inches in diameter, shall be installed along all streets for the entire length thereof and between the ends of mains at dead ends, if the subdivision is located within the area served by the Freehold Borough water supply, unless the requirements hereof are expressly waived in whole or in part by the mayor and council. Wherever mains are required to be installed, fire hydrants, gate valves, tees and other appurtenances shall be installed in such locations and of such type and construction as shall be approved by the borough engineer and the borough fire chief. All such water supply and facilities shall connect up with the nearest available adequate water supply of the borough and the cost of such installation and material and the obtaining of easements, if any required, shall be borne by the applicant.
- I. Sanitary sewer lines shall be constructed along all streets where borough sewerage facilities are available for the installation of sanitary sewer lines. House connections to provide separate service for each lot shown in the division shall be installed to property line and located in such area and to be of such type and construction as shall be approved by the borough engineer.
- J. All water and sewer installations shall be adequate to handle all present and probable future development. If in the opinion of the borough engineer and the mayor and council, it is necessary for the purpose of accommodating the development in a satisfactory manner that existing distribution lines for either water or sewer, even though they are not abutted by the property in the development for which approval is sought, be enlarged to accommodate that development, then the developer additionally will be required to obtain an estimate from the borough engineer of what enlargement is required and the cost thereof shall be borne by the developer, and any bond given to secure the performance of improvements in such event shall

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also include therein the cost of improvements to the existing distribution lines of the borough for such purpose in lieu of cash, any such amount being posted with the borough for such purpose.

- K. Shade trees of type and size and location as approved by the shade tree commission or the planning board shall be erected near the sidewalk area to the extent of at least two such trees for every fifty (50) feet of property line abutting the street.
- L. For all major subdivisions, all new electric and telephone utility distribution supply lines and service connections shall be installed underground, except however, lots which in such subdivisions, abut existing streets where overhead electric or telephone distribution supply lines and service connections have heretofore been installed may be supplied with electric and telephone service from those overhead lines, but the service connections from the utilities' overhead lines shall be installed underground. The subdivider shall arrange with the servicing utility for the underground installation of the utilities' distribution supply lines in accordance with the provisions of the applicable standard terms and conditions incorporated as a part of its traffic as the same are then on file with the state of New Jersey Board of Public Utility Commissioners, and the subdivider shall provide the borough with three copies of a final plat showing the installed location of these utilities. The subdivider shall submit to the planning board prior to the granting of final approval, a written instrument for each serving utility which shall evidence full compliance, or intended full compliance, with the provisions of this subsection.
- M. All of the above-listed improvements shall be constructed in accordance with plans previously submitted to and approved by the borough engineer and shall be subject to inspection and approval by the borough engineer, who shall be notified by the developer at least five days prior to the start of construction. Items of work included in the list of improvements such as grading, storm sewers, concrete curb and gutter, concrete sidewalks, roadways consisting of sub-base, asphaltic concrete or reinforced concrete, water and sewer, etc., shall be constructed in accordance with the approved plans of the developer previously approved by the borough engineer and the Standard Specifications of the New Jersey State Highway Department 1961. No underground installation shall be covered until inspected and approved by the borough engineer. No changes in the plan shall be permitted unless approved, in writing, by the borough engineer prior to the start of the improvement work.

(Prior code § 18-7.1)

### **17.16.020 Design Standards.**

The subdivider shall observe the following requirements and principles of land subdivision in the design of each subdivision or portion thereof.

(Prior code § 18-8 (part))

### **17.16.030 General compliance.**

The subdivision plat shall conform to design standards that will encourage good development patterns with the borough. Where either or both an official map or master plan has or have been adopted, the subdivision shall conform to the proposals and conditions shown thereon. The streets, drainage rights-of-way, school sites, public parks and playgrounds shown on an officially adopted master plan or official map shall be considered in approval of subdivision plats. Where no master plan or official map exists, streets and drainage rights of way shall be shown on the final plat in accordance with Section 20 of Chapter 433 of the Laws of 1953 and shall be such as lend themselves to the harmonious development of the borough and enhance the public welfare in accordance with the design standards set forth in this chapter.

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(Prior code § 18-8.1)

### 17.16.040 Streets.

- A. The arrangements of streets not shown on the master plan or official map shall be such as to provide for the appropriate extension of existing streets.
- B. The right-of-way width on all streets shall be measured from lot line to lot line and the recommended right-of-way width shall be sixty (60) feet and no street shall be accepted which has a right-of-way width of less than fifty (50) feet. The width between curb lines shall not be less than thirty-six (36) feet.
- C. The right-of-way width for alleys in multi-family, commercial and industrial development shall be determined on an individual basis, and shall in all cases be of sufficient width and design to safely accommodate the maximum traffic, parking and loading needs and maximum access for fire fighting equipment.
- D. No subdivision showing reserve strips controlling access to streets shall be approved except where the control and disposal of land comprising such strips has been placed in the council under conditions approved by the planning board.
- E. Subdivisions that adjoin or include existing streets that do not conform to width as shown on the master plan or official map or the street width requirements of this title shall dedicate additional width along either one or both sides of the road. If the subdivision is along one side only, one-half of the required extra width shall be dedicated.
- F. The longitudinal grade of proposed streets shall not be less than 0.40 percent and shall not exceed ten (10) percent, except that the grade of collector and arterial streets shall not exceed four percent. The transverse grade (or cross slope) of proposed streets shall not be less than two percent, nor more than three percent, from center line to edge of concrete gutters, and not less than two percent nor more than four percent from property line to edge of concrete curb unless otherwise approved by the borough engineer.
- G. Street intersections shall be as nearly at right angles as is possible and in no case shall be less than sixty (60) degrees. The block corners at intersections shall be rounded at the curb line with a curve having a radius of not less than fifteen (15) feet.
- H. Street jogs with center line off-sets of less than one hundred twenty-five (125) feet shall be prohibited.
- I. When connecting street lines deflect from each other at any point by more than ten degrees and not more than forty-five (45) degrees, they shall be connected by a curve with the radius of the street line of not less than one hundred (100) feet for minor streets and three hundred (300) feet for arterial and collector streets.
- J. Any horizontal curve or change in direction of a minor street from forty-five (45) degrees to one hundred eighty (180) degrees, other than in intersection, shall have a minimum radius of the street line of one hundred fifty (150) feet. Collector and arterial streets in this case shall have a minimum radius of three hundred (300) feet.
- K. All changes in grade shall be connected by vertical curves of sufficient radius to provide a smooth transition and proper sight distances.
- L. Dead-end streets (culs-de-sac) shall not be longer than one thousand (1,000) feet measured from the center of the circle to the face of the curb of the intersecting street and shall provide a turn around at the end with a radius of not less than seventy-five (75) feet on the property line and tangent whenever possible to the right side of the street. Borough standard curbs and gutters shall be constructed so that the face of the curb within the circle shall be seven feet from the property line or sixty-eight (68) feet from the center of the circle. An inner circle of bituminous concrete four inches higher than the surface of the pavement and four inches thick shall be formed using the same center

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with a radius of forty (40) feet, thus providing a roadway width of twenty-eight (28) feet from face of curb to bituminous concrete. The inner area of the circle shall be constructed with four inches of top soil and shall be limed, fertilized and seeded.

If a dead-end street is of a temporary nature a similar turn around shall be provided and provisions made for future extension of the street and reversion of the excess right-of-way to the adjoining properties.

The pavement of the roadway, curb and gutter shall be as described in an ordinance to amend an ordinance known as the subdivision ordinance of the borough of Freehold, enacted October 21, 1963.

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.

(Prior code § 18-8.2)

### **17.16.050 Blocks.**

- A. Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required in the area by the zoning ordinance and to provide for convenient access, circulation control and safety of street traffic.
- B. The length of blocks shall not exceed eight hundred (800) feet on any one street.
- C. For commercial, group housing or industrial use, block size shall be sufficient to meet all area and yard requirements for such use.

(Prior code § 18-8.3)

### **17.16.060 Lots.**

- 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. Where extra width has been dedicated for widening of existing streets, lots shall begin at such extra width line, and all setbacks shall be measured from such line.
- D. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formation, flood conditions or similar circumstances, the planning board may, after adequate investigation, withhold approval of such lots.

(Prior code § 18-8.4)

### **17.16.070 Public use and service areas.**

- A. In large scale developments, easements along rear property lines or elsewhere for utility installation may be required. Such easements shall be at least fifteen (15) feet wide and located in consultation with the companies or borough departments concerned.
- B. Where a subdivision is traversed by a water course, drainage way channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose as determined by the planning board.

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- C. Natural features, such as trees, brooks, hilltops and views shall be preserved whenever possible in designing any subdivision containing such features.
- D. Where drainage water from streets shown on the plat discharges on the property of either the owner or others, proper easements shall be obtained by the applicant and be furnished to the borough covering the rights to discharge such drainage water.

(Prior code § 18-8.5)

### **17.16.080 Utility line installations.**

- A. **Definition.** Utility line installation and/or utility service lines shall include conduits, cables, pipes, wires, or other conductors, transmitting water, gas, sewage, electricity, telephone service, steam, television transmission, and whether such installation be owned by a public utility or private enterprise.
- B. **Compliance with Standards.** For all major subdivisions, the applicant shall arrange with the serving utility for the underground installation of the utilities distribution supply lines and service connections in accordance 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 borough engineer and the planning board prior to the granting of final approval a written instrument from each serving utility which shall evidence full compliance with the provisions of this subsection; provided, that in such subdivisions such installation shall be installed underground under the sidewalk paralleling the street and not in the area of the roadway between the curb lines of the street; and further provided, that in such subdivisions, lots which abut existing streets where overhead electric or telephone distribution supply lines have theretofore been installed on any portion of the streets involved, may be supplied with electric and telephone service from such overhead lines or extensions thereof but the service connections from the utilities' overhead lines shall be installed underground.
- C. **Specifications.** All new installation of electric lines and equipment under sidewalks shall meet specifications of the National Electrical Code Line and must be installed in conduits or ducts or direct burial cable and every effort shall be made to have easements for such installations in front yards.
- D. **Aboveground Lines Changed to Underground.** Where any aboveground utility service lines are being changed to underground service lines, such utility service lines shall be installed under the sidewalks paralleling the street and not in the area of the roadway between the curb lines of the streets.
- E. **Installation Beneath Existing Sidewalks.** Where utility service lines are installed beneath existing sidewalk areas, the sidewalks replacing those removed to facilitate the installation shall be of equal or superior quality than those being replaced and must satisfy the standards and requirements as set forth by the borough engineer.
- F. **Waiver of Underground Installation.** In any particular situation where the applicant can clearly demonstrate that because of unusual topographic conditions or other unusual conditions having to do with the land, the installation of such utilities underground is impracticable or otherwise not feasible due to such conditions, then the borough engineer may waive this requirement for underground installation.
- G. **Allowance for Settlement.** All underground utility work installed under the pavement of the sidewalk shall be laid sufficiently in advance to allow for complete settlement of the trenches and in no event shall construction work be permitted over such excavation which, in the opinion of the borough engineer, has not properly settled.
- H. **Interference with Tree Roots.** Where, in the installation of utility service lines under the sidewalks, such lines shall pass through existing root systems of trees under jurisdiction of the shade tree commission, the digging and removal of soil must be performed in such manner that the roots are not cut or otherwise injured and inspections during the progress of the installation shall be made by the borough engineer who will apply, in addition to the specifications and requirements of the office

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of the borough engineer, specifications, requirements, and standards as outlined by the shade tree commission of the borough.

(Prior code § 18-8.6)