CHAPTER 165 SUBDIVISION OF LAND

ARTICLE I General Provisions [Amended _____ by Ord. No. _____.]

§ 165-1. Title.

A. The title of this chapter is "An ordinance establishing rules, regulations and standards governing the subdivision of land within the Township of Dennis, County of Cape May, and the State of New Jersey, pursuant to the authority set forth in N.J.S.A. 40:55D-1 et seq., setting forth the procedure to be followed by the Planning Board in applying and administering these rules, regulations and standards, and providing penalties for the violation thereof."

B. Short title. This chapter shall be known and may be cited as the "Land Subdivision Ordinance of the Township of Dennis."

§ 165-2. Purpose. [Amended 8-9-1982 by Ord. 82-96]

The purpose of this chapter shall be to provide rules, regulations and standards to guide land subdivision in the Township of Dennis and to implement the goals and objectives of the Pinelands Comprehensive Management Plan. It shall be administered to ensure orderly growth and development, the conservation, protection and proper use of land and adequate provisions for circulation, utilities and services in order to assure and promote the comfort, health, safety, convenience and general welfare of the municipality.

§ 165-3. Compliance required. [Amended 4-24-1989 by Ord. No. 89-168]

All development proposed by the township or any agency thereof will comply with all the requirements for public development set forth in N.J.A.C. 7:50-4.51 et seq. and all the standards set forth in this chapter.

§ 165-4. Administration. [Amended 1-31-1977 by Ord. No. 77-34]

The provisions of this chapter shall be administered by the Township of Dennis Planning Board in accordance with N.J.S.A. 40:55D-1 et seq., except that the Zoning Board of Adjustment shall administer the provisions as authorized in § 185-75 of Chapter 185, Zoning.

§ 165-5. Right to review. [Amended 1-31-1977 by Ord. No. 77-34]

Nothing in this chapter shall be construed to restrict the right of any party to obtain a review by any court of competent jurisdiction according to law.

§ 165-6. Interpretation. [Amended 1-31-1977 by Ord. No. 77-34]

A. These rules, regulations and standards shall be considered the minimum requirements for the protection of the public health, safety and welfare of the citizens of the Township of Dennis. Any action taken by the municipality under the terms of this chapter shall give primary consideration to the matters mentioned in this chapter and to the welfare of the entire community. However, no additional right-of-way or improvements will be required for subdivisions with minor adjustments in boundaries between two (2) existing lots which do not result in the creation of any new lots.

B. A public hearing on each application shall be held in accordance with § 185-76 of Chapter 185, Zoning.

C. A notice of decision of each application shall be given in accordance with § 185-83 of Chapter 185, Zoning.

D. Records shall be kept in accordance with § 185-82 of Chapter 185, Zoning.

§ 165-7. Definitions. [Amended 1-31-1977 by Ord. No. 77-34, 5-23-1977 by Ord. No. 77-42; 8-9-1982 by Ord. No. 82-96]

A. Any word or term not defined herein or defined in the Zoning Ordinance of the Township of Dennis is used with a meaning of standard usage.

B. Definitions of township-wide application. As used in this chapter, the following terms shall have the meanings indicated:

ADVERSE EFFECT — Conditions or situations creating, imposing, aggravating or leading to impractical, unsafe or unsatisfactory conditions on a subdivided property or adjacent property such as improper circulation and drainage rights-of-way, inadequate drainage facilities, insufficient street widths, unsuitable street grades, unsuitable street locations to accommodate prospective traffic or coordinate and compose a convenient system, locating lots in a manner not adaptable for the intended purposes without danger to health or peril from flood, fire, erosion or other menace, providing for lots of insufficient size and neither providing nor making future allowance for access to the interior portion of the lot or for other facilities required by this chapter.

AGRICULTURAL PURPOSES — The use of land solely for the growing and harvesting of crops and/or the raising and breeding of animals. Within the Pinelands Area, "agricultural purposes" shall consist of any production of plants or animals useful to man, including but not limited to forages or sod crops; grains and feed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, and including the breeding and grazing of any or all of such animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or any land devoted to and meeting the requirements and qualifications for payments or other compensations pursuant to a soil conservation program under an agency of the federal government.

BOARD — The Planning Board of the Township of Dennis.

DRAINAGE AND UTILITY RIGHT-OF-WAY — The lands required for the installation and maintenance of stormwater and sanitary sewers, water pipes or drainage ditches and other utilities 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, as amended and supplemented.

FLOOD HAZARD AREAS — See § 105-4 of Chapter 105, Flood Damage Prevention. **[Amended 12-10-1990 by Ord. No. 90-204]**

LOT — Any parcel of land separated from other parcels or portions as by a subdivision plat or deed of record, survey map or by metes and bounds, except that no portion of a street shall be included in calculating the lot boundaries or areas.

MAINTENANCE BOND — Any security acceptable to the Township Committee to assure the maintenance of duly approved improvements installed by the developer for a period of two (2) years after the release of the performance

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 Planning Board.

MATURE TREE — Any woody perennial having a diameter greater than twenty-four (24) inches at any point or a height in excess of thirty (30) feet. **[Added 12-10-1990 by Ord. No. 90-205]**

NATURAL REVEGETATION LIST — Plantings recommended by the Dennis Township Natural Resource Committee that have best adapted to the climate, soil and topography of the Township of Dennis or those listed in Section 6.23

of the Pinelands Comprehensive Management Plan (CMP) for properties within the Pinelands Area portion of the township. A list of such plantings shall be on file with the Township Clerk. **[Added 12-10-1990 by Ord. No. 90-205; amended 3-28-1994 by Ord. No. 94-260]**

OFFICIAL MAP — A map adopted in accordance with the provisions of N.J.S.A. 40:55D-1 et seq. The map shall be deemed conclusive with respect to the location and width of streets and public drainageways and the location and extent of flood-control basins and public areas, whether or not such streets, ways, basins or areas are improved or unimproved or are in actual physical existence.

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

PERFORMANCE GUARANTY — Any security in accordance with the requirements of Article VII of this chapter which may be accepted in lieu of a requirement that certain improvements be made before the Planning Board approves a plat, including performance bonds, escrow agreements and other similar collateral or surety agreements.

PLAT — The map of a subdivision.

(1) SKETCH PLAT — The sketch map of a subdivision of sufficient accuracy to be used for the purposes of discussion and classification, and including the information specified in Article II, § 165-10, of this chapter.

(2) PRELIMINARY PLAT — 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 including the information specified in Article III, § 165-15, of this chapter.

(3) 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.

PREFERRED TREES **[Added 12-10-1990 by Ord. No. 90-205, repealed 3-28-1994 by Ord. No. 94-260]**

RESUBDIVISION — The further division of a lot; the adjustment of a lot line or lot lines; or the combing of two (2) or more contiguous lots into a lesser number of lots.

SETBACK LINE — A line drawn parallel with a street line and drawn through the point of a building nearest to the street line. The term "required setback" means a line that is established a minimum horizontal distance from the street line and beyond which a building or part of a building is not permitted to extend toward the street line or lot line.

SIGHT EASEMENT AT INTERSECTION — A triangular-shaped area established in accordance with the requirements of this chapter in which nothing shall been erected, placed, planted or allowed to grow in such a manner as to obstruct vision two and one-half (2 ½) feet above the center-line grade of either street. **[Amended 12-10-1990 by Ord. No. 90-204]**

STREET — Any street, avenue, boulevard, road, parkway, viaduct, drive or other way which is an existing state, county or municipal roadway or which is shown upon a plat heretofore approved pursuant to law or which is approved by official action as provided in N.J.S.A. 40:55D-1 et seq. or which is shown 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 right-of-way lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street right-of-way lines. For purposes of this chapter, "streets" shall conform to the adopted Master Plan classifications:

(1) ARTERIALS — Roads that have as their prime function the transport of regional traffic, characterized by high volumes, extended destinations and substantial numbers of commercial vehicles.

(2) PRIMARY COLLECTORS — Roads which carry traffic from local streets to major traffic generators or to arterial roads. Traffic characteristics of this type of collector tend to have a higher percentage of trucks than secondary collectors.

(3) SECONDARY COLLECTORS — Roads which carry primarily residential traffic between traffic generators or arterials and local streets.

(4) LOCALS — Roads which function primarily to provide access to abutting properties.

(5) CUL-DE-SAC — A short, dead-end local street terminating in a circular or other turnaround area.

(6) MARGINAL ACCESS — Streets located parallel and adjacent to arterial streets and highways which are designed to provide access to abutting properties without interrupting highway traffic, except at recognized intersections and access points.

STREET LINE — The edge of the existing right-of-way or future street right-of-way, as shown on the Master Plan or Official Map, whichever would result in the widest right-of-way, and which line forms the division between the street and lot.

SUBDIVIDER — Any individual, firm, association, syndicate, copartnership, corporation, trust or any other legal entity commencing proceedings under this chapter to effect a subdivision of land hereunder for himself or for another with the written consent of the owner according to the provisions of this chapter.

SUBDIVISION [Amended 1-31-1977 by Ord. No. 77-34; 12-27-1982 by Ord. No. 82-98; 4-24-1989 by Ord. No. 89-168; 12-10-1990 by Ord. No. 90-204] — 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 land found by the Planning Board or Subdivision Committee thereof appointed by the Chairman to be for agricultural purposes where all resulting parcels are five (5) acres or larger in size; divisions of property by testamentary or intestate provisions; divisions of property upon court order, including but not limited to judgments of foreclosure; consolidation of existing lots by deed or other recorded instrument; and the conveyance of one (1) or more adjoining lots, tracts or parcels of land owned by the same person or persons and all of which are found and certified by the administrative officer to conform to the requirements of the township's development regulations and are shown and designated as separate lots, tracts or parcels on the Township Tax Maps. The term "subdivision" shall also include the term "resubdivision."

(1) MINOR SUBDIVISION — Any subdivision containing not more than three (3) lots [two (2) new lots and the remaining parcel] fronting on an existing street or streets, not involving any new street or road or the installation of any road improvements or the extension of township facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of any Master Plan, Official Map, Zoning Ordinance or this chapter and not a further subdivision of an original tract of land for which previous "minor subdivision(s)" have been approved by the Planning Board within the past twelve (12) months and where the combination of the proposed and approved "minor subdivision(s)" constitutes a major subdivision. The original tract of land shall be considered any tract in existence at the time of the adoption of this chapter as shown on the Township Tax Maps. Any readjustment of lot lines resulting in no new lots shall be classified a "minor subdivision."

(2) MAJOR SUBDIVISION — Any subdivision not classified as a minor subdivision.

SUBDIVISION COMMITTEE — A Committee of at least three (3) Board members appointed by the Chairman of the Board with the approval of the majority of the Board for the purpose of reviewing subdivision applications prior to action by the entire Board to determine whether such applications comply with all provisions of this chapter and with other duties relating to land subdivision which may be conferred on this Committee by the Board through a motion duly adopted and recorded.

TREE — Any woody perennial having a diameter greater than two and one-half ($2^1/2$) inches, measured at a point four and one-half ($4^1/2$) feet above the ground. [Added 12-10-1990 by Ord. No. 90-205]

TREE REGISTER — A list of trees within the township which are of special significance and are therefore worthy of protection by virtue of their size, age, type, history or relationship to historical or cultural events. A list of such trees as determined by the Township Natural Resource Committee shall be kept on file with the Township Clerk. [Added 12-10-1990 by Ord. No. 90-205]

C. Pinelands Area definitions. The following definitions shall only apply to those portions of the township that are located within the Pinelands Area:

CERTIFICATE OF FILING — A certificate issued by the Pinelands Commission pursuant to N.J.A.C. 7:50-4.34 that a complete application for development has been filed. [Amended 4-24-1989 by Ord. No. 89-168]

COMMISSION — The Pinelands Commission created pursuant to Section 5 of the Pinelands Protection Act.

COMPREHENSIVE MANAGEMENT PLAN — The plan adopted by the Pinelands Commission pursuant to the Pinelands Protection Act, as amended, and contained in N.J.A.C. 7:50.

DAY — For purposes of computing time limits, a calendar day.

DEVELOPMENT MAJOR — Any division of land into five (5) or more lots; any construction or expansion of any housing development of five (5) or more dwelling units; any construction or expansion of any commercial or industrial use or structure on a site of more than three (3) acres; or any grading, clearing or disturbance of an area in excess of five thousand (5,000) square feet. [Added 4-24-1989 by Ord. No. 89-1681

DEVELOPMENT MINOR — All development other than major development. **[Added 4-24-1989 by Ord. No. 89-168]**

DRAINAGE — The removal of surface water or groundwater from land by drains, grading or other means, including 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.

INTERIM RULES AND REGULATIONS — The regulations adopted by the Pinelands Commission pursuant to the Pinelands Protection Act to govern the review of applications from the adoption of the regulations until the Pinelands Comprehensive Management Plan took effect on January 14, 1981. These regulations were formerly codified as N.J.A.C. 7:lG-1 et seq. **[Added 4-241989 by Ord. No. 89-168]**

PINELANDS AREA —That area designated as such by Section 10(a) of the Pinelands Protection Act.

PINELANDS DEVELOPMENT REVIEW BOARD — The agency responsible from February 8, 1979, until June 28, 1979, for the review of and action on applications for development in the Pinelands Area which required approvals of other state agencies, except where the Pinelands Commission acted on applications during that time period. **[Added 4-24-1989 by Ord. No. 89-168]**

PINELANDS PROTECTION ACT — N.J.S.A. 13:18A-1 to 18A-29.

PUBLIC PURPOSE USES — The use of land or buildings by the governing body of the township or any officially created authority or agency thereof.

ARTICLE II Sketch plat

§ 165-8. Purpose of submission.

A sketch plat is required of all applicants seeking a subdivision prior to subdividing or resubdividing for the purpose of classification and initial discussion so that they may obtain the advice of the Planning Board in the formative stages of the design and for the purpose of assuring maximum coordination with the Master Plan.

§ 165-9. Procedures for submission.

A. The applicant shall submit to the administrative officer, within the time limits specified by Article II of Chapter 98, seventeen (17) copies of the sketch plat of the proposed subdivision for purposes of classification, preliminary discussion and appropriate action and seventeen (17) copies of the application. The administrative officer shall process the application and forward the sketch plats to the Secretary of the Planning Board, who shall issue an application number. Once an application has been assigned a number, such number shall appear on all papers, maps, plats and other documents submitted for processing in conjunction with the subdivision. **[Amended 1-31-77 by Ord. No. 77-34; 3-20-07 by Ord. No. 2007-03]**

B. Upon receipt of the copies of the sketch plat and at least ten (10) days prior to the next regular meeting of the Planning Board, the Secretary of the Planning Board shall forward two (2) copies of the sketch plat, deed or easement (if required for county purposes) and one (1) copy of the application to the County Planning Board and one (1) copy of the sketch plat to the Township Engineer; one (1) copy of the application and sketch plat shall be retained for the Planning Board's file; and the remaining copies of the sketch plat and one (1) copy of the application shall be forwarded to the Subdivision Committee**. [Amended 1-31-1977 by Ord. No. 77-34]**

C. Classification constitutes the only approval necessary for minor subdivisions. Prior to such classification, the Subdivision Committee should review the proposed minor subdivision to ensure that the sketch plat is in accordance with the definition of "minor subdivision" as stipulated in § 165-7 of this chapter and that the details and specifications indicated in Article II, § 165-10B, have been met.

D. No lot(s) shall be created which is (are) determined by the Dennis Township Planning Board to be unsuitable for the intended use for reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, susceptibility to mud or earth slides, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature harmful to the health, safety or welfare of the future residents or property owners of the proposed subdivision or the Township of Dennis at large.

E. Any subdivision determined by the Board to be creating, imposing, aggravating or leading to the possibility of an adverse effect upon either the original property being subdivided or upon any adjacent properties may be required to be revised by the subdivider to remove such adverse effect(s) prior to further review, classification or approval by the Board, or, where the remaining portion of the original tract is of sufficient size to be subdivided further, the subdivider may be required to submit a sketch plat of the entire remaining portion of the tract to indicate a feasible plan whereby the applied-for subdivision, together with subsequent subdivision(s), may be submitted that will not create, impose aggravate or lead to any such adverse effect.

F. The Subdivision Committee, if appointed, shall review the sketch plat for classification purposes and discuss the proposed plan as it relates to the Master Plan, Zoning Ordinance and the design standards and improvement requirements of this chapter. The Subdivision Committee shall offer its comments and recommendations to the Board at a regularly scheduled meeting of the Planning Board within forty-five (45) days of the submission of the application to the administrative officer. Should the application be determined by the Subdivision Committee or Planning Board either to be incomplete or to require substantial revisions, the applicant shall be notified within the forty-five-day time period and may thereafter submit an appropriately revised application to the administrative officer as in the first instance. **[Amended 1-31-1977 by Ord. No. 77-34]**

G. If the sketch plat is considered for classification as a minor subdivision, the Board shall act on the proposed plat within forty-five (45) days of its complete and proper submission to the administrative officer or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the prescribed time period shall constitute minor sub-division approval. If classified as a minor subdivision by majority action of the Planning Board, a notation to that effect, including the date of classification, shall be made on the master copy. All prints of the plat shall be signed by the Chairman and Secretary of the Planning Board (or the Acting Chairman or Secretary where either or both may be absent) and returned to the subdivider within one (1) week thereof. No further approval of the subdivision shall be required. In the event that the same is disapproved by the Planning Board, the Secretary of the Planning Board shall, within three (3) days of such action, notify the subdivider of such disapproval and reasons therefor. In acting on the application, the township shall consider a report received, in writing, from the County Planning Board within thirty (30) days after its receipt of the plat. If a reply is not received from the County Planning Board within thirty (30) days, the sketch plat shall be deemed to have been approved by it. **[Amended 1-31-1977 by Ord. No. 77-34]**

H. Before the Secretary of the Planning Board returns any approved sketch plat to the subdivider, the subdivider shall have sufficient copies made to furnish one (1) copy to each of the following.

(1) The Township Clerk.

(2) The Township Engineer.

(3) The Construction Official and Zoning Officer.

(4) The Tax Assessor.

(5) The Secretary of the Planning Board.

(6) The County Planning Board.

(7) The Secretary of the Board of Health.

(8) The Pinelands Commission, if required pursuant to Article VII. [Added 8-9-1982 by Ord. No. 82-96; amended 4-24-1989 by Ord. No. 89-168]

I. A plat map drawn in compliance with the Map Filing Law, P.L. 1960, c. 141 (N.J.S.A. 46:23-9.9 et seq.), shall be filed by the subdivider with the county recording officer within one hundred ninety (190) days from the date of approval by the Planning Board of the minor subdivision sketch plat. Unless filed within the one hundred ninety (190) days, the approval shall expire and will require Planning Board approval as in the first instance. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision approval was granted, shall not be changed for a period of two (2) years after the date of minor subdivision approval by the Planning Board, provided that the approved minor subdivision shall have been duly recorded as provided in this subsection. [Amended 1-31-1977 by Ord. No. 77-34]

J. The sketch plat shall be classified within forty-five (45) days of its complete and proper submission to the administrative officer or within such further time as may be consented to by the applicant. When classified as a major subdivision, a notation to that effect shall be made on the plat which shall be returned to the subdivider for compliance with the procedures in §§ 165-12 and 165-18. [Amended 1-31-1977 by Ord. No. 77-34]

§ 165-10. Details.

A. [Amended 5-23-1977 by Ord. No. 77-42; 8-9-1982 by Ord. No. 82-96] The submitted sketch plat shall be based on Tax Map information or some other similarly accurate base and shall be neatly and accurately drawn. The following information shall be included:

(1) The location of that portion which is to be subdivided in relation to the entire tract.

(2) All existing structures and wooded areas within the portion to be subdivided and within two hundred (200) feet thereof. [Amended 4-24-1989 by Ord. No. 89-168]

(3) The name of the owner and interest in the property and names of all adjoining property owners as disclosed by the most recent municipal tax records.

(4) The applicant's name and address if different than the owner and the owner's signed consent to the filing of the application.

(5) The Tax Map sheet, block and lot numbers.

(6) All existing and proposed streets and roads and streams within five hundred (500) feet of the subdivision, with rights-of-way indicated and topographical features such as cliffs and wetlands. [Amended 4-24-1989 by Ord. No. 89-168]

(7) All proposed lot lines and existing lot lines proposed to be eliminated.

(8) The location and size of all drainage structures and drainage ditches, streams and brooks and the direction of flow of such streams or brooks in the area to be subdivided or within five hundred (500) feet of the subdivision.

(9) A general description of proposed drainage, water and sanitary facilities. In the case of sanitary facilities, the location, size, type and capacity shall be shown and, if available, results of soil borings and percolation tests in accordance with N.J.S.A. 58:11-23 et seq.

(10) The approximate location and approximate width of all existing and proposed utility easements in the area to be subdivided.

(11) Zoning district boundaries affecting the tract.

(12) North arrow.

(13) The scale of the plat and the date of the latest revisions.

(14) Acreage of the entire tract and the area being subdivided to the nearest tenth of an acre.

(15) The number of new lots created.

(16) The name and address of the owner, subdivider and person preparing the plat.

(17) A key map showing the entire subdivision and its relation to the surrounding areas at a scale of one (1) inch equals not more than two thousand (2,000) feet.

B. Special details and specifications required of proposed minor subdivision prior to classification. No plat shall be classified as a minor subdivision unless drawn by a professional engineer and/or land surveyor licensed to practice in the State of New Jersey and bearing the signature, seal and license number and address of said professional engineer and/or land surveyor. The sketch plat shall be based on Tax Map information or some other similarly accurate base at a scale not more than one hundred (100) feet to the inch on one (1) of four (4) standard sizes, namely eight and one-half by thirteen (8 1/2 x 13) inches, fifteen by twenty-one (15 x 21) inches, twenty-four by thirty-six (24 x 36) inches or thirty by forty-two (30 x 42) inches, to enable the entire tract to be shown on one (1) sheet and shall show or include the following information:

(1) Contours as shown on the United States Geological Survey topographic sheets.

(2) Marshes, ponds, streams and land subject to flooding in the subdivision and within two hundred (200) feet thereof.

(3) Building setback lines. Such setback lines shall be measured from the street line as specified in the Dennis Township Development Plan and Zoning Ordinance.

(4) All areas designated as wetlands under the New Jersey Wetlands Act of 1970 (N.J.S.A. 13:9A-1 et seq.), or it shall be so stated if there are none. No plat shall be classified as a minor subdivision which contains designated coastal wetlands unless accompanied by written approval from the New Jersey Department of

Environmental Protection, Bureau of Marine Lands Management. [Amended 8-9-1982 by Ord. No. 82-96; 4-24-1989 by Ord. No. 89-168]

(5) All areas under the jurisdiction of the Coastal Area Facility Review Act (N.J.S.A. 13:19-1 et seq.) shall be shown, or it shall be so stated if there are none.

(6) Within the Pinelands Area, the information required pursuant to Article V. [Added 8-9-1982 by Ord. No. 82-96; amended 4-24-1989 by Ord. No. 89-168]

ARTICLE III Preliminary Plat

§ 165-11. Purpose of submission.

A preliminary plat and the supporting documents for a proposed subdivision which has received sketch plat clarification constitute the material to be officially submitted to the Planning Board. They show the general design of the subdivision and its public improvements so that the Planning Board can indicate its approval or disapproval of the subdivision prior to the time that the final plat, including the design and detailing of the public improvements and utilities, is completed. Approval of the preliminary plat does not constitute an approval of the final plat.

§ 165-12. Procedures for submission.

A. A preliminary plat shall be submitted to the administrative officer within the time limits specified in Article II of Chapter 98. It shall be submitted in at least seventeen (17) copies and shall be accompanied by seventeen (17) copies of the application forms for preliminary approval and four (4) copies of any protective covenants or deed restrictions applying to the land being subdivided, or it shall be so stated if there are none. **[Amended 1-31-1977 by Ord. No. 77-34; 3-20-07 by Ord. No. 2007-03]**

B. At the time of submission, the fees provided by Article II of Chapter 98 shall be paid.

C. Upon receipt of the necessary material from the applicant, the administrative officer shall retain one (1) copy each of the preliminary plat, the completed application and any applicable protective covenants or deed restrictions and shall then immediately forward the remaining copies to the Secretary of the Planning Board.

D. The Secretary shall retain two (2) complete sets of maps and application forms and any protective covenants and deed restrictions for the Planning Board and forward complete sets of plans to the following persons:

(1) The County Planning Board [two (2) copies and one (1) copy of the application and any applicable protective covenants or deed restrictions.

(2) The County Engineer.

(3) The Township Engineer.

(4) The Secretary of the Board of Health.

(5) The Construction Official.

(6) The Municipal Clerk of adjoining municipality if lands covered by the preliminary plat lie within two hundred (200) feet of a township boundary.

(7) The Commissioner of Transportation in the case of proposed subdivisions which abut state highways.

(8) Such other county and state officials as may be directed by the Planning Board.

§ 165-13. Public hearing. [Amended 1-31-1977 by Ord. No. 77-34]

A. All public hearings held on applications for preliminary subdivision approval shall require public notice of the hearing.

B. The Board shall set the date, time and place for the public hearing and shall inform the applicant of this at least twenty (20) days prior to said hearing date.

C. Notice of the hearing shall be given by the applicant at least ten (10) days prior to the date of the hearing:

(1) By publication in the official newspaper of the municipality, if there is one, or in a newspaper of general circulation in the municipality.

(2) To all owners of real property, as shown on the current tax duplicate, located within two hundred (200) feet in all directions of the property which is the subject of the hearing, which notice shall be given by serving a copy thereof on the property owner, as shown on the current tax duplicate, or his agent in charge of the property or by mailing a copy thereof by certified mail to the property owner at his address as shown on said current tax duplicate. It is not required that a return receipt be obtained. The notice is deemed complete upon mailing (N.J.S.A. 40:55D.14).

(3) Notice to a partnership owner may be made by service upon any partner, notice to corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation, behalf of the corporation.

(4) To the Clerk of any adjoining municipality or municipalities when the property involved is located within two hundred (200) feet of said adjoining municipality or municipalities, which notice shall be given by personal service or certified mail.

(5) To the Cape May County Planning Board when the application for development involves property adjacent to an existing county road or proposed road shown on the Cape May County Official Map or the Cape May County Master Plan or adjoins other county land.

(6) To the Commissioner of Transportation of the State of New Jersey when the property abuts a state highway.

(7) To the State Planning Commission when the hearing involves an application for development of property which exceeds one hundred fifty (150) acres or five hundred (500) dwelling units, in which case the notice shall include a copy of any maps or documents required to be on file with the Township Clerk.

(8) Within the Pinelands Area, the notice requirements of § 165-22B shall be met. [Added 8-9-1982 by Ord. No. 82-96; amended 4-29-1989 by Ord. No. 89-168]

D. Upon the written request of an applicant, the Township Tax Assessor shall, within seven (7) days, make and certify a list from said current tax duplicates of names and addresses of owners within Dennis Township to whom the applicant is required to give notice. The applicant shall be charged ten dollars ($10.) for said list and shall be entitled to rely upon the information contained in such list, and failure to give notice to any owner not on the list shall not invalidate any hearing or proceeding. Additionally, the applicant shall be responsible for giving proper notice to all property owners pursuant to Subsection C(2) above who do not reside within Dennis Township.

E. The applicant shall file an affidavit or proof of service with the Board.

F. The notice shall state the date, time and place of the hearing and the nature of the matters to be considered and an identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the Municipal Tax Assessor's office and the location and times at which any maps or documents for which approval is sought are available for inspection.

G. No public hearing shall be held on any preliminary plat until the Board receives a report, in writing, from those to whom copies of the plat had been forwarded; or, if within thirty (30) days after receiving the preliminary plat, the County Planning Board or any other agency or individual to whom the preliminary plat was forwarded does not return any comments to the Board, the preliminary plat shall be deemed to have been approved by them unless, by mutual agreement between the County Planning Board or other township, county or state official and the applicant, the thirty-day period shall be extended for an additional thirty-day period; however, any such extensions shall not extend the time within which the Board is required to act.

H. Any communications received prior to or at the hearing will be considered in relation to the approval or disapproval of the plat. At the public hearing, all parties having an interest therein shall be given an opportunity to be heard. Minutes of every such hearing shall be kept and shall include the names of the persons appearing and addressing the Board and of the persons who appear by attorney, agent or other representative, the action taken by the Board,

the findings, if any, made by it and the reasons therefor. The minutes shall thereafter be made available for inspection at the office of the Township Clerk.

§ 165-14. Action by township. [Amended 1-31-1977 by Ord. No. 77-34]

A. Upon the submission of a complete application for a subdivision of ten (10) its or fewer, the Board shall grant or deny preliminary approval within forty-five (45) days of the date of such submission or within such further time as may be consented to by the developer. Upon the submission of a complete application for a subdivision of more than ten (10) lots or whenever an application includes a request for relief pursuant to Chapter 185, Zoning, the Board shall grant or deny preliminary approval within ninety-five (95) days of the date of such submission or within such further time as may be consented to by the developer. Otherwise, the Board shall be deemed to have granted preliminary approval of the subdivision. If the application is found to be incomplete, the applicant shall be notified thereof within forty-five (45) days of the date of submission, or it shall be deemed to be properly submitted.

B. Should minor revisions or additions to the plan be deemed necessary, the Board may grant preliminary approval subject to specified conditions. Should major revisions to the plan be deemed necessary, the Board shall require that an amended plan be submitted and proceeded upon as in the case of the original application for preliminary approval.

C. The recommendations of the County Planning Board and those of all other agencies and officials to whom the preliminary plat was submitted for review shall be given careful consideration in the final decision on the plat. If the County Planning Board or the Township Engineer approves the preliminary plat, such approval shall be noted on the plat. If the Board acts favorably on the preliminary plat, the Chairman and Secretary of the Board (or the Acting Chairman and Secretary where either or both may be absent) shall affix their signatures to the plat with a notation that it has been approved and the date of such approval, and it shall be returned to the subdivider for compliance with final approval requirements pursuant to § 165-18 of Article IV.

D. After approval of the preliminary plat by the Board, copies of the signed plat shall be furnished by the Clerk of the Board to each of the following within ten (10) days from the date of such approval:

   (1) The Township Clerk.

   (2) The Township Engineer.

   (3) The Planning Board.

   (4) The Township Board of Health.

   (5) The County Planning Board.

   (6) The Construction Official and Zoning Officer.

   (7) The subdivider for compliance with final plat requirements.

   (8) Such other township, county or state officials as directed by the Board.

E. Preliminary approval of a subdivision shall confer upon the applicant the following rights for a three-year period from the date of the preliminary approval:

   (1) That the general terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to use requirements; layout and design standards for streets, curbs and sidewalks; lot size; yard dimensions; and off-tract improvements.

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

   (3) That the applicant may apply for and the Board may grant extensions on such preliminary approval for additional periods of at least one (1) year, but not to exceed a total extension of two (2) years, provided that if the design standards have been revised by ordinance, such revised standards may govern.

F. If the Board, after consideration and discussion of the preliminary plat, determines that it is unacceptable, a notation shall be made by the Chairman of the Board to that effect on the plat and a resolution adopted setting

forth the reasons for such rejection. One (1) copy of the plat and said resolution shall be returned to the subdivider within ten (10) days of such determination.

§ 165-15. Details.

A. 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 by a professional engineer or land surveyor licensed to practice in the State of New Jersey. The plat shall be designed in compliance with the provisions of Article VI of this chapter and shall show or be accompanied by the following information on existing and proposed features:

(1) A key map showing the subdivision and its relation to the surrounding areas, at a scale of one (1) inch equals not less than two thousand (2,000) feet.

(2) Title block, including.

(a) The name of the subdivision, municipality and county.

(b) The name and address of the subdivider.

(c) The name and address of the owner or owners of record and the names and addresses of all property owners within two hundred (200) feet of the extreme limits of the subdivision as shown on the most recent list prepared by the Tax Assessor.

(d) The name, address, signature and license number of the professional person who prepared the drawing.

(e) The acreage of the tract to be subdivided to nearest tenth of an acre.

(f) The total number of proposed lots.

(3) The scale and North arrow.

(4) The date of original preparation and of each subsequent revision thereof.

(5) Existing block and lot numbers of the tract(s) to be subdivided as they appear on the Municipal Tax Map and proposed block and lot numbers as provided upon request from the Township Tax Assessor.

(6) The subdivision boundary line (heavy solid line).

(7) The location of existing and proposed property lines, streets, buildings (with an indication as to whether existing buildings will be retained or removed), watercourses, railroads, bridges, culverts, drainpipes and any natural features, such as wooded areas and rock formations, to the proper scales, both within the tract and within two hundred (200) feet of its boundary.

(8) Street rights-of-way within the subdivision and within two hundred (200) feet of its boundaries, including:

(a) The name of each street.

(b) The location and width.

(c) The center-line elevation at intersections and other critical points.

(d) A typical cross section and center-line profiles for all proposed new streets. They shall clearly indicate the type and width of pavement and location of curbs and sidewalks, if any, and tree planting strips. At intersections, any existing proposed sight triangles and the radius of curblines shall be clearly indicated.

(9) Other recorded rights-of-way and easements on the subdivision, including:

(a) An identification and description.

(b) The location and width.

(c) Restrictions of use, if any.

(10) The location of other utility structures, such as water and sewer mains, gas transmission lines and high-tension power lines, on the subdivision and within two hundred (200) feet of its boundaries.

(11) Existing and proposed contours at one-foot intervals. All contour lines shall be referenced to the New Jersey Geodetic Control Survey datum.

(12) Lot layout, including:

(a) Lot lines and dimensions of each lot to the nearest one-tenth (1/10) foot.

(b) Building setback lines (dashed) and their dimensions from the street line.

(c) Existing zoning and boundaries thereof.

(d) Identification of lots or parcels to be reserved or dedicated to public use, if any.

(13) Drainage characteristics, shown in the following manner to comply with Cape May County regulations:

(a) When a brook or stream is proposed for alteration, improvement or relocation or when a drainage structure is proposed on a running stream with a drainage area of one-half (1/2) square mile or greater, evidence of submission of the improvement to the New Jersey Division of Water Policy and Supply shall accompany the subdivision.

(b) Cross sections of watercourses and/or drainage swales shall be provided at an appropriate scale showing extent of floodplain, if defined, top-of-bank normal water levels and bottom elevations at the following locations:

[1] At any point where a watercourse crosses a boundary of the subdivision.

[2] At fifty-foot intervals for a distance of three hundred (300) feet upstream and downstream of any proposed and/or existing culvert or bridge within or adjacent to the subdivision.

[3] Immediately upstream and downstream of any point of juncture of two (2) or more watercourses.

[4] At a maximum of five-hundred foot intervals along all watercourses which run through or adjacent to the subdivision.

(c) When ditches, streams or watercourses are to be altered, improved or relocated, the method of stabilizing slopes and measures to control erosion and siltation, as well as typical ditch sections and profiles shall be shown on the plan or accompanying it.

(d) The boundaries of the floodplain of all watercourses and tidal waters within or adjacent to the subdivision, if defined, shall be indicated.

(e) Profile of stream bed three hundred (300) feet upstream and downstream from proposed property limits of development shall be provided.

(14) The total acreage in the drainage basin of any watercourse running through or adjacent to a subdivision in the area upstream of the subdivision.

(15) The total acreage in the drainage basin to the nearest downstream drainage structure and the acreage in the subdivision which drain to the structure.

(16) The location and extent of drainage and conservation easements and limits of stream encroachment lines.

(17) The location, extent and water-level elevation of all existing or proposed lakes or ponds within or adjacent to the subdivision.

(18) Plans and computations for any storm drainage systems, including the following:

(a) All existing or proposed storm sewer lines within or adjacent to the subdivision, showing size and profile of the lines, direction of flow and the location of each manhole and inlet.

(b) The location and extent of any proposed dry wells, groundwater recharge basins, retention basins or other water or soil conservation devices.

(19) Plans of proposed utility layouts, including sewers, storm drains, water, gas, telephone and electricity, and showing feasible connections to existing or any proposed utility systems; when such service will be provided by an existing utility company, a letter from the company stating that services will be made available before occupancy will be sufficient and when individual on-lot water supply and/or sewage disposal is proposed, the plan for such system must be approved by the appropriate local and state agencies.

(20) Plans showing existing and proposed sanitary sewerage facilities serving the subdivision, including the following:

(a) The location, size and slope of all sanitary sewer lines, pumping stations and connections to existing facilities.

(b) The location of any proposed sanitary sewage treatment plants.

(c) Test hole data, which shall conform to Article VI and contain the following data and certified by an engineer licensed to practice in the State of New Jersey:

[1] The date, location and graphic representation of findings of all test holes, including groundwater level and soil types of each hole. At least one (1) test hole shall be required for each proposed lot, provided that the submitted plat shall indicate the potential location of a septic system for said lot. [Amended 5-23-1977 by Ord. No. 77-42]

[2] Critical conditions and areas where drainage structures requiring seepage are to be constructed.

(21) Plans showing the size and location of all water mains and the source of water.

(22) All areas designated as wetlands under the New Jersey Wetlands Act of 1970 (N.J.S.A. 13:9A-1 et seq.), or it shall be so stated if there are none. Plats containing wetlands shall be accompanied by written approval of the proposed subdivision and improvements from the New Jersey Department of Environmental Protection, Bureau of Marine Lands Management.

(23) Whether the proposed subdivision is within the jurisdiction of the Coastal Area Facility Review Act (N.J.S.A. 13:19-1 et seq.). [Amended 12-10-1990 by Ord. No. 90-204]

(24) A certification from the Tax Collector that all taxes are paid to date.

(25) A copy of any protective covenants or deed restrictions applying to the land being subdivided.

(26) The proposed permanent monuments.

(27) Within the Pinelands Area, the information required pursuant to Article V. [Added 8-9-1982 by Ord. No. 82-96; amended 4-24-1989 by Ord. No. 89-168]

(28) A typical lot clearing plan indicating all areas to be cleared on each lot as well as areas to be cleared within cartways and drainage areas and easements. [Added 12-10-1990 by Ord. No. 90-205]

(29) Any endangered species of trees or trees listed on the Township Tree Register shall be indicated on the plans. [Added 12-10-1990 by Ord. No. 90-205]

ARTICLE IV Final Plat

§ 165-16. Prior requirements.

Before consideration of a final subdivision, the applicant shall have installed the improvements required under Article VI or, at the option of the Planning Board, shall require the posting of adequate performance guaranties to assure the installation of the required improvements in accordance with Article VII. All improvements installed prior to final plat application shall be inspected and certified by the Township Engineer in the same manner as prescribed in Article VII and meeting the standards of Article VI. The subdivider shall pay the inspection fees of the Engineer as outlined in Article VII, § 165-45. Any improvements installed prior to final plat application that do not meet or exceed township standards shall be added to the performance guaranty.

§ 165-17. Purpose of submission.

A final plat and supporting drawings and documents for a proposed subdivision constitute the complete development of the subdivision proposal and become the basis for the construction of the subdivision

§ 165-18. Procedures for submission.

A. A final plat shall be submitted to the administrative officer within three (3) years after the date of preliminary approval or extension pursuant to § 165-14E(3) of this Chapter. The final plat and all supporting drawings and documents shall be submitted at least ten (10) days but no more than fourteen (14) days prior to the regular Planning Board meeting**. [Amended 1-31-1977 by Ord. No. 77-34]**

B. When applying to the Planning Board for final approval, the subdivider shall carry out the following steps:

(1) Incorporate all changes or modifications required by the Planning Board in the approval of the preliminary plat.

(2) Pay the required inspection fees per Article VII, § 16545.

(3) Submit to the administrative officer the original tracing and sixteen (16) copies of the final plat and seventeen (17) copies of the application for final approval. **[Amended 3-20-07 by Ord. No. 2007-03]**

(4) Submit three (3) copies of deeds of dedication for all properties, including street rights-of-way, which are offered to the township for dedication.

(5) Submit a statement by the Township Engineer that he is in receipt of a map showing all improvements in exact locations and elevations, certifying the accuracy of the details of the plat, identifying those portions already installed and those to be installed and that the subdivider has complied with one or both of the following:

(a) Installed all improvements in accordance with the requirements of these regulations.

(b) Posted a performance guaranty in a form and amount acceptable to the governing body, according to the provisions of Article VII.

(6) Submit letters directed to the Chairman of the Planning Board and signed by a responsible official of the lighting agency, water company and of any other utility company or governmental authority or district which provides accessory utility service and has jurisdiction in the area, approving each proposed utility installation design and stating who will construct the facility so that the service will be available prior to occupancy.

C. Upon receipt of the necessary material from the applicant, the administrative officer shall retain one (1) copy each of the final plat and application as well as the required fees and shall then immediately forward the remaining copies to the Secretary of the Board.

D. Upon receipt of the material from the administrative officer, the Secretary of the Planning Board shall retain one (1) copy each of the final plat and application and distribute the remaining eight (8) copies of the final plat and one (1) copy of the completed application in the following manner:

(1) The County Planning Board [two (2) copies of final plat and one (1) copy of the completed application].

(2) The Township Engineer [one (1) copy].

(3) The Township Board of Health [one (1) copy].

(4) The Subdivision Committee [two (2) copies].

(5) Such other township, county or state officials as directed by the Planning Board.

§ 165-19. Action by township.

A. Taking into consideration any action by the County Planning Board, the Planning Board shall take formal action either approving or disapproving the final plat application within forty-five (45) days of its complete and proper submission to the administrative officer. If the Planning Board approves the plat, a notation to that effect shall be made on each plat and shall be signed by the Chairman and the Secretary of the Planning Board.

B. Failure of the Planning Board to act within forty-five (45) days or a mutually agreed upon extension shall be deemed to be favorable approval, and the Secretary of the Planning Board shall issue a certificate or letter to that effect.

C. After approval by the Planning Board, copies of the signed plat shall be furnished to each of the following within ten (10) days from the date of such approval:

(1) The Township Clerk.

(2) The Township Engineer.

(3) The Planning Board.

(4) The Township Board of Health.

(5) The County Planning Board.

(6) The Construction Official or Zoning Officer.

(7) The Tax Assessor.

(8) The subdivider.

D. After approval by the Planning Board, the final plat shall be filed by the applicant with the county recording officer within ninety-five (95) days from the date of such approval. No approved plat shall be accepted for filing by the county recording officer unless it has been duly approved by the Township Planning Board and the County Planning Board and signed by the Chairman and Secretary of the Township Planning Board (or Acting Chairman and Acting Secretary) and the County Planning Director or his representative. In the event of failure to file within said ninety-five (95) days, the approval of the major subdivision shall expire, and any further proceedings shall require the filing of a new plat. The governing body, for good cause shown, may extend the time for filing for an additional time period not to exceed ninety-five (95) days. If approval has expired, a final plat may be resubmitted to the Planning Board if it is done so within three (3) years of the date of preliminary plat approval. The applicant must submit a sketch plat as in the first instance if three (3) years have elapsed since the date of preliminary plat approval. [Amended 1-31-1977 by Ord. No. 77-34]

E. If the Planning Board, after consideration and discussion of the final plat, determines that it is unacceptable, a notation shall be made by the Chairman of the Board to that effect on the plat and a resolution adopted setting forth the reasons for such rejection. One (1) copy of the plat and a resolution shall be returned to the subdivider within ten (10) days of such determination.

F. [Amended 1-31-1977 by Ord. No. 77-34] Final approval of a subdivision shall confer upon the applicant the following rights for a two-year period from the date of final approval:

(1) That the zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer, whether conditionally or otherwise, shall not be changed.

(2) If the developer has followed the standards prescribed for final approval and has duly recorded the final plat with the Cape May County *Clerk* in accordance with Subsection D above, that the Board may extend the period of protection for extensions of one (1) year each, not exceeding three (3) such extensions.

G. It shall be unlawful to use or permit the use of any structure or part thereof, either occupied by a new use or hereafter erected, altered, converted or enlarged, wholly or in part, until a certificate of occupancy shall have been issued by the Construction Official. It shall be the duty of the Construction Official to issue a certificate of occupancy only when he is satisfied that the structure or part thereof and the proposed use conform to this chapter and all other applicable codes and ordinances of Dennis Township. (See Article VII, § 165-48.)

§ 165-20. Details.

A. The final plat shall be prepared at a scale of not less than one (1) inch equals one hundred (100) feet in accordance with the New Jersey Map Filing Law (N.J.S.A. 46:23.9.9 to 23-9.16) and contain the following information:

(1) The date of submission, name and location of the subdivision and the name of the owner.

(2) A graphic scale and reference meridian. At least one (1) corner of the subdivision shall be tied to New Jersey plane coordinate data with a description on the plat as to how the bearings were determined, provided that a grid coordinate control point is situated within a one-mile distance of the proposed subdivision. [Amended 5-23-1977 by Ord. No. 77-42]

(3) Tract boundary lines, street right-of-way lines, street names, easements and other rights-of-way, land to be dedicated to public use, lot lines and other site lines, bearings or deflection angles and radii, arcs and center angles of all curves.

(4) A designation of the purpose of any easement of land set aside for public use and a notation of proposed use of any nonresidential sites.

(5) Zoning boundaries and the zoning designation of all adjacent lands.

(6) Block and lot numbers in conformity with existing Tax Map procedures.

(7) Minimum building setback lines as specified in the Dennis Township Zoning Ordinance.

(8) The location and description of monuments set and monuments to be set.

B. The final plat shall be accompanied by the following documents:

(1) Certification from the Tax Collector that all taxes are paid to date.

(2) Certification that the applicant is the owner of the land or his properly authorized agent or that the owner has given consent under an option agreement.

(3) Cross-section and profile drawings of streets as approved by the Township Engineer.

(4) Plans and profiles of storm and sanitary sewers and water mains as approved by the Township Engineer.

(5) Within the Pinelands Area, the information required pursuant to Article V. [Added 8-9-1982 by Ord. No. 82-96; amended 4-24-1989 by Ord. No. 89-168]

ARTICLE V Special Procedures for Pinelands Area Development

[Added 8-9-1982 by Ord. No. 82-96; amended 4-24-1989 by Ord. No. 89-168]

§ 165-21. Application requirements for minor development.

A. Any application for approval of minor development shall include at least the following information:

(1) The applicant's name and address and his interest in the subject property.

(2) The owner's name and address, if different from the applicant's, and the owner's signed consent to the filing of the application.

(3) The legal description, including block and lot designation and street address, if any, of the subject property.

(4) A description of all existing uses of the subject property.

(5) A brief written statement generally describing the proposed development.

(6) A United States Geological Survey Quadrangle Map, or copy thereof, and a copy of the Municipal Tax Map sheet on which the boundaries of the subject property and the Pinelands Management Area designation and the zoning designation are shown.

(7) A plat or plan showing the location of all boundaries of the subject property, the location of all proposed development and existing of proposed facilities to provide water for the use and consumption of occupants of all buildings and sanitary facilities which will serve the proposed development. The following information shall be included with respect to existing or proposed sanitary facilities:

(a) On-site treatment facilities: the location, size, type and capacity of any proposed on-site wastewater treatment facilities.

(b) Soil borings and percolation tests: If on-site sewage disposal is proposed, results of soil borings and percolation tests in accordance with N.J.S.A. 58:11-23 et seq., and the regulations adopted pursuant thereto, at suitable location with a tract map showing location, logs and elevations of all test holes, and demonstrating that such facility is adequate to meet the water quality standards contained in § 185-58 of Chapter 185, Zoning.

(8) A location map, including the area extending at least three hundred (300) feet beyond each boundary of the subject property showing ownership boundary lines, the boundary of the proposed development, owners of holdings adjoining and adjacent to the subject property, existing facilities, buildings and structures on the site, all proposed development, wetlands, streams (including intermittent streams), rivers, lakes and other water bodies and existing roads.

(9) A soils map, including a County Soils Survey which conforms to the guidelines of the United States Department of Agriculture Soil Conservation Service, showing the location of all proposed development.

(10) A map showing existing vegetation, identifying predominant vegetation types in the area and showing proposed landscaping of the subject property, including the location of the tree line before and after development and all areas to be disturbed as a result of the proposed development.

(11) A certificate of filing from the Pinelands Commission issued pursuant to N.J.A.C. 7:50-4.34 or, until January 14, 1991, evidence of prior approval from the Pinelands Development Review Board or the Pinelands Commission pursuant to the Interim Rules and Regulations.

(12) When prior approval for the development has been granted by an approval agency, evidence of Pinelands Commission review pursuant to § 185-49E of Chapter 185, Zoning.

B. Any application for approval of major development, except for forestry or resource extraction operations, shall include at least the following information:

(1) The applicant's name and address and his interest in the subject property.

(2) The owner's name and address, if different from the applicant's, and the owner's signed consent to the filing of the application.

(3) The legal description, including block and lot designation and street address, if any, of the subject property.

(4) A description of all existing uses of the subject property.

(5) A brief written statement generally describing the proposed development and the market it is intended to serve, the number of total units, the floor area of all units and the anticipated market value of all units to be included in the proposed development.

(6) A written statement addressing each of the standards or guidelines set forth in Subchapters 5 and 6 of this plan and stating specifically how the proposed development meets each such standard or guideline.

(7) A plat or plan showing the location of all boundaries of the subject property, the location of all proposed development and existing or proposed facilities to provide water for the use and consumption of occupants of all buildings and sanitary facilities which will serve the proposed development. The following information shall be included with respect to existing or proposed wastewater treatment facilities:

   (a) Sanitary sewer distribution: the location, size and direction of flow of all existing and proposed sanitary sewer lines and pumping stations serving the proposed development and all existing and proposed connections to existing facilities.

   (b) On-site treatment facilities: the location, size, type and capacity of any proposed on-site wastewater treatment facilities, including, except with respect to discharges into an individual residential septic system, quantities, composition, proposed pretreatment and ultimate means of disposal.

   (c) Soil borings and percolation tests: if on-site sewage disposal is proposed, results of soil borings and percolation tests in accordance with the requirements of N.J.S.A. 58:11-23 et seq. and the regulations adopted pursuant thereto, along with a tract map showing the location, logs and elevations of all test holes, indicating where groundwater was encountered, and estimating the seasonal high water table.

   (d) The proposed hours and days of operation and number of employees of any nonresidential facility.

(8) A project site base map, at a scale of no less than one (1) inch to two hundred (200) feet and including the areas extending at least three hundred (300) feet beyond each boundary of the subject property, showing ownership boundary lines, the boundary of the proposed development, owners of holdings, if any, adjoining and adjacent to the subject property, existing facilities, buildings and structures on the site, all proposed development, wetlands, streams (including intermittent streams), rivers, lakes and other water bodies and existing roads.

(9) A soils map, including a County Soils Survey in conformance with the guidelines of the United States Department of Agriculture Soil Conservation Service, at the same size and scale as the project site base map, delineating all soil series at an appropriate level of detail and, in sewered projects, sufficient soil borings to confirm the accuracy of the soils map.

(10) A slope map, at the same size and scale as the project site base map, indicating contour elevations at two-foot intervals.

(11) A resource capability map, at the same size and scale as the project site base map, indicating the cumulative limitations to development due to the standards and the guidelines contained in this plan. This map should be prepared prior to any engineering, site layout or design work.

(12) A proposed development map, at the same size and scale as the project site base map, showing areas of proposed development; the location of surveyor's tape or other markers placed on the site delineating the boundaries of the property; the number of residential lots and other type of development in each general area; all proposed lot lines; areas proposed to be retained as open space; the applicable land use areas

boundaries; the location of proposed facilities such as dams and impoundments, public or private water systems, storm drainage systems, public or private sewerage systems, public utilities, soil erosion and sedimentation control devices, industrial wastewater discharges and solid waste disposal areas; sources of air pollution; the proposed primary road network; all areas to be disturbed by construction activities; existing vegetation, identifying the predominant vegetation types in the area; and all vegetation which is to be removed or disturbed as a result of the proposed development; and the tree line before and after development.

(13) A map, at the same size and scale as the project site base map, showing stormwater drainage patterns and calculations and the applicant's proposed stormwater runoff management plan, which shall contain results of all percolation tests and soil borings performed in each recharge area, including the estimated seasonal highwater table.

(14) Legal instruments evidencing the applicant's right, title or interest in any Pinelands development credits and any existing or proposed deed restrictions or easements relating to the subject parcel.

(15) A landscaping schedule and plan on a map, of the same size and scale as the project site base map, identifying the species of plants to be installed and the quantity and location of all plants proposed to be planted, demonstrating that the landscaping will be carried out within six (6) months of the completion of construction and demonstrating that the landscaping will stabilize soils.

(16) All public service infrastructure agreements, or other documentation, evidencing the availability of electric, gas, water, sewer and other necessary public service infrastructure.

(17) The cultural resources survey described in N.J.A.C. 7:50-6, Part XV.

(18) A list of all permits required for the proposed development from county, municipal, state and federal agencies.

(19) A certificate of filing from the Pinelands Commission issued pursuant to N.J.A.C. 7:50-4.34 or, until January 14, 1991, evidence of prior approval from the Pinelands Development Review Board or the Pinelands Commission pursuant to the Interim Rules and Regulations.

(20) When prior approval for the development has been granted by an approval agency, evidence of Pinelands Commission review pursuant to § 185-49E of Chapter 185, Zoning.

§ 165-22. Notices to Pinelands Commission.

A. Application submission and modifications. Written notification will be given by the township to the Pinelands Commission within seven (7) days after a determination is made by the township that an application for development is complete or if a determination is made by the township approval agency that the application has been modified. Said notice shall contain:

(1) The name and address of the applicant.

(2) The application number of the certificate of filing issued by the Pinelands Commission and the date on which it was issued.

(3) The date on which the application, or any change thereto, was filed and any docket number or other identifying number assigned to the application by the approval agency.

(4) Any written reports or comments received by the approval agency on the application for development which have not been previously submitted to the Commission.

(5) The content of any change made to the application since it was filed with the Commission, including a copy of any revised plan or reports.

(6) The nature of the municipal approval being sought.

B. Meetings and hearings. Where a meeting, hearing or other formal proceeding on an application for development approval in the Pinelands Area is required, the applicant shall provide notice to the Pinelands Commission by

regular mail or delivery of the same to the principal office of the Commission at least five (5) days prior to such meeting or hearing. Such notice shall contain at least the following information:

(1) The name and address of the applicant.

(2) The application number of the certificate of filing issued by the Pinelands Commission and the date on which it was issued.

(3) The date, time and location of the meeting, hearing or other formal proceeding.

(4) The name of the approval agency or representative thereof which will be conducting the meeting, hearing or other formal proceeding.

(5) Any written reports or comments received by the approval agency on the application for development which have not been previously submitted to the Commission.

(6) The purpose for which the meeting, hearing or other formal proceeding is to be held.

C. Notice of approvals and denials. The Pinelands Commission shall be notified of all approvals or denials of development in the Pinelands Area, whether the approval occurs by action or inaction of any approval agency or an appeal of any agency's decision. The applicant shall, within five (5) days of the approval, give notice by certified mail to the Pinelands Commission. Such notice shall contain the following information:

(1) The name and address of the applicant.

(2) The legal description and street address, if any, of the property which the applicant proposes to develop.

(3) The application number of the certificate of filing issued by the Pinelands Commission and the date on which it was issued, if any.

(4) The date on which the approval agency's approval or denial was issued.

(5) Any written reports or comments received concerning the application for development approval not previously submitted to the Commission.

(6) Any revisions to the application not previously submitted to the Commission.

(7) A copy of the resolution, permit or other documentation of the approval or denial which was granted.

(8) The names and addresses of all persons who actively participated in the proceedings.

§ 165-23. Review by Pinelands Commission.

A. Upon receipt by the Pinelands Commission of a notice of approval pursuant to § 165-22C above, the application for development approval shall be reviewed in accordance with the provisions in N.J.A.C. 7:50-4.37 through N.J.A.C. 7:50-4.42. The approval of the township shall not be effective and no development shall be carried out prior to a determination of whether the development approval will be reviewed by the Commission. If the applicant is notified that the Commission will review the application for development, no development shall be carried out until such review has been completed.

B. Until January 14, 1991, approvals issued by the Pinelands Development Review Board or the Pinelands Commission under the Interim Rules and Regulations shall serve as the basis for Pinelands Commission review of the local approval under this section.

C. Although the Pinelands Commission shall be notified of all denials, no such denial actions are subject to further review and action by the Pinelands Commission.

§ 165-24. Condition on prior approval of township.

Where a prior approval has been granted by an approval agency, no subsequent approval of an application for development approval shall be obtained until one (1) of the following is satisfied:

A. Notification is received from the Pinelands Commission that review of the prior local approval is not required; or

B. Review of the prior local approval has been completed pursuant to N.J.A.C. 7:50-4.37 through 4.42 and a final order regarding the approval is received by the township from the Pinelands Commission.

§ 165-25. Effect of Commission decision on township approval.

If the Pinelands Commission disapproves an application for development previously approved by an approval agency, such approval shall be revoked by the approval agency within thirty (30) days, and the agency shall thereafter deny approval of the application. If the Commission approves the decision of an approval agency subject to conditions, the approval agency which had previously approved the application shall, within thirty (30) days, modify its approval to include all conditions imposed by the Commission and, if final approval of the application is required, shall grant final approval only if the application for approval demonstrates that the conditions specified by the Commission have been met by the applicant.

§ 165-26. Participation of Commission in public hearings,

The Pinelands Commission may participate in a hearing held in the township involving the development of land in the Pinelands Area pursuant to N.J.A.C. 7:50-4.36.

§ 165-27. Natural Resource Committee review.

All applications for major development may be referred to the Natural Resource Committee for review and comment.

ARTICLE VI Improvements and Design Standards

§ 165-28. Compliance required.

A. The subdivider shall comply with the following requirements and principles of land subdivision and those requirements of the Zoning Ordinance in the design of each subdivision or portion thereof. [Amended 8-9-1982 by Ord. No. 82-96]

B. Prior to the granting of final approval, the subdivider shall have installed or at the option of the Planning Board, shall have furnished performance guaranties in accordance with Article VII of this chapter for the ultimate installation or protection of the items required by this Article. See Article VII of this chapter.

C. The subdivision shall conform to design standards that will encourage good development patterns encouraging a coordinated, well-planned community with provisions for desirable services and circulation facilities. The subdivision shall conform to the proposals and conditions shown on the Official Map and the Master Plan.

§ 165-29. Streets and highways.

A. Subdivisions shall be served by paved public streets, and all new streets shall be graded and provided with an all-weather base and pavement with an adequate crown in keeping with township specifications and standards.

B. The arrangement of streets shall be such as to provide for the appropriate continuous extension of existing, mapped or potential streets and the orientation of lots and buildings to be constructed thereon to benefit from solar access. [Amended 12-27-1982 by Ord. No. 82-98]

C. No subdivision showing reserve strips controlling access to another area, either developed or undeveloped, shall be approved except where the control and disposal of land comprising such strips has been given to the governing body after recommendation by the Planning Board.

D. Subdivisions that adjoin or include streets that do not conform to widths as shown on the Master Plan, Official Map or the street width requirements of this chapter shall dedicate additional width along 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.

E. The pavement width of streets and the quality of surfacing and base materials shall adhere *to* the minimum standards set forth by the Township, County or State Engineers when said paving concerns roads under their jurisdiction and where such standards exist.

F. Street intersections.

(1) Street intersections shall be as nearly at right angles as is possible and in no case shall be less than sixty degrees (60°).

(2) No more than two (2) streets shall meet or intersect at any one (1) point, and the center lines of both intersecting streets shall pass through a common point. Measuring from this common point, two (2) intersections shall be spaced at a minimum of three hundred (300) feet.

(3) The block corners at intersections shall be rounded at the curbline with the street having the highest radius requirement as outlined below, determining the minimum standards for all curblines:

(a) Arterials: forty (40) feet.

(b) Collectors: thirty-five (35) feet.

(c) Local streets: thirty (30) feet.

(4) Sight triangle easements shall be dedicated as follows. The area bounded by the right-of-way lines and a straight line connecting sight points on street center lines which are the following distances from the intersection of the center lines.

(a) Where two (2) arterial streets intersect, two (2) overlapping sight triangles shall be required, formed by three hundred (300) feet and ninety (90) feet on each arterial. These requirements shall also apply when a county road and state highway intersect.

(b) Where two (2) collector streets intersect, two (2) overlapping sight triangles shall be required, formed by two hundred (200) feet and ninety (90) feet on each collector. These requirements shall also apply when two (2) county roads intersect.

(c) Where two (2) local roads intersect, ninety (90) feet on both roads. At intersections, involving a combination of roads, sight triangles shall be designed according to the standards outlined above for the respective roads.

G. Where streets have a reverse curve, a tangent of at least one hundred (100) feet in length shall be required.

H. No street shall have a grade of less than one-half of one percent (1/2 of 1%), which shall be defined to mean a vertical rise of five-tenths (0.5) foot for each one hundred (100) feet of horizontal distance.

I. All changes in grade where the grade is one percent (1%) or greater shall be connected by vertical curves of sufficient radius to provide a smooth transition and proper sight distance but not so great as to create drainage problems. Sight distance shall be at least:

(1) One thousand (1,000) feet for arterial streets.

(2) Seven hundred fifty (750) feet for all collector streets.

(3) Five hundred (500) feet for local streets.

J. Continuous open driveways in excess of fifteen (15) feet in width resulting in the elimination of curbing along township streets shall be prohibited.

K. No street shall have a name which will duplicate or so nearly duplicate the name of an existing street that confusion results. The continuation of an existing street shall have the same name. Curvilinear streets shall change their names only at street intersections or in accordance with § 165-30 of this Article. The Planning Board shall reserve the right to approve or name streets within the proposed subdivisions.

L. The length, width or acreage of blocks shall be determined with due regard to the limitations and opportunities of topography and shall be such as to be sufficient to meet all the area, yard and parking requirements for such particular uses as expressed in the Zoning Ordinance as well as providing for convenient access, circulation control and safety to street traffic.

M. Lot dimensions and area shall not be less than the requirements of the Zoning Ordinance of the township, and insofar as is practical, side lot lines shall be at right angles to straight streets and radial to curved streets.

N. Where extra width has been dedicated for widening of existing streets, lots shall begin at such new line. All setbacks shall be measured from the street line, whether or not the extra width has been dedicated.

O. Street specifications.

(1) The minimum requirements of any new street shall be constructed according to the specifications and procedures as set forth in the New Jersey State Highway Department Standard Specifications, current edition, with addenda, except where noted in Section 165-29.2.

(2) The base course shall consist of six (6) inches of soil aggregate Type 2, Class A or B, constructed according to State Highway Specifications.

(3) The surface shall consist of two (2) inches of bituminous concrete, Type FABC-1, Mix 5, applied according to State Highway Specifications.

(4) The work shall be inspected through the course of construction by the Township Engineer or his duly authorized representative, who shall be notified forty-eight (48) hours before any work is started or continued.

P. Within the Pinelands Area, each subdivision of twenty-five (25) or more lots shall have two (2) accessways. **[Added 8-9-1982 by Ord. No. 82-96]**

§ 165-29.1. Streets and highways in the R-3, R-10, B, M, C and all Pinelands Districts.

A. [Amended 5-23-1977 by Ord. No. 77-42] The right-of-way widths shall be measured from lot line to lot line. Right-of-way width and pavement shall not be less than the following unless indicated as such on the Master Plan or Official Map:

Type of Street	Right-of-Way	Pavement Width	Maximum Grade
Arterial Collector	84	64	6
Primary	70	50	8
Secondary	58	38	8
Local	54	34	10

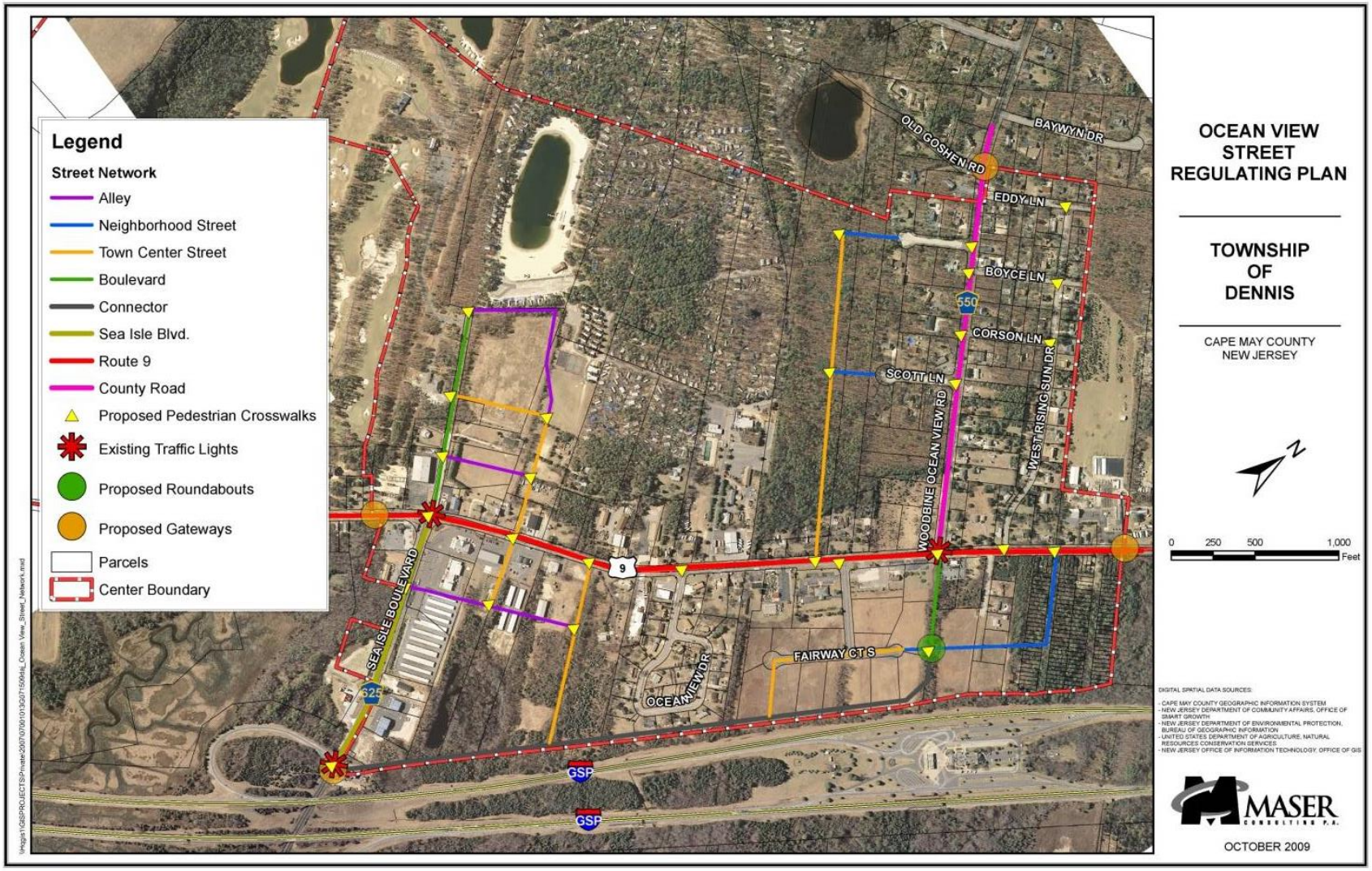
B. Subdivisions affecting or involving county roads shall adhere to the design standards for such as set forth in the Subdivision Resolution of the Cape May County Planning Board.

C. Culls-de-sac may be used to discourage through traffic. They shall be no longer than eight hundred (800) feet unless the applicant can prove compelling and unique circumstances, in which case they may be extended to no more than one thousand (1,000) feet in length. They shall provide a turnaround at the end of a radius of not less than fifty (50) feet measured from the curbline and tangent whenever practicable to the right side of the street. The minimum right-of-way at the turnaround shall be a radius of at least fifty-eight (58) feet. If a cul-de-sac is of a temporary nature, a similar turnaround shall be provided and provisions made for future extension of the street and reversion of the excess right-of-way to the adjoining properties. [Amended 5-23-1977 by Ord. No. 77-42]

D. 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 Planning Board may determine appropriate. Local streets shall not intersect collector streets at intervals more frequently than five hundred (500) feet whenever practical in the opinion of the Planning Board. Cul-de-sac or local streets shall not intersect with arterial roads. Driveways to single-family dwellings shall not open on arterial roads.

§ 165-29.2. Streets and highways in the VC, VR, CR, CVC, CVR, OVR, OVCC, OVC and OVCR Districts.

A. The following maps show the existing and proposed street typologies within the Villages. The maps also show the location of existing and proposed traffic lights, roundabouts, gateways and pedestrian crossings. Proposed streets are recommendations, not requirements, which shall be determined by the Township Engineer.


Legend
Street Network
Alley
Neighborhood Street
Town Center Street
Boulevard
Connector
Sea Isle Blvd.
Route 9
County Road
Proposed Pedestrian Crosswalks
Existing Traffic Lights
Proposed Roundabouts
Proposed Gateways
Parcels
Center Boundary
OLD GOSHEN RD
BAYWYN DR
EDDY LN
BOYCE LN
550
CORSON LN
SCOTT LN
WEST RISING SUN DR
WOODBINE OCEAN VIEW RD
9
SEA ISLE BOULEVARD
525
OCEAN VIEW DR
FAIRWAY CT S
GSP
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OCEAN VIEW
STREET
REGULATING PLAN
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OF
DENNIS
CAPE MAY COUNTY
NEW JERSEY
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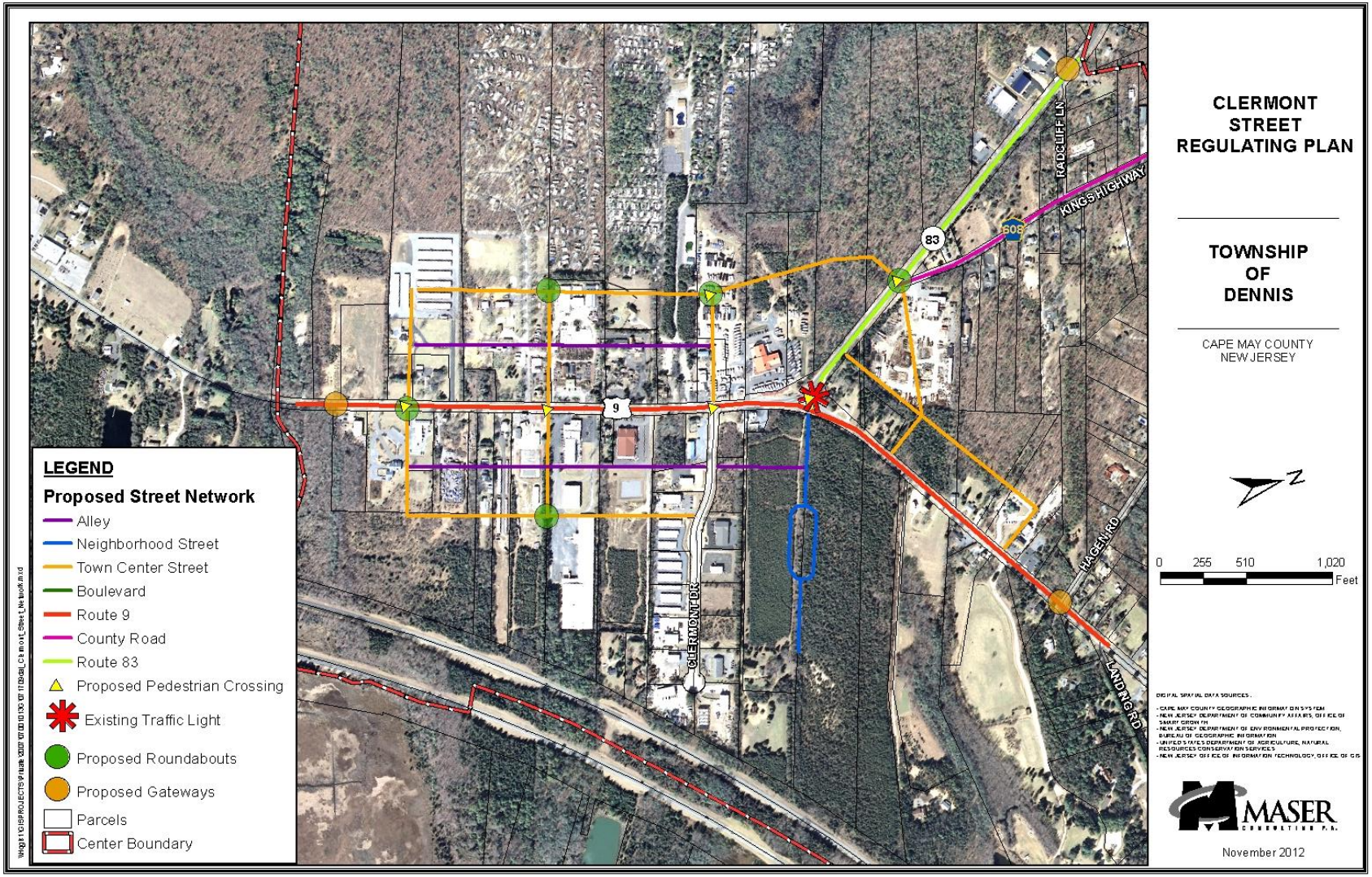
Feet
DIGITAL SPATIAL DATA SOURCES:
- CAPE MAY COUNTY GEOGRAPHIC INFORMATION SYSTEM
- NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS, OFFICE OF SMART GROWTH
- NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF GEOGRAPHIC INFORMATION
- UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICES
- NEW JERSEY OFFICE OF INFORMATION TECHNOLOGY, OFFICE OF GIS
MASER
CONSULTING P.A.
OCTOBER 2009


CLERMONT STREET REGULATING PLAN
TOWNSHIP OF DENNIS
CAPE MAY COUNTY NEW JERSEY
LEGEND
Proposed Street Network
Alley
Neighborhood Street
Town Center Street
Boulevard
Route 9
County Road
Route 83
Proposed Pedestrian Crossing
Existing Traffic Light
Proposed Roundabouts
Proposed Gateways
Parcels
Center Boundary
KINGS HIGHWAY
RADCLIFF LN
HAGEN RD
LANDING RD
CLERMONT DR
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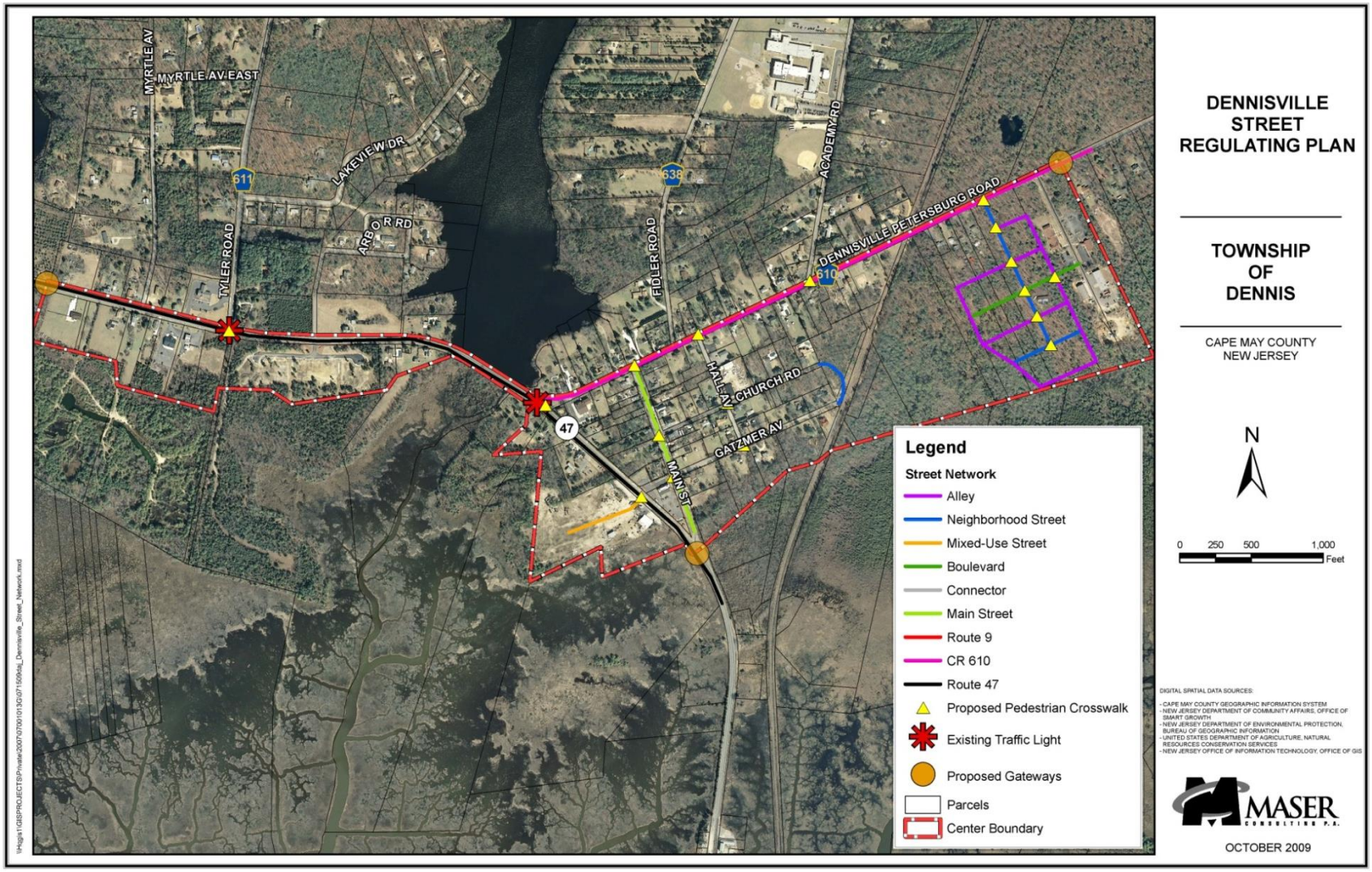
MASER CONSULTING P.A.
November 2012


DENNISVILLE
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Street Network
Alley
Neighborhood Street
Mixed-Use Street
Boulevard
Connector
Main Street
Route 9
CR 610
Route 47
Proposed Pedestrian Crosswalk
Existing Traffic Light
Proposed Gateways
Parcels
Center Boundary
DIGITAL SPATIAL DATA SOURCES:
- CAPE MAY COUNTY GEOGRAPHIC INFORMATION SYSTEM
- NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS, OFFICE OF SMART GROWTH
- NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF GEOGRAPHIC INFORMATION
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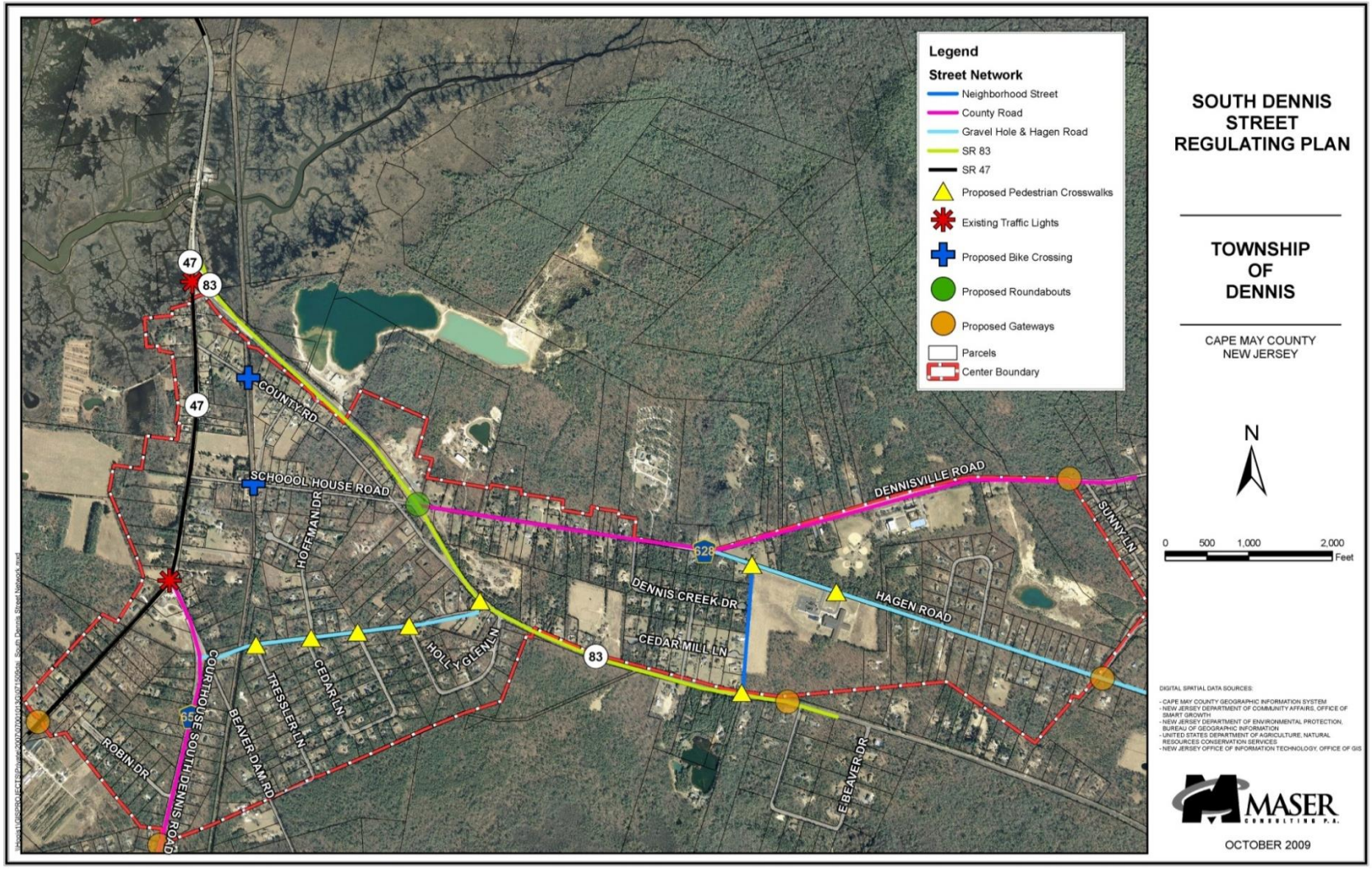
- NEW JERSEY OFFICE OF INFORMATION TECHNOLOGY, OFFICE OF GIS
MASER CONSULTING P.A.
OCTOBER 2009
MYRTLE AV
MYRTLE AV EAST
LAKEVIEW DR
ARBOR RD
TYLER ROAD
611
638
FIDLER ROAD
ACADEMY RD
DENNISVILLE PETERSBURG ROAD
610
HALL AV
CHURCH RD
GATZMER AV
MAIN ST
47


Legend
Street Network
Neighborhood Street
County Road
Gravel Hole & Hagen Road
SR 83
SR 47
Proposed Pedestrian Crosswalks
Existing Traffic Lights
Proposed Bike Crossing
Proposed Roundabouts
Proposed Gateways
Parcels
Center Boundary
SOUTH DENNIS STREET REGULATING PLAN
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CAPE MAY COUNTY NEW JERSEY
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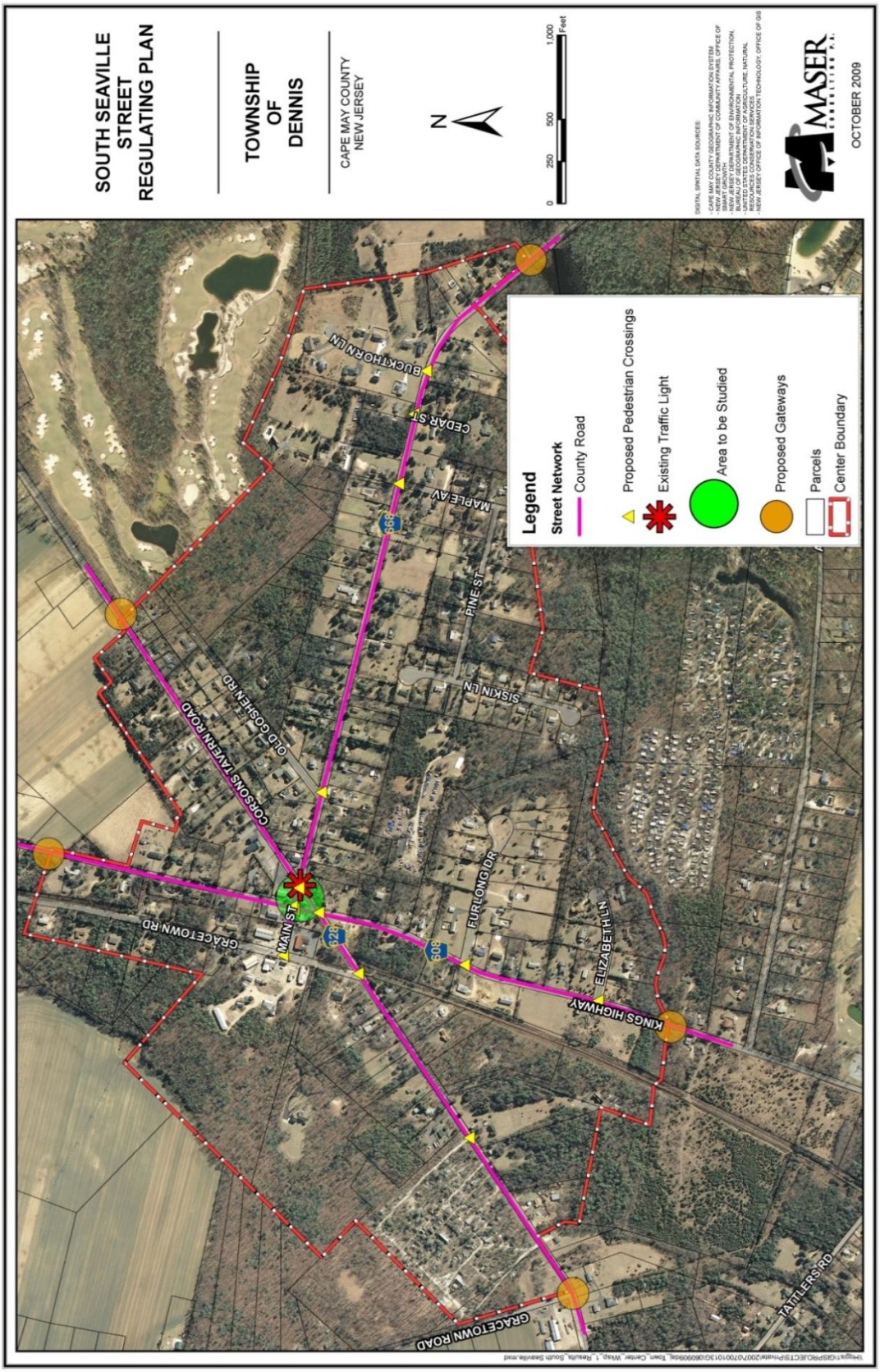
DIGITAL SPATIAL DATA SOURCES:
- CAPE MAY COUNTY GEOGRAPHIC INFORMATION SYSTEM
- NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS, OFFICE OF SMART GROWTH
- NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF GEOGRAPHIC INFORMATION
- UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICES
- NEW JERSEY OFFICE OF INFORMATION TECHNOLOGY, OFFICE OF GIS
MASER CONSULTING P.A.
OCTOBER 2009
47
83
COUNTY RD
SCHOOOL HOUSE ROAD
HOFFMAN DR
DENNISVILLE ROAD
SUNNY LN
628
DENNIS CREEK DR
HAGEN ROAD
CEDAR MILL LN
HOLLY GLEN LN
CEDAR LN
TRESSLER LN
COURTHOUSE SOUTH DENNIS ROAD
BEAVER DAM RD
ROBIN DR
E BEAVER DR


SOUTH SEAVILLE
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- CAPE MAY COUNTY GEOGRAPHIC INFORMATION SYSTEM
- NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS, OFFICE OF SMART GROWTH
- NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF GEOLOGY AND WATER ASSESSMENT
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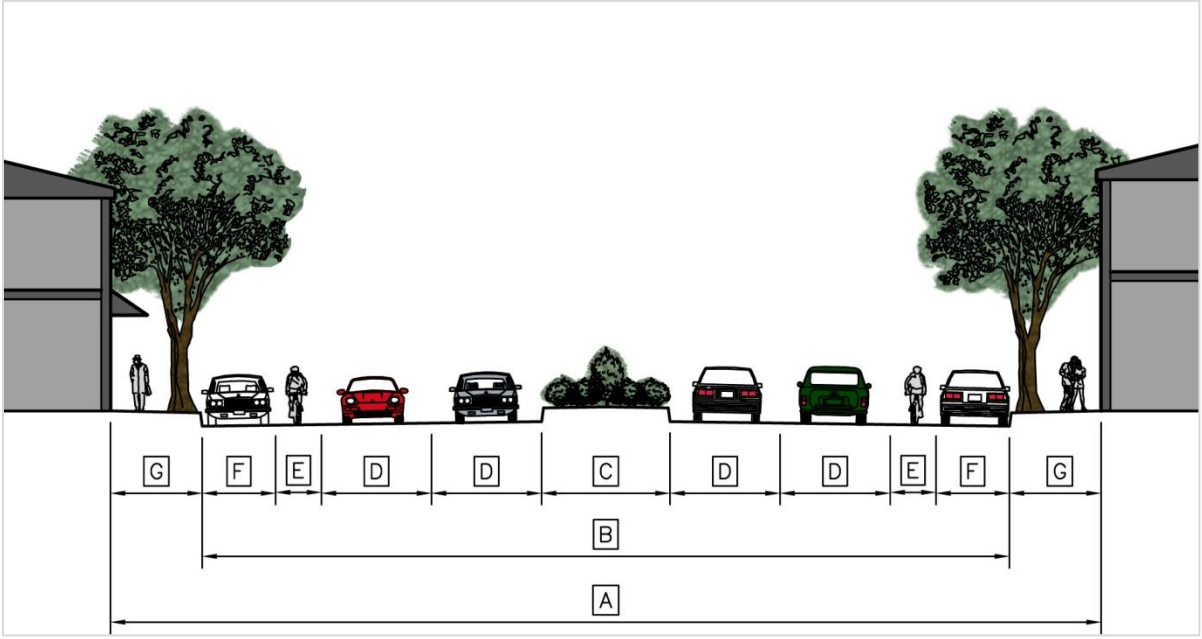
- NEW JERSEY OFFICE OF INFORMATION TECHNOLOGY, OFFICE OF GIS
MASER
CONSULTING P.A.
OCTOBER 2009
Legend
Street Network
County Road
Proposed Pedestrian Crossings
Existing Traffic Light
Area to be Studied
Proposed Gateways
Parcels
Center Boundary
BUCKTHORN LN
CEDAR ST
MAPLE AV
PINE ST
SISKIN LN
OLD GOSHEN RD
CORSONS TAVERN ROAD
GRACETOWN RD
MAIN ST
FURLONG DR
ELIZABETH LN
KINGS HIGHWAY
GRACETOWN ROAD
TAYLERS RD

B. The street right-of-way width shall be measured from lot line to lot line. Right-of-way width, street design, landscape standards and street furniture standards for the streets within the VC, VR, CR, CVC, CVR, OVR, OVCC, OVC and OVCR District are as follows by street type:

(1) State Route 9



Street Design		
Design Speed	30-35 mph	
Right-of-Way	102'	**A**
Cartway Width	84'	**B**
Median/Left Turn Lane	14'	**C**
Travel Lanes	11'	**D**
Bike Lanes	5'	**E**
Parking Lanes	8'	**F**
Planting Strip	None	
Sidewalk	9'	**G**

Landscape Standards[1]	
Trees	Every 40' in planting bed
Plants	-
Street Lighting	Required
Street Furniture Standards[2]	
Benches	1 per 100 linear feet
Trash Receptacles	1 per 200 linear feet
Bike Racks	1 per 200 linear feet
Planters	Encouraged
News Stands	Encouraged
Public Art	Encouraged
Sidewalk Cafes/Dining	Encouraged
Sidewalk Displays	Encouraged

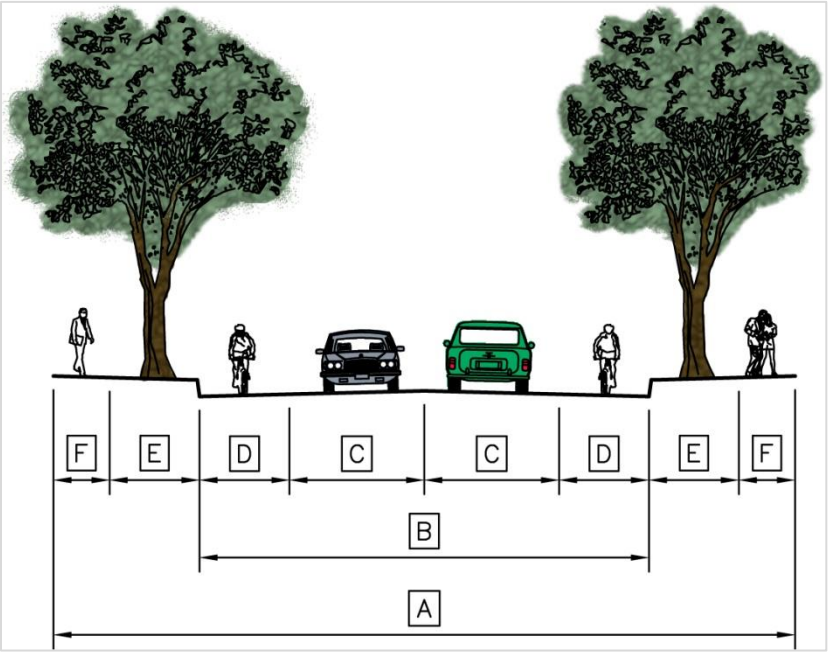
Notes

[1]See Section 165-29.2.C. for details.

[2]See Section 165-29.2.E for details.

* Must maintain minimum 5' clearance for circulation.

(2) State Route 47



Street Design		
Design Speed	30-35 mph	
Right-of-Way*	66'	**A**
Cartway Width	40'	**B**
Median	-	
Travel Lanes	12'	**C**
Shared Shoulder/Bike Lanes	8'	**D**
Parking Lanes	-	
Planting Strip	8'	**E**
Sidewalk	5'	**F**

Notes

* Note that this roadway may expand at key intersections to accommodate left-turn lanes.

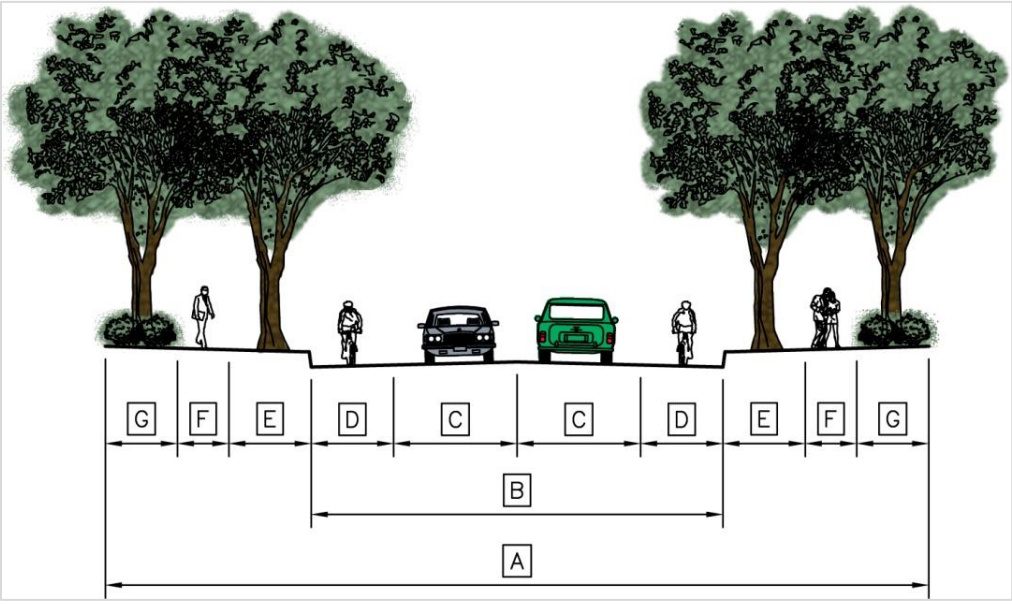
Landscape Standards[1]	
Trees	Every 40' in planting strip
Plants	-
Street Lighting	Required
Street Furniture Standards[2]	
Benches	-
Trash Receptacles	-
Bike Racks	-
Planters	-
News Stands	-
Public Art	-
Sidewalk Cafes/Dining	-
Sidewalk Displays	-

Notes

[1]See Section 165-29.2.C. for details.

[2]See Section 165-29.2.E for details.

(3) State Route 83



Street Design		
Design Speed	30-35 mph	
Right-of-Way*	80'	**A**
Cartway Width	40'	**B**
Median	-	
Travel Lanes	12'	**C**
Shared Shoulder/Bike Lanes	8'	**D**
Parking Lanes	-	
Planting Strip	8'	**E**
Sidewalk	5'	**F**
Landscape Area	7'	**G**

Notes

*Right-of-way varies in width. Right-of-way may expand at intersections to accommodate left-turn lanes.

Landscape Standards[1]	
Trees	Every 40' in planting strip
Plants	Low maintenance mixture
Street Lighting	Required

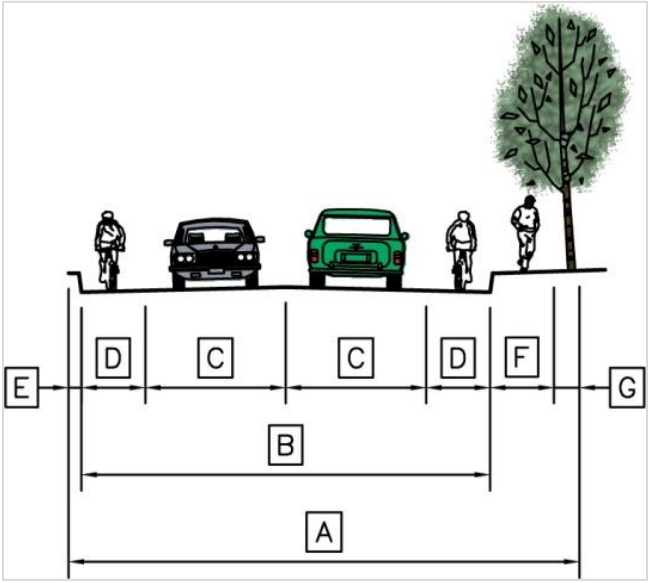
Street Furniture Standards[2]	
Benches	-
Trash Receptacles	-
Bike Racks	-
Planters	-
News Stands	-
Public Art	-
Sidewalk Cafes/Dining	-
Sidewalk Displays	-

Notes

[1]See Section 165-29.2.C. for details.

[2]See Section 165-29.2.E for details.

(4) County Road 668 (Main Street), 608 (Kings Highway) and 628 (Corsons Tavern Road)



Street Design		
Design Speed	30-35 mph	
Right-of-Way	40'	**A**
Cartway Width	32'	**B**
Median	None	
Travel Lanes	11'	**C**
Shared Shoulder/Bike Lanes	5'	**D**
Parking Lanes	None	
Curb	+/- 1'	**E**
Sidewalk	5'	**F**
Planting Strip*	2'	**G**

Notes

* Will require a 2' construction easement. Trees to be planted in construction easement at right-of-way line.

Landscape Standards[1]	
Trees	Every 40' in easement
Plants	-
Street Lighting	Required

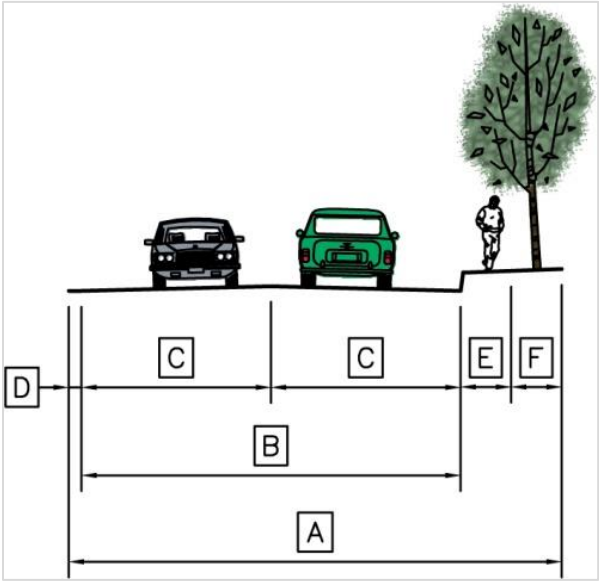
Street Furniture Standards[2]	
Benches	-
Trash Receptacles	-
Bike Racks	-
Planters	-
News Stands	-
Public Art	-
Sidewalk Cafes/Dining	-
Sidewalk Displays	-

Notes

[1]See Section 165-29.2.C. for details.

[2]See Section 165-29.2.E for details.

(5) County Road 610 (Dennisville Petersburg Road)



Street Design		
Design Speed	30-35 mph	
Right-of-Way*	33'	**A**
Cartway Width	30'	**B**
Median	None	
Shared Travel/Bike Lanes	15'	**C**
Bike Lanes	-	
Parking Lanes	None	
Planting Strip	+/- 1'	**D**
Sidewalk**	4'	**E**
Planting Strip***	4'	**F**

Notes

*Right-of-way is 33', but proposed street dimension requires easements.

** Sidewalk will require a 2' easement.

***Planting Strip will require a 4' construction easement. Trees to be planted in construction easement 2' from right-of-way line.

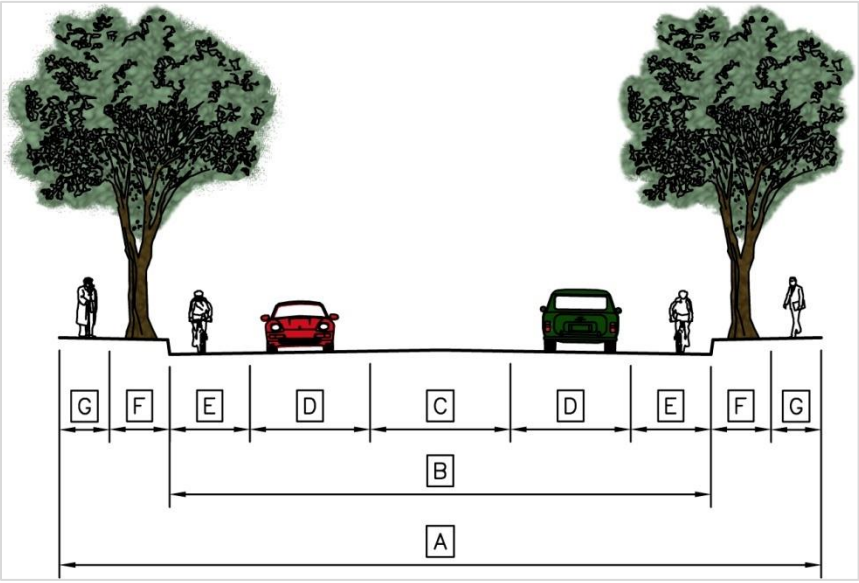
Landscape Standards[1]	
Trees	Every 40' in easement
Plants	-
Street Lighting	Every 30'
Street Furniture Standards[2]	
Benches	-
Trash Receptacles	-
Bike Racks	-
Planters	-
News Stands	-
Public Art	-
Sidewalk Cafes/Dining	-
Sidewalk Displays	-

Notes

[1]See Section 165-29.2.C. for details.

[2]See Section 165-29.2.E for details.

(6) County Road 625 (Sea Isle Boulevard)



Street Design		
Design Speed	30-35 mph	
Right-of-Way*	76'	**A**
Cartway Width	54'	**B**
Median/Left Turn Lane	14'	**C**
Travel Lanes	12'	**D**
Shared Shoulder/Bike Lanes	8'	**E**
Parking Lanes	-	
Planting Strip	6'	**F**
Sidewalk	5'	**G**

Notes

* Note that right-of-way reduces to 66' at Parkway, median would be reduced to 12', sidewalks reduced to 4' and planting strips reduced to 3'.

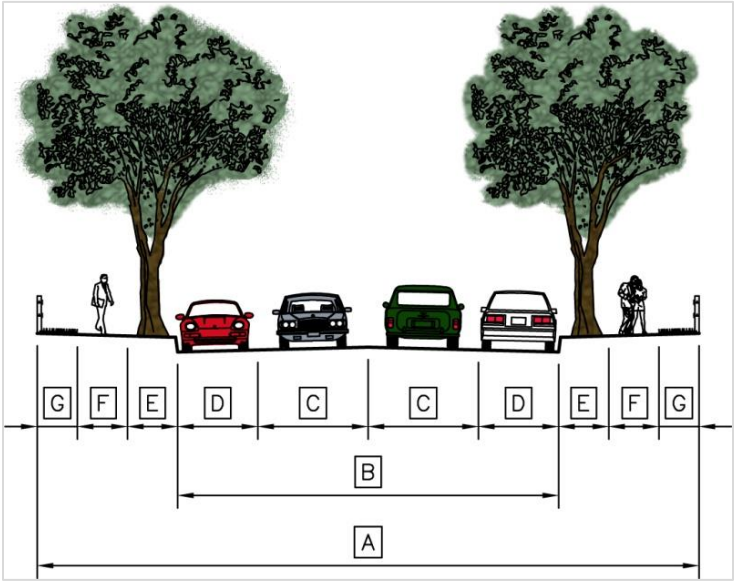
Landscape Standards[1]	
Trees	Every 40' in planting strip
Plants	-
Street Lighting	Required
Street Furniture Standards[2]	
Benches	-
Trash Receptacles	-
Bike Racks	-
Planters	-
News Stands	-
Public Art	-
Sidewalk Cafes/Dining	-
Sidewalk Displays	-

Notes

[1]See Section 165-29.2.C. for details.

[2]See Section 165-29.2.E for details.

(7) Main Street – Dennisville



Street Design		
Design Speed	20-30 mph	
Right-of-Way	66'	**A**
Cartway Width	38'	**B**
Median	-	
Travel Lanes	11'	**C**
Bike Lanes	-	
Parking Lanes	8'	**D**
Planting Strip	5'	**E**
Sidewalk	5'	**F**
Landscape Area	4'	**G**

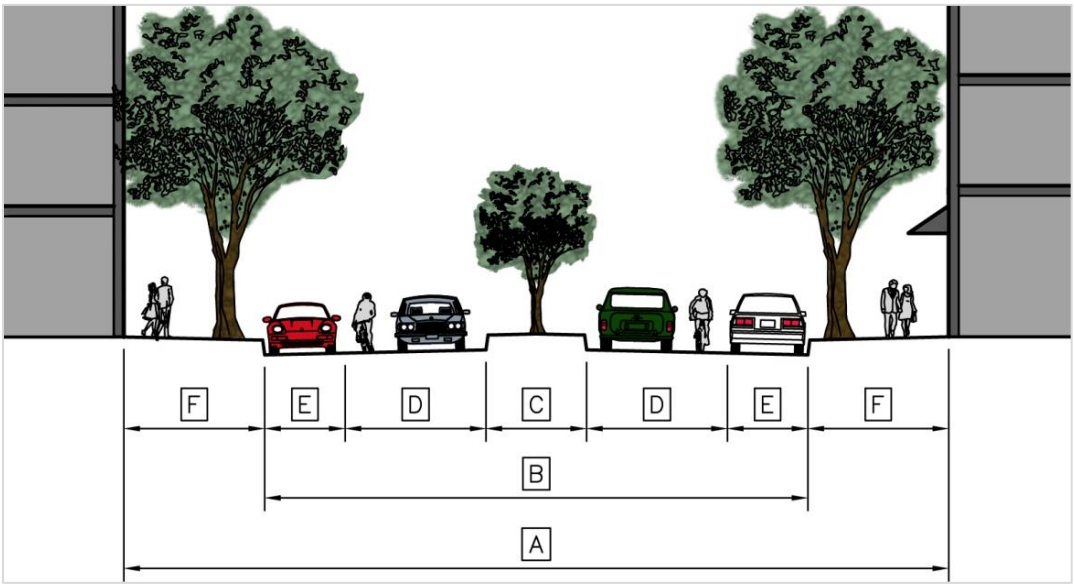
Landscape Standards[1]	
Trees	Every 40' in planting strip
Plants	-
Street Lighting	Required
Street Furniture Standards[2]	
Benches	Encouraged
Trash Receptacles	Encouraged
Bike Racks	-
Planters	Encouraged
News Stands	-
Public Art	-
Sidewalk Cafes/Dining	-
Sidewalk Displays	-

Notes

[1]See Section 165-29.2.C. for details.

[2]See Section 165-29.2.E for details.

(8) Boulevard



Street Design		
Design Speed	25-30 mph	
Right-of-Way	82'	**A**
Cartway Width	54'	**B**
Median	10'	**C**
Shared Travel/Bike Lanes	14'	**D**
Parking Lanes	8'	**E**
Sidewalk	14'	**F**

Landscape Standards[1]	
Trees	Every 40' in grates
Plants	Low maintenance mixture
Street Lighting	Required
Street Furniture Standards[2]	
Benches	1 per 100 linear feet
Trash Receptacles	1 per 200 linear feet
Bike Racks	1 per 200 linear feet
Planters	Encouraged
News Stands	Encouraged
Public Art	Encouraged
Sidewalk Cafes/Dining	Encouraged
Sidewalk Displays	Encouraged

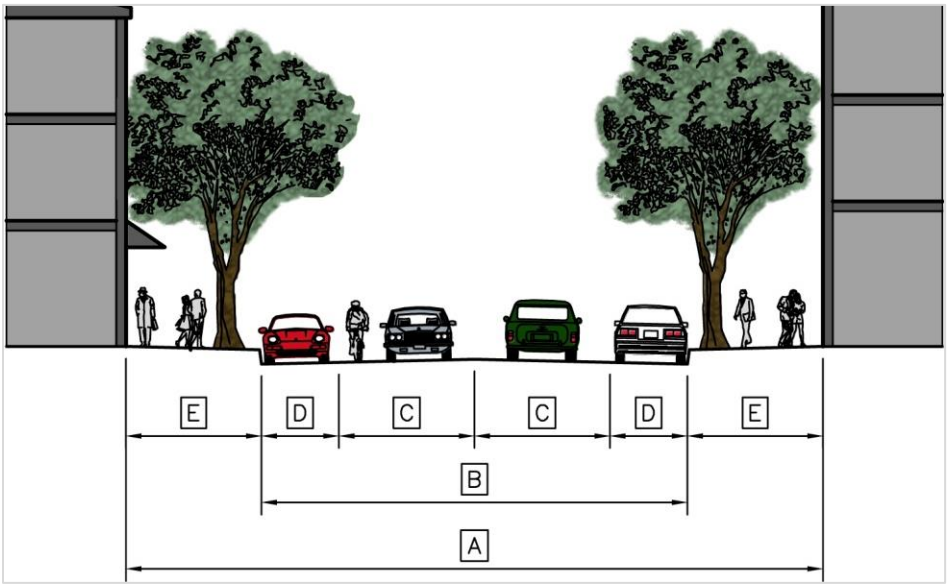
Notes

[1]See Section 165-29.2.C. for details.

[2]See Section 165-29.2.E for details.

* Must maintain minimum 5' clearance for circulation.

(9) Center Street



Street Design		
Design Speed	25-30 mph	
Right-of-Way	72'	**A**
Cartway Width	44'	**B**
Median	None	
Shared Travel/Bike Lanes	14'	**C**
Parking Lanes	8'	**D**
Planting Strip	None	
Sidewalk	14'	**E**

Landscape Standards[1]	
Trees	Every 40' in grate
Plants	-
Street Lighting	Required

Street Furniture Standards[2]	
Benches	1 per 100 linear feet
Trash Receptacles	1 per 200 linear feet
Bike Racks	1 per 200 linear feet
Planters	Encouraged
News Stands	Encouraged
Public Art	Encouraged
Sidewalk Cafes/Dining	Encouraged
Sidewalk Displays	Encouraged

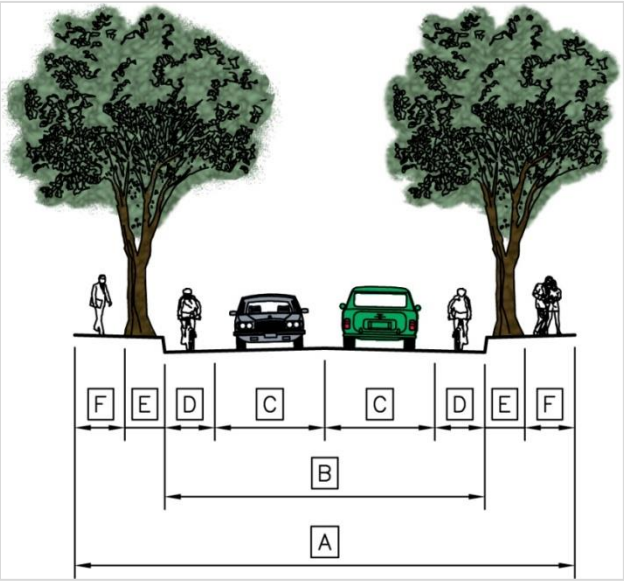
Notes

[1]See Section 165-29.2.C. for details.

[2]See Section 165-29.2.E for details.

* Must maintain minimum 5' clearance for circulation.

(10) Hagen Road and Gravel Hole Road



Street Design		
Design Speed	25-35 mph	
Right-of-Way*	50'	**A**
Cartway Width	32'	**B**
Median	-	
Travel Lanes	11'	**C**
Bike Lanes	5'	**D**
Parking Lanes	-	
Planting Strip	4'	**E**
Sidewalk	5'	**F**

Notes

* Note that Gravel Hole's right-of-way is 54'; therefore the planting strip would be 6' wide instead of 4' wide. Additionally, Gravel Hole's right-of-way shrinks at its eastern

Landscape Standards[1]	
Trees	Every 40' in planting strip
Plants	-
Street Lighting	Required

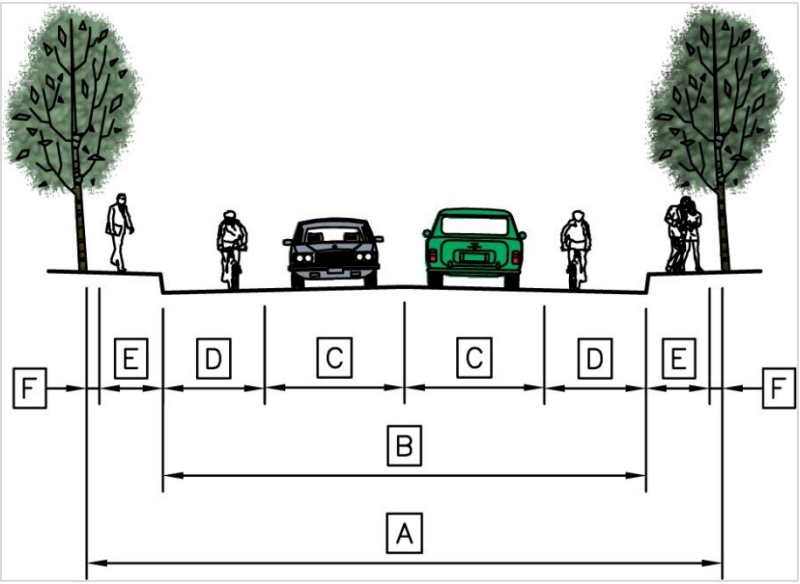
Street Furniture Standards[2]	
Benches	-
Trash Receptacles	-
Bike Racks	-
Planters	-
News Stands	-
Public Art	-
Sidewalk Cafes/Dining	-
Sidewalk Displays	-

Notes

[1]See Section 165-29.2.C. for details.

[2]See Section 165-29.2.E for details.

(11) County Road 550 (Woodbine Boulevard) and 657 (Courthouse Dennisville Road)



Street Design		
Design Speed	25-35 mph	
Right-of-Way*	50'	**A**
Cartway Width	38'	**B**
Median	-	
Travel Lanes	11'	**C**
Shared Shoulder/Bike Lanes	8'	**D**
Parking Lanes	-	
Sidewalk	5'	**E**
Planting Strip*	1'	**F**

Notes

*Right-of-way is 50', but proposed street dimension requires easements.

** Planting Strip will require a 3' construction easement. Trees to be planted 1' from right-of-way line.

Landscape Standards[1]	
Trees	Every 40' in easement
Plants	-
Street Lighting	Required

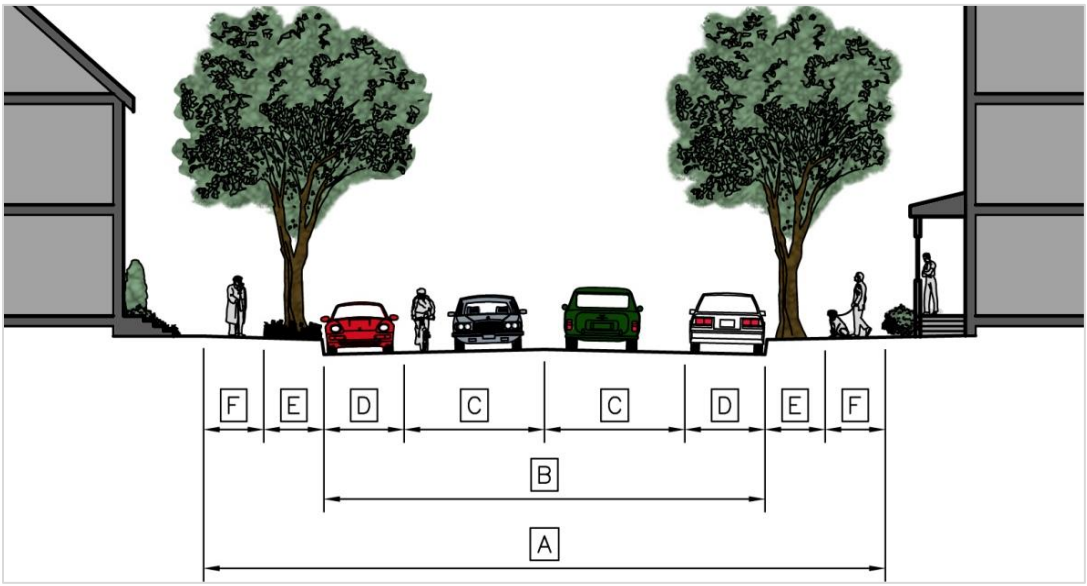
Street Furniture Standards[2]	
Benches	-
Trash Receptacles	-
Bike Racks	-
Planters	-
News Stands	-
Public Art	-
Sidewalk Cafes/Dining	-
Sidewalk Displays	-

Notes

[1]See Section 165-29.2.C. for details.

[2]See Section 165-29.2.E for details.

(12) Residential Street



Street Design		
Design Speed	25-30 mph	
Right-of-Way	66'	**A**
Cartway Width	44'	**B**
Median	-	
Shared Travel/Bike Lanes	14'	**C**
Parking Lanes	8'	**D**
Planting Strip	6'	**E**
Sidewalk	5'	**F**

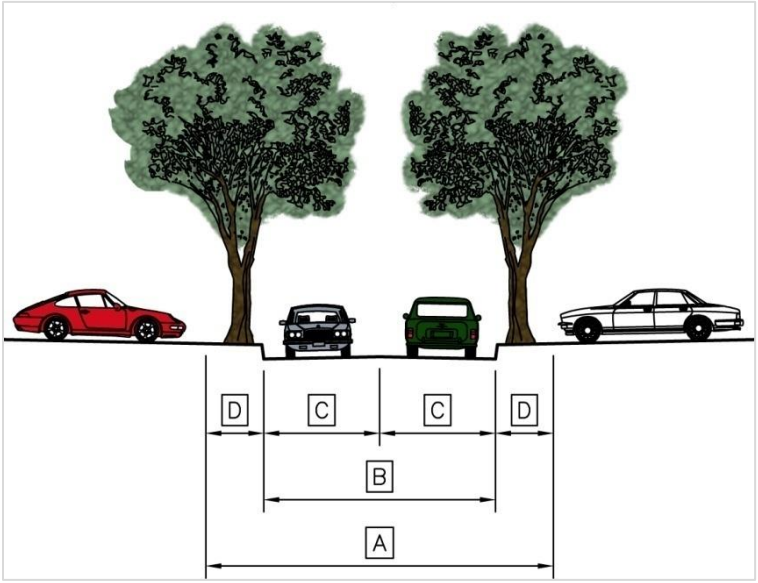
Landscape Standards[1]	
Trees	Every 40' in planting strip
Plants	Low maintenance mixture
Street Lighting	Required
Street Furniture Standards[2]	
Benches	-
Trash Receptacles	-
Bike Racks	-
Planters	-
News Stands	-
Public Art	-
Sidewalk Cafes/Dining	Not Permitted
Sidewalk Displays	Not Permitted

Notes

[1]See Section 165-29.2.C. for details.

[2]See Section 165-29.2.E for details.

(13) Mixed-Use Alley



Street Design		
Design Speed	20 mph	
Right-of-Way	36'	**A**
Cartway Width	24'	**B**
Travel Lanes	12'	**C**
Planting Strip	6'	**D**

Landscape Standards[1]	
Trees	Every 40' in planting strip
Plants	Low maintenance mixture*
Street Lighting	Required

Street Furniture Standards[2]	
Benches	-
Trash Receptacles	-
Bike Racks	-
Planters	-
News Stands	-
Public Art	-
Sidewalk Cafes/Dining	-
Sidewalk Displays	-

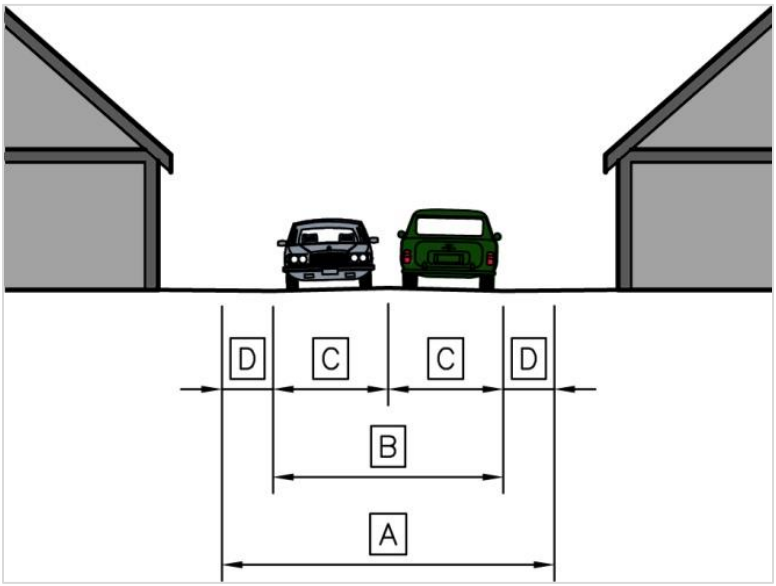
Notes

[1]See Section 165-29.2.C. for details.

[2]See Section 165-29.2.E for details.

*Shall provide shrubs for screening of parking, no higher than 4.5'.

(14) Residential Alley



Street Design		
Design Speed	20 mph	
Right-of-Way	28'	**A**
Cartway Width	20'	**B**
Travel Lanes	10'	**C**
Apron	4'	**D**

(15) Other Streets

(a) There are a number of other existing streets within the VC, VR, CR, CVC, CVR, OVR, OVCC, OVC and OVCR Districts. These remaining streets have very little potential of change and will most likely only see limited infill development over time. Therefore, general characteristics have been laid out for these streets should grant money become available for the installation of bikeway, planting strips or sidewalks in the future. There are required components and encouraged components should enough right-of-way exist to make these components feasible:

STANDARDS FOR OTHER STREETS WITHIN THE CENTERS				
	Non-residential Area		Residential Area	
Travel Lane	12'	Required	10' to 12'	Required
Shared Shoulder	8'	Encouraged	-	Not Recommended
On-Street Parking	Min. 8'	Encouraged	Min. 8'	Encouraged
Bikeway	Min. 5'	Encouraged	Min. 5'	Not Recommended
Planting Strip	Min. 3'	Encouraged	Min. 3'	Encouraged
Sidewalk	Min. 4'	Encouraged	Min. 4'	Encouraged

C. Landscape Standards.

(1) All street trees shall be planted at least two point five (2.5) feet from the curb face.

(2) Trees required to be planted in planting beds shall be planted in a bed measuring a minimum of four (4) feet by eight (8) feet. Tress in planting beds shall be supplemented by native, low-maintenance plants.

(3) Trees required to be planted I grates shall be planted in a grate measuring a minimum of five (5) feet by five (5) feet. Said tress shall be planted in structural soil. Structural soil material is designed as follows. The three (3) components of the structural soil are mixed in the following properties by weight: crushed stone – one hundred (100), clay loam – twenty (20), hydrogel – 0.03. Total moisture at mixing should be ten percent (10%) (AASHTO T-99 optimum moisture).

(4) Trees shall be planted at a minimum size of two point five (2.5) to three (3) inch caliper, bound and burlapped.

(5) Acceptable street trees include:

(a)	Acer campestre	Hedge Maple
(b)	Acer rubrum "Armstrong"	"Armstrong" Columnar Red Maple
(c)	Acer rubrum October Glory	October Glory Red Maple
(d)	Acer saccharum Bonfire	Bonfire Sugar Maple
(e)	Acer saccharum Goldspire	Goldspire Sugar Maple
(f)	Acer saccharum Green Mountain	Green Mountain Sugar Maple
(g)	Fraxinus americana Autumn Purple	Autumn Purple White Ash
(h)	Fraxinus americana Greenspire	Greenspire White Ash
(i)	Fraxinus pennsylvania "Patmore"	"Patmore" Green Ash
(j)	Nyssa sylvatica	Black Gum or Sour Gum
(k)	Platanus acerifolia "Bloodgood"	"Bloodgood" London Planetree
(l)	Platanus occidentalis	Sycamore
(m)	Quercus bicolor	Swamp White Oak
(n)	Quercus imbricara	Shingle Oak
(o)	Quercus palustris	Pin Oak
(p)	Quercus phellos	Willow Oak
(q)	Taxodium distichum	Baldcypress
(r)	Tilia americana "Redmond"	"Redmond" Linden
(s)	Tilia cordata Greenspire	Greenspire Littleleaf Linden
(t)	Tilia tomentosa Green Mountain	Green Mountain Silver Linden
(u)	Ulmus americana "Princeton"	"Princeton" Elm
(v)	Zelkova serrata "Halka"	"Halka" Zelkova
(w)	Zelkova Serrata	Serrata Zelkova

D. Lighting Standards.

(1) Street lighting shall be no more than fifteen (15) feet in height.

(2) Street lighting fixtures shall be full cut off.

(3) Lighting shall provide a maintained average in the OVCC, OVC and CVC District of one-half (0.5) foot-candle over the sidewalks and maintained average of one (1.0) foot-candle over the street. In the OVCR and CVR District, street lighting shall provide a maintained average of point three (0.3) foot-candles over the sidewalks and one (1) foot-candle at intersections.

E. Street Furniture Standards.

(1) Benches should be located close to street trees so that they benefit from summertime shading.

(2) Trash receptacles shall be off sufficient size and regularly emptied.

(3) Bike racks shall be placed so that the bike is parallel to the street (long side parallel to the street).

(4) Where installed, newspaper stands shall be grouped to avoid cluttering the sidewalk.

(5) All street furniture must maintain a five (5) foot minimum clearance area for safe circulation.

F.

§ 165-30. Street name and traffic control signs.

A. There shall be two (2) metal street name signposts of steel installed at each street intersection and at such places as noted below. The post shall be two and one-half (2 1/2) inches in diameter and not less than twelve (12) feet in length. The post shall be set in concrete having a diameter of one (1) foot and a depth of at least three (3) feet in the ground. The street signs shall be metal and conform to existing signs as approved by the Township Engineer. Street name signs shall be placed:

(1) At street intersections.

(2) When two (2) roads intersecting at right angles are connected by a curve.

(3) At the peak of the curve connecting two (2) parallel streets when the length of the streets exceeds the length of a loop.

B. Where traffic control signs are deemed necessary by the Planning Board, subdivider or Township Engineer for township, county or state highways, the proper township, county or state official shall be informed of the proposed installation in order that the proper agency may consider the necessity of the installation at its own expense.

C. All street name and traffic control signs shall be installed free of visual obstruction.

§ 165-31. Curbs, gutters and catch basins.

A. Zoning requirements. **[Amended 10-10-1977 by Ord. No. 77-45]**

(1) Curbs, gutters and catch basins shall be installed in the following zoning districts as established in the Dennis Township Zoning Ordinance:

VR Village Residential
VC Village Commercial
B Business
OVCC Ocean View Center Core

OVC Ocean View Center

OVCR Ocean View Center Residential

CVC Clermont Village Commercial

CVR Clermont Village Residential

CR Clermont Residential

OVR Ocean View Residential

(2) Catch basins may be required in R-3 (Rural Single-Family Residential) Zoning Districts as established in the Dennis Township Zoning Ordinance at the discretion of the Dennis Township Planning Board upon the advice of the Dennis Township Engineer after his review of the subdivision application as submitted.

B. Curbs, gutters and catch basins shall be adequate to handle the maximum water runoff from tributary lands.

C. The following type of curb shall be constructed:

(1) Concrete walls shall be eight (8) inches wide at their base and not less than six (6) inches wide at their top.

(2) Their height shall not be less than eighteen (18) inches, constructed to show a vertical face above the roadway pavement of six (6) inches.

(3) They shall be constructed by use of metal forms true to line and grade.

(4) Open joints shall be provided at intervals of ten (10) feet and one-half (1/2) inch bituminous expansion joints every twenty (20) feet.

(5) Block corners and curves shall be constructed on a true radius; straight forms will not be permitted.

D. Concrete gutters not constructed integral with the curb shall be constructed against the existing concrete wall-type curb and shall have a width of not less than eighteen (18) inches and a depth of not less than eight (8) inches.

E. Combination concrete curbs and gutters shall be constructed on a base of sand, cinders or broken stone six (6) inches in depth and extending twelve (12) inches beyond the rear face of the curb and twelve (12) inches beyond the face of the curb. The dimensions shall be a total width of thirty (30) inches for curbs and gutters. The dimensions of the particular parts shall be as follows:

(1) The top of the curb shall be six (6) inches in width; the rear face of the curb shall be twelve (12) inches; at the gutter elevation the width of the curb shall be seven (7) inches; the curb face at the gutter shall be six (6) inches in depth; and the gutter at street face shall be six (6) inches in depth.

(2) All exposed edges shall be rounded with a radius of three-fourths (3/4) to one (1) inch.

(3) Transverse joints shall be one-half (1/2) inch wide and shall be installed every twenty (20) feet.

(4) Joints are to be filled with cellular compression material as specified and shall be recessed one-fourth (1/4) inch from face and top of curb.

(5) Joints in the gutters shall be filled with premoulded bituminous joint filler one-half (1/2) inch thick, recessed one-half (1/2) inch from top of gutter and sealed as specified.

F. The concrete to be used for curbs and gutters shall be Class B concrete as specified in the New Jersey State Highway Specifications for Curbs and Gutters.

G. The curb shall be laid in a workmanlike manner as directed and approved by the Township Engineer.

H. The curb at all delivery openings shall be depressed at the front of the curb to a point one and one-half (1 1/2) inches above the finished pavement.

I. The rear top corner of this curb shall have a radius of one-fourth (l/4) inch, and the front top corner shall have a radius of one and one-half (1 1/2) inches.

J. Curb openings shall be in such width as shall be determined by the Township Engineer but in no case more than fifteen (15) feet at the edge of the pavement.

§ 165-32. Sidewalks.

A. Sidewalks may be required to be provided in the following zones in accordance with the standards under Section 165-29.2 and in the R-3 Rural Single-Family Residential.

B. Where required, sidewalks shall be four (4) feet wide and located within the street right-of-way four (4) feet from the curb face or as defined in Section 165-29.2B.

C. The street right-of-way outside the cartway shall be graded to produce a slope of one-fourth (1/4) inch per foot, sloping towards the cartway. This slope shall also be applied to the sidewalks.

§ 165-33. Topsoil.

No topsoil shall be removed from areas intended for lawn or open space. Topsoil moved during the course of construction shall be redistributed within the subdivision so as to provide at least four (4) inches of cover to all areas of the subdivision and shall be stabilized by seeding or planting.

§ 165-34. Monuments.

Monuments shall be installed in compliance with the requirements of N.J.S.A. 46:23.9.11q (9).

§ 165-35. Drainage system.

A. A preliminary grading and drainage system plan shall be part of the preliminary plat. It shall indicate, in accordance with the requirements of Subsection B hereof, a proposal for an adequate system of drainage structures to carry off and store or discharge the stormwater runoff and natural drainage water which originates not only within the property boundaries but also that which originates beyond property boundaries. **[Amended 8-9-1982 by Ord. No. 82-96]**

B. **[Amended 8-9-1982 by Ord. No. 82-96]** Within the Pinelands Area, all development shall comply with the stormwater management standards of Chapter 163, Article II.

C. **[Added 4-24-1989 by Ord. No. 89-168]** Within the Pinelands Area, all development shall comply with the water quality standards of Section 185-58 of Chapter 185, Zoning.

D. Drainage structures which are located on state or county highway rights-of-way shall be approved by the State or County Highway Engineer's office, and a letter from that office indicating such approval shall be directed to the Chairman of the Planning Board and shall be received prior to the final plat approval. Drainage structures proposed on a brook or stream with a drainage area of one-half (1/2) square mile [three hundred twenty (320) acres] or greater shall be approved by the New Jersey Division of Water Policy and Supply, and a letter from that office shall be directed to the Planning Board Chairman. Within the Pinelands Area, the location of drainage structures near stream corridors shall adhere to the provisions of Article IV, District Regulations, of Chapter 185, Zoning. **[Amended 8-9-1982 by Ord. No. 82-96]**

E. The public improvement and utility plans and profiles shall show the final drainage plan and street profiles. They shall be prepared and submitted with the final plat after the approval of the preliminary plat and drainage plan.

F. No stormwater runoff or natural drainage water shall be so diverted as to overload existing drainage systems or create flooding or the need for additional drainage structures on other private properties or public lands without proper and approved provisions being made for taking care of these conditions.

G. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided drainage rights-of-way conforming substantially to the lines of such watercourse or the enlarged right-of-way considered necessary to handle expected stormwater runoff in the future based on reasonable growth potential in the township. This shall be offered for dedication to the township for drainage purposes. Such rights-of-way shall be shown on the drainage plan and shall be of sufficient width to include a fifteen-foot access strip beyond the bank top on at least one (1) side for access to the drainage right-of-way.

H. Land subject to periodic or occasional flooding shall not be plotted for residential occupancy nor for any other use which may endanger life or property or aggravate the flood hazard.

I. These drains or culverts shall consist of sections of cast-iron reinforced concrete pipe or asbestos-cement storm pipe. All pipe shall comply with the requirements of the current New Jersey State Highway Department Specifications governing materials.

J. The location, length, depth, grade, type and size of pipe shall be installed as indicated on the approved plans except where unusual or exceptional soil or other conditions are discovered at the time of construction which are not provided for in the plans, in which case such construction shall be determined by the Township Engineer. Trenches shall be bridged at all street crossings, intersecting streets and public and private entrances in such a manner that traffic will not be interrupted.

K. The contractor shall have a sufficient quantity of timber and equipment constantly on hand for planking, sheet piling, fencing or shoring and adequate pumping apparatus to meet all requirements of construction for use in case of accident or emergency.

§ 165-36. Public utilities.

A. All public water, fire hydrants, storm sewer and sanitary sewer mains should be installed in accordance with the specifications of the governmental authority or district which has jurisdiction in the area.

B. In large-scale developments, 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 and municipal departments concerned.

C. A letter approving such a proposed installation and a statement as to who will carry out the construction, signed by a responsible official of the utility company or governmental authority or district which has jurisdiction in the area, shall be directed to the Chairman of the Planning Board and shall be received prior to the final plat approval.

D. For all major subdivisions, the applicant shall arrange with the serving utility for electricity and telephone 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 part of its tariff as the same are on file with the State of New Jersey Board of Public Utility Commissioners and shall submit to 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, however, that lots in such subdivisions which abut existing streets where overhead electric or telephone distribution supply lines have theretofore been installed on any portion of the street involved may be supplied with electric and telephone service from such overhead lines, but the service connections from the utilities' overhead lines shall be installed underground.

E. An installation under this section to be performed by a serving utility shall be exempt from the provisions of Article VII requiring performance guaranties and inspection and certification by the Township Engineer. Where natural foliage is not sufficient to provide year-round screening of any utility apparatus appearing above ground, the applicant shall provide sufficient live screening to conceal such apparatus year-round. On any lot where, by reason of soil conditions, rock formations, wooded area or other special condition of the land, the applicant deems it a hardship to comply with the provisions of this subsection, the applicant may apply to the Planning Board for an exception from the terms of this subsection, in accordance with the procedure and provisions of § 165-6 this chapter.

§ 165-37. Natural features and public lands. [Amended 12-10-1990 by Ord. No. 90-205]

A. Natural features, such as trees, hilltops and views, natural terrain and natural drainage lines shall be preserved whenever possible in designing any subdivision containing such features. Open waters shall be recognized as community assets.

B. A conscious effort shall be made to preserve all worthwhile trees and shrubs which exist on site. On individual lots or parcels, care shall be taken to preserve selected trees to enhance the landscape treatment of the development.

(1) All development within the township shall be designed to avoid irreversible adverse impacts on the survival of populations of threatened or endangered plants as listed on the Tree Register.

(2) Where feasible and appropriate, buffer areas surrounding proposed development shall be revegetated with equivalent numbers of plantings as listed on the Natural Revegetation List. A planting schedule shall be provided for these plants for review and approval by the Board.

(3) Where possible, existing cleared areas shall be used for improvements, thereby reducing the amount of clearing required on a site.

(4) Areas that are cleared during construction but which will not contain permanent improvements shall be limited and shall be revegetated with natural vegetation as indicated on the Natural Revegetation List.

(5) Where appropriate, revegetation of existing on-site open areas shall be required if more than twenty-five percent (25%) of a tract is cleared.

(6) Clearing standards.

(a) The clearing of trees from proposed building sites is permitted within fifteen (15) feet of a building foundation. Selective clearing of other than mature trees is permitted within thirty (30) feet of a building foundation. Clearing may extend into side and rear yard setbacks; however, a natural buffer a minimum of twenty (20) feet in width shall be maintained between the edge of clearing and the side or rear property line.

(b) Subdivisions which locate new road rights-of-way may call for the removal of trees from within fifteen (15) feet of each side of the planned paved surface.

(7) Within the Pinelands Area portion of the township, development shall be done in accordance with the Pinelands Area development procedures and standards § 185-54, Clearing of vegetation; landscaping, and §185-61, Fire management, of the Township Code. **[Added 3-28-1994 by Ord. No. 94-260]**

§ 165-38. Land uses and community facilities.

A. Proposed land uses shall conform to the Zoning Ordinance of the township, the Master Plan, the Official Map and the provisions of this chapter.

B. Subdivision designs shall indicate consideration for suitable protection of different types of land uses and the segregation of vehicular and pedestrian traffic incompatible with particular uses.

C. Where a proposed park, playground, school or other public use shown in the Master Plan is located in whole or in part in a subdivision or development, such use may be required to be reserved within the subdivision or land development in accordance with current state statutes.

§ 165-39. Streetlighting.

Streetlighting standards of a type supplied by the utility and of a type and number approved by the Township Engineer may be required to be installed at street intersections and along arterial, primary and secondary collector streets. Wherever this chapter requires the installation of electric utility installations underground, the applicant shall provide for the installation of underground service for streetlighting.

§ 165-40. Water supply.

A. The owner shall construct water mains in such a manner as to make adequate water service available to each lot or dwelling unit within the subdivision or development. The entire system shall be designed in accordance with the requirements and standards of the land and/or state agency having approval authority and shall be subject to their approval.

B. The system shall also be designed with adequate capacity and sustained pressure.

C. Where no public water is accessible, water shall be furnished by the subdivider on an individual-lot basis. Water supply systems shall be constructed in accords with Chapter 199 of the Laws of 1954, and the New Jersey Department of Environmental Protection's standards for the Construction of Water Supply Systems for Realty Improvements (revised 1966).

§ 165-41. Sanitary sewers and septic systems.

A. The owner shall construct sanitary sewers in such a manner as to make adequate sanitary sewage treatment available to each lot within the subdivision.

B. The entire system shall be designed in accordance with the requirements of the New Jersey Department of Environmental Protection and shall be subject to its approval. [Amended 8-9-1982 by Ord. No. 82-96]

C. If, at the time of final approval, public sanitary facilities are not available to the subdivision or land development but will become available within a period of five (5) years from the date of recording, the owner shall be required to install or cause to be installed at his expense, sanitary sewers and sewer laterals to the street line in accordance with the requirements and standards of the New Jersey Department of Environmental Protection and shall cap all laterals. Review and approval by the New Jersey Department of Environmental Protection shall be required. [Amended 8-9-1982 by Ord. No. 82-96]

D. If public sewage treatment facilities are not available, the owner shall provide for on-lot sewage disposal according to the rules, regulations, terms, definitions and conditions of the State Department of Environmental Protection and of the Zoning Ordinance. [Amended 8-9-1982 by Ord. No. 82-96]

E. If any portion of the proposed subdivision has an elevation of ten (10) feet or less above the mean sea level, the applicant shall submit the plans of the proposed sewage facilities to the New Jersey Department of Environmental Protection, Bureau of Water Pollution Control, for its review and comments. No building permit shall be issued for construction until the Planning Board Chairman has received approval of the proposed sewage facility from the New Jersey Department of Environmental Protection. Note: Areas upon which fill has been placed shall be considered on the basis of their original contours as determined from previous surveys, where possible, or United States Geological Survey Topographic Maps.

ARTICLE VII Performance Guaranty; Inspections; Certificate of Occupancy

§ 165-42. Purpose of guaranty; estimate.

A. No final plat shall be approved by the Planning Board until the satisfactory completion and performance of all such required improvements have been certified to the Planning Board by the Township Engineer, unless the subdivision owner shall have filed with the municipality a performance guaranty sufficient in amount to cover the cost of all such improvements in uncompleted portions thereof as estimated by the Township Engineer and assuring the installation of such uncompleted improvements on or before an agreed date provided that the agreed date shall in no case exceed three (3) years from the initial filing of the performance guaranty with the township.

B. A performance guaranty estimate shall be prepared by the Township Engineer setting forth all requirements for improvements as fixed by the Planning Board and their estimated cost. The governing body shall pass a resolution either approving or adjusting this performance guaranty estimate and resolution to the subdivider for use in obtaining and posting a performance guaranty.

C. The approved performance guaranty estimate shall fix the requirements of maintenance of the utilities and improvements to be installed and completed by the subdivider. A surety company or cash bond meeting the requirements hereinabove set forth may be furnished to secure the maintenance guaranty, or the performance bond may be styled or amended to provide such security in reduced amount in keeping with the requirements.

§ 165-43. Approval of guaranty by Township Attorney.

A. The subdivider shall present two (2) copies of the performance guaranty in an amount equal to the amount of the approved performance guaranty estimate for approval as to form and execution by the Township Attorney.

B. The Township Attorney shall notify the Secretary of the Planning Board prior to the Planning Board meeting that the performance guaranty is properly executed and can be added to the agenda.

§ 165-44. Bonding and cash requirements.

A. The performance guaranty shall be the approved performance guaranty estimate; and, as surety, a performance bond in which the subdivider shall be principal, the bond to be provided by an acceptable surety company licensed to do business in the State of New Jersey, or cash or a certified check shall be deposited with the Township of Dennis by payment to the Township Treasurer. The Township Treasurer shall issue its receipt for such cash deposits and shall cause the same to be deposited in a bank named by and at the risk of the subdivider in the name of the Township of Dennis to be retained as security for completion of all requirements and to be returned to the subdivider on completion of all required work and expiration of the period of maintenance guaranty or, in the event of default on the part of the subdivider, to be used by the Township of Dennis to pay the cost and expense of obtaining completion of all requirements. Every bond, whether cash or surety, shall contain a clause to the effect that a determination by the Township Engineer that the principal has defaulted in the performance of his obligation shall be binding and conclusive upon the surety and the principal.

B. Ten percent (10%) of the amount of the approved performance guaranty estimate shall be deposited by the subdivider in cash with the Township of Dennis. The remaining ninety percent (90%) may be in cash or surety bond. In the event of default, the ten-percent fund herein mentioned shall be first applied to the completion of the requirements, and the cash or the surety bond shall thereafter be resorted to, if necessary, for the completion of the requirements. The cash or surety bond may recite the foregoing provisions. The Township Engineer's determination that the principal has defaulted in his obligation shall be binding and conclusive upon the principal.

§ 165-45. Inspections.

A. All improvements and utility installations shall be inspected during the time of their installations under the supervision of the Township Engineer to ensure satisfactory completion. The cost of said inspection shall be the responsibility of the subdivider, and he shall deposit with the Township Treasurer for placement in a special trust fund account a sum equal to five percent (5%) of the amount of the performance guaranty estimate of the cost of public improvements to be built in the subdivision to be applied to payment of inspection costs. If inspection costs exceed such fund, the subdivider shall deposit with the Township Treasurer additional sums upon notice from the Township Engineer. The Township Treasurer shall return any balance of the inspection deposit to the subdivider upon expiration of the maintenance bond, together with the paid invoices for all expenses charged. **[Amended 3-20-07 by Ord. No. 2007-03]**

B. In no case shall any paving work, including prime and seal coats, be done without permission from the Township Engineer's office. At least two (2) days' notice shall be given to the Township Engineer's office prior to any such construction, so that he or a qualified representative may be present at the time the work is to be done.

C. The Township Engineer's office shall be notified after each of the following phases of the work has been completed so that he or a qualified representative may inspect the work:

(1) Road subgrade.

(2) Curb and gutter forms.

(3) Curbs and gutters.

(4) Road paving.

(5) Sidewalk forms.

(6) Sidewalks.

(7) Drainage pipes and other drainage structures before backfilling.

(8) Street name signs.

(9) Sanitary sewers and/or septic tanks.

(10) Monuments.

D. A final inspection of all improvements and utilities will be started within ten (10) days of notification by the subdivider to determine whether the work is satisfactory and in agreement with the approved final plat drawings and the township specifications. The general condition of the site shall also be considered. Upon a satisfactory final inspection report, action will be taken to release or declare in default the performance guaranty covering such improvements and utilities.

E. Inspection by the Township of Dennis of the installation of improvements and utilities by the subdivider shall not operate to subject the Township of Dennis to liability for claims, suits or liability of any kind that may at any time arise because of defects or negligence during construction or at any time thereafter, it being recognized that the responsibility to maintain safe conditions at all times during construction and to provide proper utilities and improvements is upon the subdivider and his contractors, if any.

F. After completing the construction of the public improvements covered by the performance guaranty, the subdivider shall prepare a set of the approved public improvement and utility plans and the profiles amended to read "as constructed" and apply to the Township Engineer for final inspection of the work. The Township Engineer shall report to the governing body on the condition of the work and recommended that the performance guaranty be released, extended or declared in default.

§ 165-46. Release of guaranty.

The governing body shall, by resolution, release or declare in default each performance guaranty. Such performance guaranty shall remain in effect until released by the governing body. The amount of the performance guaranty may be reduced by the governing body by resolution when portions of the required improvements have been installed and have been inspected and approved by the Township Engineer; provided, however, that no such reduction shall be approved until the Township Engineer shall have certified the estimated cost of completing any remaining required improvements. If any improvements have not been installed in accordance with the performance guaranty, the obligor and surety shall be liable thereon to the township for the reasonable cost over and above the ten-percent cash deposit on the improvements not installed, and, upon receipt of the proceeds thereof, the township shall install such improvements. The township shall also have all other remedies as may be lawfully available.

§ 165-47. Acceptance of improvements.

The approval of any plat under this chapter by the Planning Board or governing body, or both, shall in no way be construed as acceptance of any street or drainage system or any other improvement required by this chapter, nor shall such plat approval obligate the township in any way to maintain or exercise jurisdiction over such street or drainage system or other improvement. No improvement shall be accepted by the governing body unless and until all of the following conditions have been met:

A. The Township Engineer shall have certified, in writing, that the improvements are complete and that they comply with the requirements of this chapter.

B. The final plat shall have been approved by the Planning Board.

C. The subdivider shall have filed with the governing body a maintenance guaranty in an amount equal to not more than fifteen percent (15%) of the cost of the improvements or the cost of the original installation of the improvements and shall run for a period of two (2) years. The procedures and requirements governing such maintenance guaranty shall be identical with the procedures and requirements for a performance guaranty set forth in § 165-42 of this Article. The requirements for a maintenance guaranty may be waived by the governing body only if the Township Engineer has certified that the improvements have been in continuous use for not less than two (2) years from the date the Township Engineer certified completion of such improvements in accordance with the provisions of Subsection A above and that during this period the subdivider has maintained the improvements in a satisfactory manner.

§ 165-48. Certificate of occupancy.

Occupancy permits will be issued only when the installation of any curb, all utilities, all functioning water supply and sewage treatment facilities, all necessary storm drainage to ensure proper drainage of the lot and surrounding land, rough grading of lots, base course for the driveway and base course for the streets are installed to serve the lot and structure for which the permit is requested. Streets, if installed prior to final approval shall not be paved until all heavy construction is completed; shade trees shall not be planted until all grading and earth moving is completed; and seeding of grass areas shall be the last operation. The issuance of a certificate of occupancy will follow the procedures outlined in the Dennis Township Zoning Ordinance.

ARTICLE VIII Penalty

§ 165-49. Violations and penalties.

A. If, before final subdivision approval has been granted, any person transfers or sells or agrees to transfer or sell except pursuant to an agreement expressly conditioned on final subdivision approval, as owner or agent, any land which forms a part of a subdivision for which municipal approval is required by ordinance pursuant to this chapter, such person shall be subject to a penalty not to exceed one thousand dollars ($1,000.); and each lot disposition so made may be deemed a separate violation. [Amended 1-31-1977 by Ord. No. 77-34]

B. [Amended 1-31-1977 by Ord. No. 77-34] In addition to the foregoing, 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 a contract or 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. 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.

§ 165-50. Reserved.

ARTICLE IX Site Plan Review

[Added 8-12-96 by Ord. No. 96-12;
Amended 11-12-96 by Ord. No. 96-17]

§ 165-51. General provisions.

A. Except as hereinafter provided, no building permit shall be issued for any structure until a site plan has been reviewed and approved by the Township of Dennis, except that:

(1) A building permit for a single-family detached dwelling unit and its accessory building(s) on a lot, including customary accessory buildings incidental to farms including farm markets shall not require site plan approval.

(2) Any addition or alteration to an existing conforming nonresidential structure which does not account for more than ten percent (10%) additional building coverage shall not require site plan approval if, in the opinion of the Zoning Officer, such addition or alteration will not create nuisance problems to adjacent land uses.

B. No certificate of occupancy shall be issued until all terms of the approved site plan have been met.

C. The owner or applicant shall submit seventeen (17) sets of plans to the administrative officer at least ten (10) days but not more than fourteen (14) days prior to the meeting at which discussion is desired, together with seventeen (17) completed copies of the application form. The administrative officer shall immediately forward the plans to the Zoning Officer, who shall preliminarily screen the submitted application for completeness of information and forward said application to either the Planning Board or Zoning Board of Adjustment in accordance with the respective Board's authorities as stipulated in Article IX of this chapter. Should action by both the Planning Board and Zoning Board of Adjustment be required, the application shall be forwarded first to the Zoning Board of Adjustment for variance action and then to the Planning Board for site plan review if and when the Zoning Board of Adjustment has granted approval to the elements of the plan under its authority. **[Amended 3-20-07 by Ord. No. 2007-03]**

D. Should the submitted plans be deemed incomplete by either the Zoning Officer, Planning Board or Zoning Board of Adjustment, as the case may be, the developer shall be notified within forty-five (45) days of the submission and may thereafter submit an appropriately revised application to the administrative officer as in the original case.

E. The applicant shall submit one (1) copy of the application form plus two (2) copies of the site plan and all supporting documents and data to the County Planning Board for its review and action in conformity with the adopted Cape May County Site Plan Review Resolution. The County Planning Board shall have thirty (30) days from the receipt of the site plan to report to the township. In the event of disapproval, such report shall state the specific reasons therefor. If the County Planning Board fails to report to the township within the thirty (30) day period, said site plan shall be deemed to be approved by the County Planning Board. Upon mutual agreement between the County Planning Board and the township, with approval of the applicant, the thirty (30) day period may be extended for an additional thirty (30) day period; however, any such extension shall not extend the time within which the township is required to act.

§ 165-52. Powers of Planning Board.

A. The Planning Board shall have the power to review and approve or deny conditional uses or site plans simultaneously with review for subdivision approval without the developer being required to make further application. The longest time period for action by the Planning Board, whether it is for subdivision, conditional use or site plan approval, shall apply. Whenever approval of a conditional use is requested by a developer pursuant to this section, public notice shall be required in accordance with Section 165-57 of this chapter.

B. The Planning Board shall have the power to act in lieu of the Board of Adjustment and subject to the same extent and restrictions as the Board of Adjustment on the following matters. Whenever approval is requested by a developer pursuant to this section, public notice shall be required in accordance with Section 165-57 of this Chapter. The Planning Board shall have the power to:

(1) Grant variances, pursuant to N.J.S.A. 40:55D-60c from lot area, lot dimension, setback and yard requirements, provided that relief pursuant to this subsection from lot area requirements shall not be granted for more than one (1) lot.

(2) Direct, pursuant to N.J.S.A. 40:55D-34, the issuance of a permit for a building or structure in the bed of a mapped street or public drainageway, flood-control basin or public area reserved pursuant to N.J.S.A. 40:55D-32.

(3) Direct, pursuant to N.J.S.A. 40:55D-36, the issuance of a permit for a building or structure not related to a street.

§ 165-53. Powers of Zoning Board of Adjustment.

The Board of Adjustment shall have the power to grant site plan approval to the same extent and subject to the same restrictions as the Planning Board when reviewing an application for approval of a use variance pursuant to the Zoning Chapter.

§ 165-54. Preliminary approval.

A. Procedure.

(1) The Planning Board or Zoning Board of Adjustment, as the case may be, shall review the proposal, determine whether or not the applicable standards provided by this article and the Zoning Chapter have been observed, note objections to such parts of the plans as do not meet the standards, make corrections and recommendations for desired changes to effect compliance and be satisfied that the site plan represents the most desirable alternative for development of the site in compliance with this article and the Zoning Chapter and, when satisfied that the site plan complies with the requirements of those requirements, shall grant preliminary approval.

(2) Upon the submission of a complete application for a site plan for ten (10) acres of land or less, the Planning Board shall grant or deny preliminary approval within forty-five (45) days of the date of such submission, or within such further time as may be consented to by the developer. Upon the submission of a complete application for a site plan of more than ten (10) acres or whenever an application includes a request for relief pursuant to Section 165-52 of this article, the Planning Board shall grant or deny preliminary approval within ninety- five (95) days of the date of such submission, or within such further time as may be consented to by the developer. Otherwise, the Planning Board shall be deemed to have granted preliminary approval of the site plan.

(3) Upon the submission of a complete application for a site plan, the Zoning Board of Adjustment shall grant or deny preliminary approval within one hundred twenty (120) days of the date of such submission or within such further time as may be consented to by the developer.

(4) The Planning Board or Zoning Board of Adjustment, as the case may be, shall have the power to grant such exceptions from the requirements for site plan approval as may be reasonable if the literal enforcement of one (1) or more provisions of this article or the Zoning Chapter is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

(5) Should minor revisions or additions to the plan be deemed necessary, the Planning Board or Zoning Board of Adjustment, as the case may be, may grant preliminary approval subject to specified conditions. Should major revisions to the plan be deemed necessary, the Planning Board or Zoning Board of Adjustment, as the case may be, shall require that an amended plan be submitted and proceeded upon as in the case of the original application for preliminary approval.

B. Details required for preliminary approval.

(1) Each site plan submitted shall be at a scale of one inch equals fifty feet (1" = 50') for a tract up to forty (40) acres in size; one inch equals one hundred feet (1" = 100') for a tract between forty (40) and one hundred fifty (150) acres; and one inch equals two hundred feet (1" = 200') for a tract one hundred fifty (150) acres or more. The various elements of the site plan shall be prepared by the professionals as required in N.J.A.C. 13:40-7.1 through 13:40-7.3, licensed to practice in the State of New Jersey, submitted on one (1) of four (4) of the following standard sheet sizes: eight and one-half by thirteen (8 1/2 by 13) inches, fifteen by twenty-one (15 x 21) inches, twenty- four by thirty-six (24 x 36) inches, thirty by forty-two (30 x 42) inches, and including the following data. [If one (1) sheet is not sufficient to contain the entire territory, the map may be divided into sections to be shown on separate sheets of equal sizes, with references on each sheet to the adjoining sheets.]

(a) A certified outbounds and topographic survey prepared by a land surveyor licensed in the State of New Jersey shall accompany site plans and shall show the boundaries of the parcel, proposed building setback lines, existing and proposed lot lines and the limits of all proposed streets, recreation areas and other property to be dedicated to public use or to common open space.

(b) A North arrow.

(c) The date.

(d) The scale.

(e) The zone district(s) in which the lot(s) is (are) located.

(f) Existing and proposed streets and street names.

(g) Existing contour lines at two-foot intervals inside the tract and within fifty (50) feet of the tract's boundaries and the proposed finished grades on site.

(h) Title of the plans.

(i) Existing and proposed streams and easements.

(j) The total building coverage in acres and percent of lot.

(k) The total number of parking spaces.

(l) All dimensions needed to confirm conformity to the Zoning Chapter, such as but not limited to buildings, lot lines, parking spaces, setbacks and yards.

(m) A key map, taken from the current Zoning Map, giving the general location of the parcel to the remainder of the municipality.

(n) The site in relation to all remaining lands in the applicant's ownership.

(o) A soil erosion and sedimentation control plan pursuant to requirements of N.J.S.A. 4:24-39 et seq.

(2) Each site plan submitted to the township for approval shall have the following information shown thereon or annexed thereto:

(a) The size, height, location and arrangement of all existing and proposed buildings, structures and signs in accordance with the requirements of this article and the Zoning Chapter, including a rendering of a typical building and sign. Such plans shall indicate those buildings to remain, the building design and material(s) to be used, the proposed use(s) and the floor plan(s). The location, arrangement and construction of buildings shall be such as to provide for the maximum conservation of energy and shall, to the extent practical, promote the use of solar energy.

(b) Proposed circulation plans, including access streets, curbs, aisles and lanes, easements, fire lanes, driveways, parking spaces, loading areas, loading berths or docks, pedestrian walks and all related facilities for the movement and storage of goods, vehicles and persons on the site in accordance with applicable requirements of this article and the Zoning Chapter, including the location of lights, lighting standards and signs and driveways within the tract and within one hundred (100) feet of the tract. Sidewalks shall be provided from the primary building entrances and exits along expected paths of pedestrian travel, such as but not limited to access to parking lots, driveways, other buildings on the site and across common yard spaces between buildings where pedestrian traffic can be expected to be concentrated. Plans shall be accompanied by cross sections of streets, aisles, lanes and driveways which shall adhere to applicable requirements of this article and the Zoning Chapter and applicable design standards in the Subdivision Ordinance.

(c) Existing and proposed wooded areas, vegetation types, buffer areas and landscaping. The landscaping plan, including seeded and/or sodded areas, grading, retaining walls, fencing, signs, recreation areas, shrubbery, trees and buffer areas shall be in accordance with applicable requirements of this article and the Zoning Chapter and applicable design standards in the Subdivision Ordinance. These plans shall show the location and type of any man-made improvements and the location, species and caliper of plant material for all planted or landscaped areas. For applications in the Pinelands Area, landscaping plans shall incorporate the elements set forth in Section 185-54.D. of the Zoning Chapter. **[Amended 2-24-97 by Ord. No. 97-01]**

(d) The proposed location of all drainage, sewage and water facilities with proposed grades, sizes, capacities and types of materials to be used, including any drainage easements acquired or required across adjoining properties. The method of sewage and waste disposal and waste incineration, if any, shall be shown, and percolation tests and test borings from sufficient locations on the site to allow a determination of adequacy by the Township Board of Health or Planning/Zoning Board Engineer shall be included where septic tanks and leaching fields are permitted and are proposed. Such plans shall be reviewed by the Board of Health and Planning/Zoning Board Engineer, as applicable, with recommendations to the Board. Proposed lighting facilities shall be included, showing the direction and reflection of the lighting. Whenever possible, the developer shall arrange with the servicing utility for the underground installation of the utilities' distribution and supply lines and service connections. Lots which 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 these overhead lines, but any new service connections from the utilities' overhead lines shall be installed underground whenever possible. In cases where total electrical and telephone load and service cannot be determined in advance, such as industrial parks, shopping centers, etc., perimeter utility poles may be used, but service to building from poles shall be underground whenever possible.

(e) A written description of the proposed operations of the building(s), including:

[1] The number of employees or members of nonresidential buildings.

[2] The proposed number of shifts to be worked and the maximum number of employees on each shift.

[3] Expected truck and tractor-trailer traffic.

[4] The emission of noise, glare, air and water pollution.

[5] Safety hazards.

[6] Anticipated expansion plans incorporated in the building design.

(f) All lands under the control of the State Department of Environmental Protection and included in the Wetlands Act and/or Coastal Area Facility Review Act shall be delineated; and appropriate permits from the Department shall be submitted to the Board prior to the granting of site plan approval. Within the Pinelands Area, all wetlands, as defined in this chapter, shall also be identified.

(g) Within the Pinelands Area, any additional information that may be required pursuant to Section 185-49 of the Zoning Chapter.

(h) For any proposed commercial uses fronting on a state highway, a traffic impact study, to include anticipated traffic volumes, capacity of existing and proposed roadways, traffic volume impact from other sources, roadway network problems (e.g., unsafe intersections, turns and grades), and the need for traffic signals and other improvements. The Board may require similar traffic studies in connection with any proposed development, commercial or residential, that, in the Board's reasonable judgment, raises issues of traffic generation and circulation that affect any of the purposes for which this article or the Zoning Chapter was enacted.

(i) The Board may require an environmental impact study in connection with any site plan application whose environmental impact may, in the Board's reasonable judgment, affect any of the purposes for which this article or the Zoning Chapter was enacted (see §185-41.K.). The impact statement shall include the following information:

[1] An inventory of existing environmental conditions at the project site and the adjacent region which shall describe air quality, water quality and supply, hydrology, soils, topography, vegetation, wildlife, aquatic organisms, demography, land use, aesthetics, history and archeology.

[2] A listing of all licenses, permits or other approvals as required by law and the status of each.

[3] An assessment of the probable impact of the project upon the topics described in paragraph [1] above.

[4] A listing of adverse environmental impacts which cannot be avoided both at the site and in the surrounding region.

[5] Steps taken to minimize adverse impacts during construction and operation.

[6] Alternatives to all or part of the project with reasons for their acceptability or nonacceptability.

[7] Fiscal impact study.

C. Effect of preliminary approval.

(1) Preliminary approval of a site plan shall confer upon the applicant the following rights for a three (3) year period from the date of the preliminary approval:

(a) That the general terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to use requirements; layout and design standards for streets, curbs and sidewalks; lot size; yard dimensions; and off-tract improvements.

(b) That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary site plan.

(c) That the applicant may apply for and the Board may grant extensions on such preliminary approval for additional periods of at least one (1) year, but not to exceed a total extension of two (2) years, provided that if the design standards have been revised by article, such revised standards may govern.

(2) Within the Pinelands Area, the provisions of Section 185-49E of the Zoning Chapter shall be supplemental hereto.

§ 165-55. Final approval.

A. Procedure.

(1) The municipal authority (either the Planning Board or Zoning Board of Adjustment) which acted on the preliminary site plan shall conduct final site plan review.

(2) The Planning Board or Zoning Board of Adjustment, as the case may be, shall review the proposal and consider all applicable standards of this article and the Zoning Chapter, and any conditions of preliminary approval which may have been stipulated and, when satisfied that the site plan represents the most desirable alternative for development of the site in compliance with these requirements shall grant final approval.

(3) Final approval shall be granted or denied within forty-five (45) days after submission of a complete application, or within such further time as may be consented to by the applicant. Failure of either Board to act within the period prescribed shall constitute final approval.

(4) No building permit shall be issued by the Construction Official for any structure until the final site plan has been reviewed and approved by the township and until receipt of a written report from the Planning Board or Zoning Board of Adjustment, as the case may be, or the expiration of the forty-five (45) day time period, whichever comes first. If no report is received during the specified time period, the Construction Official may thereupon issue the permit. In the event that the plan is disapproved, no building permit shall be issued.

(5) Within the Pinelands Area, the provisions of Section 185-49 of the Zoning Chapter shall also apply.

B. Details required for final approval.

(1) All details stipulated in Section 165-54B above shall be included.

(2) All additional details required at the time of preliminary approval shall be submitted.

(3) Detailed architectural and engineering data, including:

(a) An architect's rendering of each building or a typical building and sign showing front, side and rear elevations.

(b) Cross sections of streets, aisles, lanes and driveways which shall adhere to applicable requirements of the Zoning Chapter and applicable design standards in the Subdivision Ordinance.

(4) Within the Pinelands Area, any additional information that may be required pursuant to Section 185-49 of the Zoning Chapter.

C. Effect of final approval.

(1) Final approval of a site plan shall confer upon the applicant the following rights for a two (2) year period from the date of final approval:

(a) The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer, whether conditionally or otherwise, shall not be changed.

(b) If the developer has followed the standards prescribed for final approval, the Board may extend the period of protection for extensions of one (1) year each, not exceeding three (3) such extensions.

(2) Within the Pinelands Area, the provisions of Section 185-49 of the Zoning Chapter shall be supplemental hereto.

(3) After site plan approval has been granted and prior to issuing a building permit, the applicant shall tender the township a fee, in cash or certified check, based on the Township Engineer's estimated cost for on-site improvements which directly or indirectly affect public streets and lands within the township and off-site improvements, including but not limited to streets, curbs, aisles, lanes, driveways, parking spaces, loading areas, lighting, sidewalks, walls, fences, storm drainage, sanitary sewerage and water, grading and landscaping, the purpose for said fee being designated to cover costs for inspection of the improvements. All such fees shall be placed in an escrow account by the township and shall be equivalent to two percent (2%) of

the estimated cost for the designated improvements, as determined by the Township Engineer, provided that the minimum deposit shall be two hundred dollars ($200.).

§ 165-56. Public hearing.

A. The Planning Board or Zoning Board of Adjustment, as the case may be, shall hold a hearing on each application for development. Each Board shall make the rules governing such hearings.

B. Any maps and documents for which approval is sought at a hearing shall be on file and available for public inspection at least ten (10) days before the date of the hearing during normal business hours in the office of the Township Clerk. The applicant may produce other documents, records or testimony at the hearing to substantiate or clarify or supplement the previously filed maps and documents.

C. The officer presiding at the hearing or such persons as he may designate shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the County and Municipal Investigations Law, P.L. 1953, c. 38 (N.J.S.A. 2A:67A-1 et seq.) shall apply.

D. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer, and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.

E. Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence.

F. The Pinelands Commission may participate in a hearing held by the township involving the development of land in the Pinelands Area pursuant to N.J.A.C. 7:50-4.26.

§ 165-57. Public notice of hearing.

A. Public notice of a hearing shall be given for:

(1) Any request for a variance.

(2) Any request for a conditional use approval.

(3) Any request for the issuance of a permit.

(4) Any preliminary site plan approval containing one (1) or more of the aforesaid requests.

(5) An applicant may elect to submit a separate application for a variance, conditional use approval or request for issuance of permit as noted above and a subsequent application for preliminary site plan approval. Further, the Planning Board or Zoning Board may elect to grant an approval for a variance, conditional use or issuance of a permit and not act on a submitted preliminary site plan because of changes necessitated by the other type of approval granted or for any other appropriate reason. In all such cases, public notice of the subsequent hearing relating to preliminary site plan approval shall be required notwithstanding the subsequent separate submission of an application for site plan approval. **[Added 4-26-99 by Ord. No. 99-07]**

B. The Secretary of the Planning Board or Zoning Board of Adjustment, as the case may be, shall notify the applicant at least two (2) weeks prior to the public hearing at which the application will be discussed. Notice of a hearing requiring public notice shall be given by the applicant at least ten (10) days prior to the date of the hearing:

(1) By publication in the official newspaper of the municipality, if there is one, or in a newspaper of general circulation in the municipality.

(2) To all owners of real property as shown on the current tax duplicate located within two hundred (200) feet in all directions of the property which is the subject of the hearing, which notice shall be given by serving a copy thereof on the property owner, as shown on the current tax duplicate, or his agent in charge of the property, or by mailing a copy thereof, by certified mail, to the property owner at his address as shown on said current tax duplicate. It is not required that a return receipt be obtained. Notice is deemed complete upon mailing (N.J.S.A. 40:55D-14).

(3) To a partnership owner by service upon any partner or to a corporate owner by service upon its president, a vice president, a secretary or other person authorized by appointment or by law to accept service on behalf of the corporation.

(4) To the Municipal Clerk of any adjoining municipality or municipalities when the property involved is located within two hundred (200) feet of said adjoining municipality or municipalities, which notice shall be given by personal service or certified mail.

(5) (Reserved for Future Use)

(6) To the Commissioner of Transportation of the State of New Jersey when the property abuts a state highway.

(7) To the State Planning Commission when the hearing involves an application for development of property which exceeds one hundred fifty (150) acres or five hundred (500) dwelling units, in which case the notice shall include a copy of any maps or documents to be on file with the Township Clerk.

(8) Within the Pinelands Area, to the Pinelands Commission when the application is subject to the provisions of Section 185-49 of the Zoning Chapter. Such notice shall contain at least the following information:

(a) The name and address of the applicant.

(b) The docket number of the certificate of filing, if any, issued by the Pinelands Commission and the date on which it was issued.

(c) The date, time and location of the meeting, hearing or other formal proceeding.

(d) The name of the approval agency or representative thereof which will be conducting the meeting, hearing or other formal proceeding.

(e) Any written reports or comments received by the approval agency on the application for development which have not been previously submitted to the Pinelands Commission.

(f) The purpose for which the meeting, hearing or other formal proceeding is to be held.

C. Upon the written request of an applicant, the Township Tax Assessor shall, within seven (7) days, make and certify a list, from said current tax duplicates, of names and addresses of owners within Dennis Township to whom the applicant is required to give notice. The applicant shall be charged ten dollars ($10.) for said list and shall be entitled to rely upon the information contained in such list, and failure to give notice to any owner not on the list shall not invalidate any hearing or proceeding. Additionally, the applicant shall be responsible for giving proper notice to all property owners, pursuant to Subsection B(2) above, who do not reside in Dennis Township.

D. The applicant shall file an affidavit of proof of service with the Planning Board or Zoning Board of Adjustment, as the case may be.

E. The notice shall state the date, time and place of the hearing and the nature of the matters to be considered, an identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the Municipal Tax Assessor's office and the location and times at which any maps or documents for which approval is sought are available for inspection.

§ 165-58. Requirements within Pinelands Area.

Notwithstanding the provisions of this article, site plan applications, reviews and approvals shall adhere to the requirements of Section 185-49 of the Zoning Chapter.

§ 165-59. Minor site plans.

A. Waiver of site plan application. The Planning Board and/or Zoning Board may waive the requirements for site plan approval where there is a change in use or occupancy, and minimal construction or improvements. The waiver may be granted only upon a resolution by the Planning Board and/or Zoning Board finding that the use will not affect existing drainage, traffic circulation, relationship of buildings to each other, landscaping, buffering, lighting, parking requirements and other considerations of site plan approval, and that the existing facilities do not require upgraded or additional site improvements. The application for a waiver of site plan shall include a discussion of the prior use of the site, the proposed use, and its impact. The waiver can be granted only at a public meeting. Notice under N.J.S.A. 40:55D-12 shall not be required for a waiver application.

B. Any site plan which proposes building alterations or expansions which do not increase the gross floor area of the structure by more than thirty percent (30%), proposed the addition of five (5) or fewer parking spaces, does not involve any planned development or any new street or extension of any off-tract improvement and contains the information reasonably required in order to make an informed determination as to whether the requirements established by ordinance for approval as a minor site plan have been met shall qualify as a minor site plan. In addition, any application for development which entails the moving of a building or buildings over, along or across highways, streets, roads, lanes and/or alleys of the Township of Dennis for placement on a lot in the Township of Dennis, unless the same shall qualify as a manufactured home within the definition contained in N.J.S.A. 54:4-14d, shall qualify as a minor site plan.

C. Plan information.

(1) All minor site plans shall include all applicable information required in Subsection A and the requirements of Section 165-54B as determined by the Board's professional.

(2) Minor site plans involving the moving of buildings over, along or across highways, streets, roads, lanes and/or alleys in the Township of Dennis as specified in Subsection A. above shall, in addition to the information required in this article, provide the following:

(a) The highways, streets and alleys over, along or across which the building is proposed to be moved.

(b) The proposed date and time for the moving of said house.

(c) The name and address of the person who shall perform the moving of the building.

(d) A statement as to whether the building to be moved shall be utilized as the primary residence of the applicant.

D. Notice. Minor site plans for house moving as set forth herein shall provide notice of the hearing therefor at least ten (10) days prior to the day of said hearing, in the following manner:

(1) By publication in the official newspaper of the municipality, if there is one, or in a newspaper of general circulation in the municipality.

(2) To all owners of real property as shown on the current tax duplicate located within one thousand (1,000) feet in all directions of the property which is the subject of the hearing. This requirement shall be deemed satisfied by notice to the condominium association in the case of any unit owner whose unit has a unit above or below it or horizontal property regime in the case of any co-owner whose apartment has an apartment above or below it. This notice shall be given by serving a copy thereof on the property or by mailing a copy thereof, by certified mail, to the property owner at his address as shown on the current tax duplicate. It is not required that a return receipt be obtained. Notice is deemed complete upon mailing (N.J.S.A. 40:55D-14).

§ 165-60. Applicability.

Nothing contained herein shall be deemed to exempt from site plan review any development resulting from the moving of any building or buildings over, along or across highways, streets, roads, lanes and/or alleys of the Township of Dennis for placement on any lot in the Township of Dennis unless the same qualifies as a manufactured home as defined in N.J.S.A. 54:4-1.4d.

§ 165-61. Site plan review; inspection and performance guaranty; variance and conditional use permit.

Every application for a site plan review or request for a variance shall be accompanied by a check payable to the Township of Dennis in accordance with the following schedule:

A. Site plan review.

(1) Each applicant at the time of submission shall pay an application fee as provided in Article II of Chapter 98, Fees.

(2) In addition, each applicant shall deposit, in cash or certified check, an escrow fee as provided in Article II of Chapter 98, Fees, with the Chief Financial Officer, to cover the costs of professional services and review, including engineering and legal or other incidental expenses connected with processing, reviewing and checking all materials.

(3) Where there shall be more than one (1) tenant on a lot, the fee shall be based on the percentage cost devoted to that tenant's use.

(4) Sums not utilized in the review process shall be returned to the applicant. If additional sums are deemed necessary, the applicant shall be notified of the required additional amount and shall add such sum to the escrow.

B. Inspection fees and performance guaranty.

(1) After site plan approval has been granted and prior to issuing a building permit, the applicant shall tender the township a fee, in cash or certified check, based on the Township Engineer's estimated cost for on-site improvements which directly or indirectly affect public streets and lands within the township and off-site improvements, including but not limited to streets, curbs, aisles, lanes, driveways, parking spaces, loading areas, lighting, sidewalks, walls, fences, storm drainage, sanitary sewerage and water, grading and landscaping, the purpose for said fee being designated to cover costs for inspection of the improvements. All such fees shall be placed in an escrow account by the township and shall be equivalent to five percent (5%) of the estimated cost for the designated improvements, as determined by the Township Engineer, provided that the minimum deposit shall be five hundred dollars ($500.00). **[Amended 3-20-07 by Ord. No. 2007-03]**

(2) Where there shall be more than one (1) tenant on a lot, the fee shall be based on the percentage cost devoted to that tenant's use.

(3) Sums not utilized in the inspection process shall be returned to the applicant. If additional sums are deemed necessary, the applicant shall be notified of the required additional amount and shall add such sum to the escrow.

(4) All of the above improvements shall be subject to inspection and approved by the Township Engineer, who shall be notified by the applicant at least forty-eight (48) hours prior to the start of construction. No underground installation subgrade and/or stages of paving or other work done in stages shall be poured, covered, backfilled or removed until inspected and improved. Electrical, gas and telephone utilities' distribution lines are exempt from this inspection requirement.

(5) A certificate of occupancy shall not be issued until all the required improvements have been installed and approved in accordance with the provisions of this chapter or until a performance guaranty acceptable to the governing body, in a form guaranteeing completion of the remaining improvements within one (1) year and

approved by the Township Attorney and in an amount determined to be sufficient to assure completion of all the remaining improvement(s), is in hand.

C. Requests for variances. Each application for a use variance or conditional use permit shall be accompanied by an application and escrow fee as provided in Article II of Chapter 98, Fees.

§ 165-62. Certified court reporter.

If an applicant desires a certified court reporter, the cost of taking testimony and transcribing it and providing a copy of the transcript to the township shall be at the expense of the applicant, who shall also arrange for the reporter's attendance.