

# SUBDIVISION AND SITE PLAN RESOLUTION

OF

CAPE MAY COUNTY

NEW JERSEY

As amended through  
Res. 510-11, 6/28/2011



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## Chapter I

### General

#### §1-1. Title.

This Resolution shall be known and may be cited as the “Subdivision and Site Plan Resolution of the County of Cape May, New Jersey.”

#### §1-2. Purpose.

The purpose of this Resolution shall be to provide regulations and standards to guide land development along County roads in the County of Cape May, New Jersey, in order to preserve the public health, safety, convenience and general welfare of the County.

#### §1-3. Approving Agency.

The approval provisions of this Resolution shall be administered by the Planning Board of the County of Cape May in accordance with N.J.S.A. 40:27-1, *et seq.*

#### §1-4. Validity.

If any Section, subsection, paragraph, clause, phrase, or provision of this Resolution shall be adjudged invalid or held unconstitutional, such adjudication shall not affect the validity of this Resolution as a whole or any part or provisions hereof other than the part so adjudged to be invalid or unconstitutional.

#### §1-5. Definitions.

*Abutting County roads* - any existing road under County jurisdiction or proposed County road listed in the adopted County Comprehensive Plan or Official County Map which adjoins a lot or parcel of land submitted for approval under this Resolution. [Res. 423-08]

*Acceleration lane* - an auxiliary speed-change lane primarily for the acceleration of vehicles entering the through-traffic lanes.

*Acceleration lane* - shall be broadly interpreted to mean the added pavement joining the traveled way of the highway with that of the intersecting road or driveway. This auxiliary lane does not necessarily imply a definite lane of uniform width or length.

*Adverse drainage condition* - the absence of drainage facilities or drainage easements in a drainage way leading to, along or through a County road or County drainage structure, either within or exterior to a proposed subdivision or site plan, including facilities of such location, size, design, construction or condition which will not provide adequately for storm drainage or which will cause or increase either flooding, erosion, silting, unacceptable stormwater quality, or other damaging effect to a County road or County drainage structure; or threatens to damage private property as a result of storm drainage from, along or through a County road or County drainage structure. [Res. 423-08]

*Agricultural purposes* - farming and related pursuits not including the erection,

alteration, enlargement, occupancy or use of any building designed or suitable for residential occupancy.

*Application for development* - the completed application form and submission of all documents and exhibits required to be submitted pursuant to this Resolution for review of a subdivision plat and site plan.

*Bicycle lane (bike lane)* - a portion of a roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

*Bicycle path (bike path)* - a bikeway physically separated from motorized vehicular traffic by any open space or barrier and either within the highway right-of-way or within an independent right-of-way.

*Bicycle route (bike route)* - a segment of a system of bikeways, designated by the jurisdiction having authority, with appropriate directional and information markers, with or without a specific bicycle route number.

*Bikeway* - any road, path or way which, in some manner, is specifically designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

*Bridge* - a structure forming an open conduit, including supports, erected over a depression or an obstruction such as a water course, highway or railway, and having a passageway for carrying vehicular or pedestrian movement.

*Cartway* - the existing, actual road surface area.

*Centerline of right-of-way* - a line which is located in the exact center of the original right-of-way, as laid out by the road return, or as subsequently relocated by the Cape May County Board of Chosen Freeholders. This may or may not constitute the exact center of the existing paved cartway.

*Complete application* - an application for approval of a land development by the Cape May County Planning Board which includes a properly completed application form and all elements required by this Resolution to be filed for review.

*Control of access* - the right, power and authority of the Cape May County Board of Chosen Freeholders, as delegated to the Cape May County Planning Board pursuant hereto, to control, restrict, prohibit and condition the access to County roads by persons utilizing property adjacent thereto.

*Corner clearance (C)* - the distance from a projection of right-of-way lines, perpendicular or radial, to the curblines and thence along the curblines to the nearest edge of a proposed curblines opening. (See Fig. 1)

*County* - the County of Cape May, New Jersey.

*County Comprehensive Plan (Comp Plan)* - a composite of the Comprehensive Plan for the physical development of the County, with the accompanying maps, plats, charts and descriptive and explanatory matter adopted by the County Planning Board pursuant to N.J.S.A. 40:27-2.

*Cross-section* - a diagram of the vertical cut through a road showing the median pavement, cross slope, number of traffic bearing lanes, sidewalks, curbs, ditches and roadsides.

*Culvert* - a structure designed to convey a water course under a road or pedestrian walk not incorporated in a closed drainage system, having a clear span of 20 feet or less.

*Curb cut* - an opening along the curblines at which point vehicles may enter or leave the roadway.

*Curb return* - the curbing along the curved or flared radius of a driveway opening which extends from a point tangent to the adjacent traveled lane, paved shoulder or deceleration lane, whichever is closest to the land development, to a point tangent to the driveway lane.

*Curbline (curb)* - the line which is the outer edge of the pavement or shoulder of a road. A curbline may also be the gutter line. (See Fig. 1)

*Curbline opening (C.O.)* - the overall opening dimension at the curbline, whether curbing exists or not, measured from the extreme edges of the radii. (See Fig. 1)

*Deceleration lane* - an auxiliary speed change lane primarily for the deceleration of vehicles leaving the through-traffic lanes. "Deceleration lane" shall be broadly defined and interpreted to mean the added pavement joining the traveled way of the highway with that of the intersecting road or driveway. This lane must be constructed in accordance with Cape May County road design standards, subject to the modifications of the County Engineer where those standards conflict with special site conditions. This auxiliary lane does not necessarily imply a definite lane of uniform width or length.

*Detention basin* - an enclosed basin or depression formed by the construction of a barrier or dam designed and built for the temporary storage of stormwater run-off and gradual discharge.

*Development Review Committee (DRC)* - a committee established by resolution of the County Planning Board consisting of at least three members, appointed by the Chairperson, to review and approve subdivisions and site plans with the County Planning Director and acting on behalf of the County Planning Board in administering the provisions of this Resolution. [Res. 423-08]

*Distance between driveways (D)* - the distance measured along the curbline between the tangent projections of the inside edges of two adjacent driveways to the same frontage.

*Drainage* - the removal of surface water or groundwater from land by drains, grading or other means, including control of run-off during and after construction or development to minimize erosion and sedimentation, to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, to lessen nonpoint pollution, to maintain the integrity of stream channels for their biological functions as well as for the drainage, and the means necessary for water supply preservation or prevention or alleviation of flooding.

*Drainage basin* - all that area of land that contributes surface water runoff to any given point along a brook, stream, watercourse, drainage facility or easement.

*Drainage ditch* - a man-made trench or swale used to carry storm or subsurface water.

*Drainage plan* - a plan of the existing or proposed stormwater management system for land development.

*Drainage right-of-way or drainage easement* - the land required for the installation or maintenance of stormwater sewers or drainage ditches, or required along a natural stream or water course for preserving the channel and providing for the flow therein to safeguard the public against flood damage.

*Driveway* - a paved or unpaved area for access by vehicles from a street, road or alley to the interior of a lot or parcel of land, a building or other structure or facility.

*Driveway angle (A)* - the angle of 90 degrees or less between the driveway centerline and curbline. (See Fig. 1)

*Driveway width (W)* - the narrowest width of a driveway within the sidewalk area, measured between driveway edges. (See Fig. 1)

*Easement for County road purposes* - an easement to the County for the purpose of installing utilities, construction, re-construction, widening or improving the County road, including the repair and maintenance of the County road and the construction, re-construction or alteration of facilities related to the safety, conveyance or carrying capacity of the County road, including drainage facilities and traffic control devices.

*Edge clearance (P)* - the distance measured along the curbline from the lateral property line extended to the beginning of the driveway. (See Fig. 1)

*Extended property line (E.P.L.)* - a line, radial or perpendicular to the highway curbline, at each end of the frontage, extending from the curbline. (See Fig. 1)

*Final plat* - the final map of all or a portion of a subdivision meeting all of the standards and regulations of this resolution and meeting all the conditions established by the County Planning Board in granting preliminary approval to the subdivision.

*Flood hazard area* - the area adjacent to streams which is subject to a 100-year hazard, designated by the Flood Insurance Administration.

*Floodplain* - the area adjoining a stream, drainage course or body of water which has been or may be covered by floodwater.

*Floodway* - the channel of a stream and portions of the floodplain adjoining the channel which are reasonably required to carry and discharge the flood water of flood flow. (See §6-3.13.)

*Hydric soil* - a soil that, in its undrained condition, is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of hydrophytic vegetation. These soils may be on New Jersey's Official List of Hydric Soils developed by the United States Department of Agriculture Soil Conservation Service and the United States Fish and Wildlife Service National Wetlands Inventory, in *The Wetlands of New Jersey, 1985*, published by the United States Fish and Wildlife Service or in the *USEPA Wetlands Identification and Delineation Manual*. Alluvial land, as mapped by soil surveys, may also be considered a hydric soil for the purposes of wetland classification. Also, wet phase of somewhat poorly drained soils not on New Jersey's Official List of Hydric Soils may also, on occasion, be associated with a wetland, and therefore, for the purposes of this Resolution, shall be considered a "hydric soil."

*Impervious surface area* - any surface of area which does not permit fluids to pass through or penetrate.

*Individual sewage disposal system* - a septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device serving a single unit.

*Industrial use* - use of property for purposes customarily considered of or pertaining to industry including, but not limited to, manufacturing, warehousing, refining, excavating, mining, including the creation of borrow pits, and large scale operations utilizing human labor.

*Interested party* - any person or legal entity, whether residing within or outside the County, whose right to use, acquire or enjoy property is or may be affected by any action taken pursuant to this Resolution, or whose rights to use, acquire or enjoy property may have been denied, violated or infringed by an action or a failure to act pursuant to this Resolution and the County Planning Act, N.J.S.A. 40:27-1, *et seq.*

*Jug handle* - a roadway ramp which curves off from the right lane of the highway to convey traffic across the main highway, usually under traffic signal control, to eliminate left and U-turns from within active traffic lanes and to provide greater safety and reduce delays that traditional cross turning usually creates.

*Key location map* - a map, at a scale of one inch = 2,000 feet, used to locate the proposed land development in the surrounding road system. The map should be derived from a USGS quad map, shown on the subdivision or site plan, and be at least 4" X 4" square. The proposed land development must be centrally located on the key map. For small sites in densely populated areas the applicant may also locate the land development on a section of a tax map for clarification.

*Land development* - any and all subdivisions of land, any site plans involving commercial, industrial, multi-family structures containing five or more units or any other use of the property, excluding single-family residential, requiring off-street parking area or off-street standing area for an excess of five vehicles, on any property having frontage on a County road or affecting a County road in accordance with the County Planning Act, N.J.S.A. 40:27-6.2

*Land development application* - the application made pursuant to this Resolution for approval of a proposed land development.

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

*Maintenance bond* - any security that is acceptable to the County Counsel to assure the maintenance of approved installations by the developers for a period of two years after the release of a performance guarantee with respect to such improvements.

*Major subdivision* - a subdivision of land resulting in creation of more than three lots or involving a planned development, any new street or the extension of any off-tract improvement.

*Marginal access street* - an internal street running along the edge of a land development, allowing for several lots to have access to a County road through one access.

*Minor subdivision*. A subdivision of land resulting in creation of not more than three new lots and does not involve a planned development, any new street or the extension of any off-tract improvement.

*New building lot* - any lot being created by a subdivision upon which one or more principal buildings or structures could be erected under the provisions of the municipal zoning ordinance in the municipality in which said lot is located.

*N.J.S.A.* - State of New Jersey Revised Statutes, as published in the New Jersey Statutes Annotated.

*Official County Map* - the map, with changes and additions thereto, adopted and established, from time to time, by resolution of the Board of Chosen Freeholders pursuant to N.J.S.A. 40:27-5.

*Off-site* - located outside the lines of the lot in question, but within the property of which the lot is a part, which is the subject of a development application or on a contiguous portion of a street or right-of-way.

*Off-tract or off-site improvements* - improvements to County roads or drainage

facilities, such as culverts or bridges, located outside of a given subdivision or site development, which must be made to accommodate the increased traffic or run-off which would be generated as a result of the development.

*Off-tract* - not located on the property which is the subject of a development application nor on a contiguous portion of a street or right-of-way.

*Owner* - any individual, firm, association, syndicate, co-partnership or corporation having sufficient proprietary interest in the land sought to be developed.

*Parking space* - a space or slot provided for vehicle parking in compliance with the applicable municipal specifications.

*Performance guarantee* - any security approved by the County Counsel which may be accepted in lieu of a requirement that certain improvements be made before the County Planning Board grants final approval to a subdivision or site plan.

*Preliminary plat* - the preliminary map indicating the proposed layout of the subdivision showing or being accompanied by all of the information required under plat details of preliminary plats.

*Public areas* - public parks, playgrounds, trails, paths and other recreational areas; other public open spaces; scenic and historic sites, and sites for schools and other public buildings and structures.

*Residential cluster* - an area to be developed as a single entity according to a plan containing residential housing units which have a common or public open space as an appurtenance.

*Resolution* - when capitalized, this Revised Subdivision and Site Plan Resolution, as amended, from time to time, by the Board of Chosen Freeholders.

*Resubdivision* - the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law, or the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved.

*Retention basin* - stormwater management basin designed to retain some water on a permanent basis. [Res. 423-08]

*Reverse frontage* - provision in a land development for lots adjacent to a County road to front on a street interior to the development, without direct access to the County road. (See Fig. 2)

*Right-of-way (R.O.W.)* - the total width of property to which the County, State or municipality is entitled. Where appropriate, right-of-way shall include proposed right-of-way widths as listed in the County Comprehensive Plan.

*Right-of-way line* - the outer edge of roadway or highway property, including land under easement grant, separating the roadway or highway from abutting property.

*Road opening permit* - written permission of the Cape May County Department of Public Works to tear up, excavate, bore, tunnel, drive under or otherwise impair the surface or subsurface of a County road.

*Sediment forebay* - a temporary facility, designed in accordance with the standards of this Resolution, to collect silt and eroded soil resulting from grading the area of a subdivision or site plan for the purpose of limiting the deposit of silt and eroded soil in streams and brooks. [Res. 423-08]

*Septic system* - an underground system with a septic tank used for the decomposition of domestic wastes.

*Septic tank* - a water-tight receptacle that receives the discharge of sewerage.

*Setback* - the shortest distance between the right-of-way line and a structure constructed on adjacent land. (See Fig. 1)

*Shoulder* - that part of the right-of-way that lies between the edge of the main pavement, main traveled way, and the curblineline or edge of paved area, as determined by the County Engineer.

*Sidewalk area* - that portion of the right-of-way that lies between the curblineline and right-of-way line. Whether improved or unimproved, it is considered and controlled as a sidewalk, utility or planting area. (See Fig. 1)

*Sight distance* - the distance from a point along a road at which approaching traffic becomes visible.

*Sight easements at intersections* - a triangular shaped area, established in accordance with the requirements of this Resolution, in which nothing shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision between a height of two feet and ten feet above the centerline grade of either street. The County shall have the right of entry to remove any obstruction to vision within the sight easement area not conforming to the standards of this definition, following due notice to the property owner.

*Site development* - any construction or improvement which alters the existing use of a specific land parcel.

*Site plan* - a development plan of one or more lots on which is shown:

1. The existing and proposed conditions of the lot including, but not limited to, topography, vegetation, drainage, floodplains, marshes and waterways.
2. The location of all existing and proposed structures, drives, parking spaces, walkways, easements, means of ingress and egress, drainage facilities, utility services, landscaping, signs, lighting and screening devices.
3. Any other information specified by this Resolution or by the Development Review Committee or Planning Board as is deemed reasonably necessary for an informed review. [Res. 423-08]

*Sketch plat* - the sketch plat of a subdivision of sufficient accuracy to be used for the purpose of discussion and meeting the requirements for plat details under this Resolution.

*Soil erosion and sediment control plan* - a plan to control erosion, and retard nonpoint pollution resulting from stormwater runoff and sediment.

*Stabilized construction entrance* - a stabilized pad of crushed stone located at points where traffic will be entering or leaving a construction site.

*Stacked parking (tandem parking)* - parking where a vehicle or vehicles have to be moved in order to allow a vehicle to back from a parking space. To meet off-street parking requirements each vehicle must be able to enter and exit a parking space independently of the movement of any other vehicle. [Res. 423-08]

*Stormwater management plan* - a plan for structural and nonstructural control of stormwater and nonpoint source pollution. [Res. 423-08]

*Street or road* - a street, avenue, boulevard, road, parkway, viaduct, drive or other way which:

1. Is an existing State, County or municipal roadway.

2. Is shown upon a plat heretofore approved pursuant to law.
3. Is shown on a plat duly filed and recorded in the Office of the County Clerk prior to the appointment of a Planning Board and the grant to such board of the power to review plats.

*Street or road* - includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

*Subdivider* - any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under the provisions of a municipal subdivision ordinance and this Resolution to effect a subdivision of land for him/herself or for another.

*Subdivision* - the division of a lot, tract or parcel of land into two or more lots, sizes or other division of land for the purpose of sale or building development, whether immediate or future; except that the following divisions shall not be considered subdivisions, provided that no new streets or roads are involved:

1. Divisions of land for agricultural purposes where the resulting parcels are three acres or larger in size.
2. Division of land by testamentary or intestate provisions.
3. Divisions of property upon court order.

*Subdivision* - also includes resubdivision and, where appropriate to the context, relates to the process of subdividing or to the lands or territory divided.

*Subdivision application* - the application for approval of a subdivision or an application for approval of a planned unit development pursuant to the "Municipal Land Use Law," N.J.S.A. 40:55D-1, *et seq.*, as amended and supplemented.

*Traffic control device* - signs, signals, markings, traffic control islands and devices placed on or adjacent to a street or highway by authority of a public body or official having jurisdiction to regulate, warn or guide traffic.

*Watercourse* - any swale, stream, brook or river which is either the natural stream cut by water action through the landscape and continuously, frequently or intermittently occupied by the stream; or a stream channel which has been artificially realigned, constructed or improved. In general, the term refers to the natural water course including short sections relocated or modified by man, and not to man-made agricultural or other drainage ditches.

*Watershed* - the total drainage area contributing runoff to a single point.

*Water Quality Management Plan adoption* - the approval given by the Cape May County Board of Chosen Freeholders and the New Jersey Department of Environmental Protection to any element of the Cape May County Water Quality Management Plan.

*Water Quality Management Plan amendments* - the formal changes to the Cape May County Water Quality Management Plan that have been approved, adopted and certified.

*Water Quality Management Plan* - the documents which encompass the activities defined and referred to in §§208 and 303 of the Federal Clean Water Act, 33 U.S.C. 466, *et seq.*, and authorized in the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1, *et seq.*

*Wetlands, freshwater* - the area that is inundated or saturated by surface water or groundwater at frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation; provided, that

the designation of freshwater wetlands is based upon the three-parameter approach, hydrology, soils and vegetation, enumerated in the January 1989 *Federal Manual for Identifying and Delineation Jurisdictional Wetlands*, developed by the USEPA, U.S. Fish and Wildlife Service, Department of the Army, and the Soil Conservation Service, or any subsequent amendments thereto.

*Wetlands soils* - those soils designated as very poorly drained or poorly drained by the Soil Conservation Service of the United States Department of Agriculture including, but not limited to, Atsion, Berryland, Muck, Pocomoke, Freshwater Marsh and Tidal Marsh soil types.

*Wetlands, tidal* - as defined in N.J.S.A. 13:9A-1, *et seq.*, lands consisting generally of any bank, marsh, swamp, meadow, flat, or other low land subject to tidal action in the State of New Jersey along any inlet, estuary, or tributary waterway including those areas now or formerly connected to tidal water whose surface is at or below an elevation of one foot above local extreme high water line.

*Wetlands transition area* - an area of land adjacent to a freshwater wetland of exceptional resource value and of intermediate resource value, as classified in N.J.A.C. 7:7A-2.5. A transition area is not required adjacent to freshwater wetlands of ordinary resource value, as classified in N.J.A.C. 7:7A-2.5, or adjacent to State open waters, as defined in N.J.A.C. 7:7A-1.4.

(as amended by *Res. 423-08*, 5/27/2008)



## Chapter II

### Application Procedures

#### §2-1. General.

2-1.1. *Pre-Application Meetings.* If a proposed development, whether subdivision or site plan, is complex or large in scale, County Planning staff and/or the Development Review Committee may be available on an “as time permits” basis to meet with a developer and his/her consultants prior to the time that the developer submits a formal application. Pre-application meetings shall be held only if the Planning Director believes that a development warrants it. The purpose of a pre-application meeting is to make County Planning staff aware of proposed large and complex developments, and for the developer to obtain, early in the review process, County input into the location of access to the site, and for County Engineering staff to assess the potential impact of the development on County roads, drainage facilities and traffic. This review by County staff and any suggestions made by them to a developer as a result of this meeting shall not obligate or restrict the Planning Board with respect to their review of a formal application. [Res. 423-08]

#### 2-1.2. *Submission of Application for Review.*

a. *Subdivisions.* All subdivision of land within Cape May County shall be submitted to the County Planning Board for review and/or approval, prior to approval by the appropriate local official or agency, except that conditional local approval may be granted, prior to review and/or approval by the County Planning Board, to subdivisions involving no new streets, not more than three lots, and which do not abut a County road. Such conditional local approval shall become final upon review and/or approval by the County Planning Board of each such subdivision.

b. *Site Plans.* Prior to the issuance of any building permit by a local building official for any proposed land development including commercial, industrial, multi-family structures containing five or more units, or any land development requiring off-street parking area or off-street standing area for an excess of five vehicles, or any property having frontage on a County road, a site plan shall be submitted to the County Planning Board for its review.

Site plans are not required for the following uses, but developers of such uses are urged to consult with the County Planning Board concerning these proposed developments:

1. Residential structures containing fewer than five units and less than five parking spaces. [Res. 423-08]
2. Other land developments requiring five or fewer vehicle parking spaces under provisions set forth in Table 1 of this Resolution.
3. Land developments not on a County road having less than one acre of impervious surface.

The local building official or other agency with authority to approve a site plan or issue a building permit shall defer action on any application requiring County Planning Board approval pursuant to this Resolution until such application

shall have been submitted to the County for its approval, and the County shall have acted on same within the time limits set forth in subsection 2-1.3.

2-1.3. *Time for Review.* If the County Planning Board fails to report to the municipal approving authority within a 30-day period, the site plan or subdivision application shall be deemed to have been approved by the County Planning Board, unless, by mutual agreement between the County Planning Board and the local approval agency, with the approval of the applicant, or his/her authorized agent, the 30-day period shall be extended for additional 30-day periods. Any such extensions shall extend the time period within which a municipal approving authority shall be required by law to act upon such application.

Should the County Planning Board fail to act within the 30 days on any application, and fail to receive any approved extension of time, the Secretary of the County Planning Board shall attest on the plat(s) the failure of the County Planning Board to act within the required time period, indicating authorization for municipal approval and recording with the County recording officer.

2-1.4. *Determination of Completeness.* Completed and signed applications for minor, sketch, preliminary and final subdivision plats and site plan approval shall be submitted to the County Planning Board by the applicant. All applications submitted shall include the appropriate fee, as set forth in Chapter V, "Fees," two legible prints of plans of development, plat details and any other information and documents required by this Resolution for subdivisions, and three sets of such documents for site plans. A Pinelands Certificate of Filing or approval when the development is in the Pinelands, and evidence of variance approval where appropriate, shall also be included. An application shall not be formally filed until all of the above have been submitted to the County Planning Department. The time period for action by the County shall not begin until such time as the application has been deemed complete.

2-1.5. *Appearance Before County Planning Board Development Review Committee.* All applicants have the right to appear before the Committee when the Committee is considering an application. Applicants may appear in person or be represented by an attorney; provided, however, that should the applicant be a corporation, it must be represented by an attorney. It shall be the duty of the applicant to determine the time and place the Committee intends to act on an application. [*Res. 423-08*]

2-1.6. *Written Decisions.* The action taken by the County Planning Board on all subdivision and site plan applications shall be duly set forth in writing, with a copy of such report to be submitted to the local Planning Board and the applicant. Such report shall set forth all conditions required for County approval and if disapproved, all reasons for such disapproval.

2-1.7. *Revisions after Approval.*

- a. No changes, alterations, or revisions shall be made to any development application which has been approved by the County approving authority without an amended application being submitted to the County for review and approval.
- b. In the event it becomes necessary to deviate from the approved plan due to site conditions which first appear during construction, and which would affect a County road or a County drainage facility, the applicant shall notify and obtain the approval of the County Engineer before such deviation shall be made. Likewise, in the event a representative of the County finds that site conditions deviate from the approved plan, which would affect a County road or a County drainage facility, the

County shall contact the applicant for the purpose of revising the plans, if necessary. Major deviations that substantially revise the approved plan shall be approved by the County approving authority prior to site work proceeding.

c. If an approved application for development becomes invalid pursuant to the legal time periods set forth in the length of approval section below, and the applicant wishes reapproval of his/her application, prior to any action being taken by the County approving authority, the applicant shall submit updated plans verifying existing onsite and offsite topographic features, grades and all other improvement to adjacent properties within 200 feet of the property in question affecting a County road or County drainage facilities.

2-1.8. *Length of Approval.* Subdivision and site plan approvals granted by the Cape May County Planning Board under the terms of this Resolution shall be valid for the following time periods in accordance with the Municipal Land Use Law, N.J.S.A. 40:50-1, *et seq.*:

- a. Minor subdivision - two years from the date of approval.
- b. Preliminary major subdivision - three years from the date of approval.
- c. Final major subdivision - two years from the date of approval.
- d. Site plans - the same period of time as the local site plan approval or building permit, but in no event longer than three years.

Extensions shall be granted consistent with the Municipal Land Use Law, N.J.S.A. 40:50-1, *et seq.*

2-1.9. *Noncompliance With Conditions of Approval.* Any person (1) who fails to comply with any of the conditions of a County subdivision or site plan approval; or (2) who begins development activity without prior approval of the County approving authority; or (3) who develops land contrary to an approved plan (or an approved revised plan) as required in this Resolution is a disorderly person and, upon conviction of an offense hereunder, may be fined in an amount not exceeding \$200 or sentenced to the County jail for a period not exceeding 90 days, or both. In addition, any one or more of the following sanctions may be invoked by the County approving authority: [*Res. 600-99*]

- a. A County Road Opening Permit for the proposed development shall not be issued, or may be revoked, unless and until all the conditions are satisfied.
- b. The County approving authority may request the municipal agency, and in the Pinelands Area, the Pinelands Commission, to revoke or withhold the local building permit and/or certificate of occupancy for the development.
- c. The County approving authority may enforce performance through the forfeiture to the County of any guarantee or other security required by the County to cover the costs of improvements specified in that portion of the plan over which the County has jurisdiction.
- d. The County approving authority may initiate appropriate enforcement actions before the Superior Court of New Jersey. [*Res. 600-99*]

A written notice of noncompliance shall be forwarded, by certified mail, to the local approval agency and applicant requesting compliance with the conditions of site plan approval.

2-1.10. *No Approval of Future Development.* An applicant may show buildings, structures, or facilities within or abutting the development which are contemplated for

future development on the site plan for information purposes. However, County approval of an application shall apply only to the development immediately and officially under consideration. Areas shown as “for future development” shall neither be, nor be deemed to be, approved by the approval of the plat.

(as amended by *Res. 600-99*, 7/27/1999; and by *Res. 423-08*, 5/27/2008)

## §2-2. Standards and Criteria for Adjusting or Waiving Requirements.

2-2.1 *Authority; Conditions.* The Development Review Committee, when acting upon an application for a subdivision or a site plan, shall have the power to grant such exceptions from the requirements for subdivision and site plan approval as may be reasonable and within the general purposes and intent of the provisions for subdivision and site plan review and approval if the literal enforcement of one or more provisions of the subdivision or site plan resolution is impracticable or will exact undue hardship because of particular conditions pertaining to the land in question such as exceptional narrowness, shallowness or shape of a specific piece of property or by reason or other extraordinary and exceptional situations or conditions of such a piece of property. [*Res. 423-08*]

2-2.2. *Limitation of Authority.* It is the intent of the provisions of this Section to curtail and restrict the granting of such exceptions from the standards of the subdivision and site plan resolutions, while recognizing that unique site conditions may exist wherein such strict adherence is not feasible. Such exceptions shall only be granted by the Development Review Committee upon a clear, compelling and convincing showing of the most peculiar and exceptional and undue hardship upon the developer of such property because of site conditions. [*Res. 423-08*]

2-2.3. *Hearing.* The Development Review Committee shall provide an opportunity for the applicant to be heard so that the nature and extent of the stated hardship may be fully described. [*Res. 423-08*]

2-2.4. *Findings; Limitations.* The Development Review Committee shall determine that the described hardship exists and that the conditions may be mitigated by alternative measures which, when implemented will cause no additional traffic hazard, water pollution, flooding or other drainage condition which would have an adverse effect on the public health, safety, and welfare. [*Res. 423-08*]

2-2.5. *Recommendations.* The Development Review Committee may recommend measures which may include, but not necessarily be limited to, redesign of drainage and waste disposal systems and the relocation of access driveways and streets. [*Res. 423-08*]  
(as amended by *Res. 423-08*, 5/27/2008)

## §2-3. Minor Subdivisions.

### 2-3.1. *Submission of Minor Plats.*

a. For a subdivision abutting a County road containing not more than three lots, the plat may be accompanied by a deed or easement for County road purposes, in conformance with the standards for the County road established in the adopted

County Master Plan or Official Map. Where additional building setback lines are offered in lieu of the above right-of-way dedication, such building setback lines shall be shown on the plat, which lines are from the future right-of-way line in compliance with local zoning requirements.

b. Within 30 days of the receipt of a plat(s) for a minor subdivision which involves no new streets, not more than three lots, and no lands which abut a County road, the County

Planning Board shall review the application and take one of the following actions:

1. Waive its right to review such application if the minor subdivision does not create an adverse drainage condition, as determined by the County Engineer.
  2. Disapprove the minor subdivision or grant conditional approval if the subdivision creates an adverse drainage condition, as determined by the County Engineer.
- c. Within 30 days of the receipt of a plat(s) for a minor subdivision which involves no new streets, not more than three lots, and lands which abut a County road, the County Planning Board shall review the application and take one of the following actions:
1. Approve such subdivision if it meets the requirements for the right-of- way under the adopted County Master Plan or Official Map and does not result in an adverse drainage condition.
  2. Disapprove the subdivision or grant a conditional approval if it does not meet the requirements for right-of-way under the adopted County Master Plan or Official Map and/or results in an adverse drainage condition.

2-3.2. *Minor Subdivision Plat Details.*

- a. All plans submitted shall be drawn at the scale indicated below, unless otherwise approved prior to submission. The entire area involved in the subdivision must be drawn at the proper scale, not only the subdivided portion.

<b>Area</b>	<b>Scale</b>
Less than 20 acres	not less than 1" = 50'
20–100 acres	not less than 1" = 100'
More than 100 acres	not less than 1" = 200'

- b. All plans shall include the following information:
1. Signature and seal of a New Jersey licensed land surveyor. The name and address of the person preparing the plan must be printed under the signature or in the title block.
  2. Preparation and all revision dates.
  3. North arrow.
  4. Scale clearly noted.
  5. Key map, at a scale of 1" = 2000', showing the entire tract, the proposed street pattern in the area to be developed, and existing streets and roads within a one-mile radius of the project.
  6. Key map of the Soil Survey of Cape May County, New Jersey, showing the entire tract.
  7. Road names and route numbers on all roads.
  8. Names of the land development and the municipality(ies) in which it is located.
  9. Name and address of the owner and developer.
  10. Total area of the development and the area of each proposed lot.
  11. Tax map sheet, block and lot number.
  12. Zoning district.
  13. Outbound property description based on deeds and outbound survey of the

subdivided lot(s).

14. Proposed lot lines and lot lines which are to be removed clearly indicated.
15. Existing and proposed right-of-way width dimensions with respect to centerline.
16. Existing and proposed driveway locations.
17. Proposed lot numbers for each lot involved in the subdivision.
18. Utility poles, existing and proposed.
19. Soil boring for vacant new lots, including the estimated seasonal high water table and the boring locations.
20. Delineation of all freshwater and/or tidal wetlands.
21. Locations and use of all existing and proposed buildings and structures on the site, with an indication as to whether they will be retained or removed.
22. The boundaries of the floodplains of all water courses within or adjacent to the subdivision.
23. Any and all other information deemed necessary for a complete review of the applications.

#### §2-4. Major Subdivision.

2-4.1. *Sketch Plats.* Within 30 days of the receipt of a sketch plat(s) for a subdivision which involves new streets, and more than three lots, the County Planning Board shall review the subdivision and offer comments relating to County standards and requirements or suggestion for modifications or changes to be incorporated on the preliminary plat(s).

2-4.2. *Preliminary Plats.*

- a. At least two legible prints of the preliminary plat and a copy of the application form submitted to the municipality shall be submitted to the County Planning Board for all preliminary plat(s).
- b. A copy of the preliminary plat(s) shall be submitted to the County Engineer for an engineering evaluation of the subdivision in accordance with the standards and criteria established in this Resolution. The County Planning Board shall not act on a preliminary plat(s) until the report from the County Engineer's Office is received, containing recommendations for County requirements and the amount of performance guarantees, maintenance bonds, payments in lieu of County road improvements and proportionate share for future installation of drainage facilities.
- c. Within 30 days of the receipt of a preliminary plat(s) by the County Planning Board, one of the following actions shall be taken:
  1. Review the subdivision if the subdivision does not abut a County road or create an adverse drainage condition, and offer any constructive comments for municipal consideration relating to planning matters.
  2. Approve or conditionally approve the subdivision if it abuts a County road and/or does not create an adverse drainage condition.
  3. Disapprove the subdivision.

2-4.3. *Final Plats/Plans to Be Recorded.*

- a. At least two prints of the final plat(s) shall be submitted to the County Planning Board, with a copy of the municipal application form. Also, a digital copy of the final plat/plan to be filed must be submitted together with the proper review fee in accordance with the Cape May County Planning Board Subdivision and Site Plan Fee Schedule, prior to the filing of the plat at the Cape May County Clerk's Office. The digital copy must conform to the Digital Mapping

Submission Standards contained in Appendix G. [*Res. 423-08*]

b. Within 30 days, the Planning Director, or an alternate representative designated by the County Planning Board to act in the absence of the Planning Director, shall take one of the following actions on the final plat.

1. Review and exempt the subdivision if it does not involve County requirements.
2. Approve the subdivision if it abuts a County road or affects County drainage facilities, if all preliminary plat(s) conditions and requirements have been met and the map does not contain substantial revisions affecting County requirements, as determined by the County Engineer.
3. If substantial revisions are incorporated on the final plat which affect or could affect County requirements, a revised preliminary plat shall be submitted to the County Planning Board for processing as a new preliminary plat(s).
4. Disapprove the subdivision.

c. The action taken on the final plat shall be recorded on the tracing and cloth copy duplicate, to be filed in the County Clerk's Office. When they are presented at the County Planning Board Office, the Planning Director, or in his/her absence, an alternate representative designated by the County Planning Board, shall sign the plat.

(as amended by *Res. 423-08, 5/27/2008*)

#### **§2-5. Major Subdivision Plat Details.**

2-5.1. *Sketch Plat.* The following minimum plat details are required for review by the County Planning Board:

- a. A key map showing the entire subdivision and its relation to surrounding areas.
- b. The sketch plat shall be based on tax map information or some other similarly accurate base, at a scale of not less than 200 feet to the inch to enable the entire tract to be shown on one sheet, and shall show or include the following information:
  1. The location of that portion which is to be subdivided in relation to the entire tract.
  2. All existing structures within the portion to be subdivided and within 200 feet thereof.
  3. The name of the owner and all adjoining property owners, as disclosed by most recent municipal tax records.
  4. The tax map sheet, block and lot numbers.
  5. All existing and proposed streets or roads within or adjoining the proposed subdivision, with the right-of-way widths clearly indicated.
  6. All proposed lot lines and lot lines to be eliminated by the proposed subdivision shall be clearly indicated.
  7. The location, size and direction of flows of all streams, brooks, drainage structures and drainage ditches in the area to be subdivided or within 200

feet of the subdivision.

8. The location and width of all existing and proposed utility easements in the area to be subdivided.
9. North arrow.
10. Scale of the plat.
11. Acreage of the entire tract and of area being subdivided.
12. The number of new lots created.
13. Name and address of owner, subdivider and person preparing plat.

2-5.2. *Preliminary Plat.* The following minimum plat details are required for acceptance. All preliminary plat(s) and accompanying drawings shall be of a size to conform to the specifications of the Map Filing Act.

- a. Key map, at a scale of one inch equals 2,000 feet, showing the entire tract, the proposed street pattern in the area to be developed and existing streets and roads within a one-mile radius of the project. A copy of the Soil Survey of Cape May County, New Jersey must also be shown as a key map.
- b. The name of the subdivision, the municipal tax map sheet, block and lot number, date, reference meridian and scale.
- c. Name and address of the subdivider and owner.
- d. Name and address of the person preparing the plats(s).
- e. Acreage of the tract to be subdivided, to the nearest tenth of an acre.
- f. Proposed lot numbers for each lot involved in the subdivision.
- g. The location of existing and proposed property lines, building setback lines from the streets, existing buildings and structures with an indication of whether they will be retained or removed, and the location and extent of wooded areas.
- h. The plat shall show or be accompanied by profiles and cross-sections of proposed streets within the subdivision and existing streets and highways abutting the subdivision. The typical cross-section of streets shall clearly indicate the type and width of pavement and location of curb, sidewalks and shade tree planting strips. At intersections, any existing or proposed sight triangles and the radius of curb lines shall be clearly indicated.
- i. Contours at one-foot intervals. All contours lines shall be referenced to the New Jersey Geodetic Control Survey Datum.
- j. All existing water courses shall be shown and accompanied by the following information or data:
  1. 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 square mile or greater, evidence of submission of the improvement to the New Jersey Division of Water Policy and Supply (Stream Encroachment) shall accompany the subdivision.
  2. Cross-sections of water courses at an appropriate scale showing extent of the floodplain, if defined, top of bank, normal water level and bottom elevations at the following locations:
    - (a) At any point where a water course crosses a boundary of the subdivision.
    - (b) At 50-foot intervals for a distance of 300 feet upstream and downstream of any proposed culvert or bridge within or adjacent to the subdivision.

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- (c) Immediately upstream and downstream of any point of juncture of two or more water courses.
  - (d) At a maximum of 500-foot intervals along all water courses which run through or adjacent to the subdivision.
  - 3. When ditches, streams, brooks, or water courses 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 preliminary plan or accompany it.
  - 4. The boundaries of the floodplains of all water courses within or adjacent to the subdivision, if defined.
  - 5. Profile of the stream bed 300 feet upstream and downstream from the proposed property limits of the development.
  - k. The total acreage in the drainage basin of any water course running through or adjacent to a subdivision in the area upstream of the subdivision.
  - l. The total acreage in the drainage basin to the nearest downstream drainage structure and the acreage in the subdivision which drains to the structure.
  - m. The location and extent of drainage and conservation easements and stream encroachment lines.
  - n. The location, extent, and water level elevation of all existing or proposed lakes or ponds within or adjacent to the subdivision.
  - o. The preliminary plat shall show, or be accompanied by plans and computations for, any storm drainage systems, including the following:
    - 1. All existing or proposed storm sewer lines within or adjacent to the subdivision showing size and profile of lines, direction of flow and location of each manhole and inlet.
    - 2. The location and extent of any proposed dry wells, ground water recharge basins, retention basins or other water conservation devices.
  - p. The preliminary plat shall show, or be accompanied by plans showing, existing and proposed sanitary sewerage facilities serving the subdivision including the following:
    - 1. Location, size and slope of all sanitary sewer lines, pumping stations and connections to existing facilities.
    - 2. Location of any proposed sanitary sewerage treatment plants.
    - 3. Percolation test information, if individual lot sewerage disposal systems are to be used.
  - q. The preliminary plans shall show, or be accompanied by plans showing; the size and location of all water mains and indicate the source of water.
  - r. Identification of lands to be dedicated or reserved for public use.
  - s. The location of any other underground utilities and easements to accommodate them shall be clearly indicated on the plan.
  - t. Detailed plans of the work to be done in a County right-of-way shall be drawn at a scale of one inch equals 30 feet, and shall include the following:
    - 1. Existing spot elevations every 25 feet on the centerline and edge of pavement, to extend at least 100 feet beyond the proposed improvements.

2. Proposed spot elevations every 25 feet in the gutter, at the top of the curb and at each end of the curb radii.
3. Where paved shoulders are required with no curbing, existing and proposed spot elevations every 50 feet shall be sufficient.
4. Existing and proposed underground utilities, utility poles and traffic signal equipment, if present.
5. Existing and proposed drainage facilities, showing size, type, slope, invert and grate elevations.
6. Existing pavement markings, signs and traffic control devices.
7. At least two permanent bench marks based on NVGD datum, as follows:

<b>Size</b>	<b>Distance to Nearest Vertical Control</b>
4–10 lots	1 mile
11–50 lots	5 miles
51+ lots	10 miles

8. Separate striping plan where new striping is proposed.
9. Typical County curb and paving detail. (See Figure 3.) [*Res. 599-99*]
  - u. Cross sections are required every 100 feet where widening of a County road is proposed, showing existing and proposed grades. Additional cross sections shall be required at critical locations and where a large change in grade occurs adjacent to a County right-of-way. Cross sections should be drawn at a scale of one inch equals ten feet horizontal, and one inch equals two feet vertical.
  - v. Traffic study, where required by this Resolution. (See Chapter VI).
  - w. Soil borings information, including seasonal high water table and boring location, for any proposed vacant lot.
  - x. Existing and proposed utility poles.
  - y. Delineation of wetlands, tidal and freshwater.

2-5.3. *Culverts and Bridges.* After preliminary approval and prior to consideration of the final plat, detailed plans and specifications for all proposed culverts and bridges which may become structures under County jurisdiction or improvements to existing County culverts or bridges shall be submitted to the County Planning Board for review and approval of the County Engineer's Office. The plans shall also be accompanied by the permit of the Division of Water Policy and Supply indicating their approval of the proposed facility. In case of navigable waterways, the plan shall be accompanied by permits from the New Jersey Division of Navigation and the United States Coast Guard.

2-5.4. *Final Plat.* The following are minimum plat details required for acceptance of a final plat by the County Planning Board:

- a. Plat must be drawn in conformance with provisions of the Map Filing Act and contain all the requirements for drainage easements, encroachment lines, sight triangles at intersections and new or additional right-of-way or easement or additional setback lines for County roads as shown on the approved preliminary plat.

(as amended by *Res. 599-99, 7/27/1999*)

**§2-6. Site Plans.**

2-6.1. *Copy of Site Plan to County Engineer.* A copy of the plan shall be submitted to the County Engineer for an engineering evaluation of the site plan in accordance with the standards and criteria established in this Resolution. The County Planning Board shall not act on a site plan until the report from the County Engineer's Office is received, containing recommendations for County requirements, including the amount of performance guarantees, maintenance bonds, payments in lieu of County road improvements and proportionate share of future installation of drainage facilities.

2-6.2. Within 30 days of the receipt of a complete site plan application or within the legally extended time period, if applicable, for any proposed land development, including commercial, industrial, multi-family structures containing five or more units, or any land development requiring off-street parking area or off-street standing area for five or more vehicles, or any property having frontage on a County road, the Development Review Committee shall take one of the following actions, listed below, based on the regulations and procedures established in this Resolution. All Development Review Committee actions extend to the original owner or his legal successors of record provided they shall assume all the obligations of any changes in the law which may have occurred in the interim.

- A. Approve.
- B. Disapprove.

[Res. 423-08]

2-6.3. *Site Plan Details.*

a. *Scale.* Any site plan presented to the County Planning Board shall be drawn at a scale not smaller than one inch equals 50 feet and not larger than one inch equals ten feet, except that plans for land developments that will occupy sites of more than 40 acres may be drawn in accordance with the following table:

<b>Area</b>	<b>Scale</b>
Between 40 and 150 acres	1" = 100'
Over 150 acres	1" = 200'

b. *Required Information.* All site plans shall include the following information with respect to the subject lot or lots:

1. The name and address of the applicant and the owner, and the name, address and title of the person preparing the plan, maps and accompanying data.
2. An appropriate place for the signature of the County Planning Director.
3. Name of the municipality involved, as well as the municipal tax map lot and block numbers of the lot or lots, tax sheet number, and a key location map, at a scale of one inch equals 2,000 feet, showing the entire tract, the proposed street pattern in the area to be developed and existing streets and roads within a one mile radius of the project.
4. Appropriate titles on each map including date, any revision dates, scale and north arrow.
5. The municipal zoning district in which the lot is located.

6. All existing and proposed setback dimensions, landscaped areas, trees over six-inch caliper and any fencing within 100 feet of the existing County road right-of-way line.
7. The location of all existing and proposed buildings or structures on the site, indicating the proposed use of each building and finished grade elevations at all corners of each building.
8. Plans for residential developments must provide the following information:
  - (a) Number of units.
  - (b) Type of units.
  - (c) Number of bedrooms for each unit type.
9. Existing topography and proposed grading, with contour increments of one foot or less based upon a recent topographic and boundary survey prepared by a licensed New Jersey Land Surveyor. An original signed and sealed copy of said survey shall be submitted with the plan. [*Res. 423-08*]
10. The location, type and size of all existing and proposed catch basins, storm drainage facilities and utilities, plus all necessary design data supporting the adequacy of the existing or proposed facility to handle future storm flows.
11. The location, type and size of all existing and proposed curbs, sidewalks, driveways, fences, retaining walls, parking spaces, and all off-street loading areas, together with dimensions of all the foregoing on and within 100 feet of the site.
12. The location, size and nature of all existing and proposed rights-of-way, easements and other encumbrances which may affect the lot(s) in question, and the location, size and description of any lands to be dedicated to a municipality or to the County.
13. The location, size and nature of the lot or lots in question, and any contiguous lots owned by the applicant or in which the applicant has a direct or indirect interest, even though only a portion of the entire property is involved in the site plan for which approval is sought.
14. The location, names and widths of all existing and proposed streets abutting the lot or lots in question and within 200 feet of such lot(s).
15. Detailed plans of work to be done in the County right-of-way, drawn at a scale of not less than one inch equals 30 feet, which shall include the following:
  - (a) Existing spot elevations every 25 feet on the centerline and edge of existing pavement, extending at least 100 feet beyond the proposed improvements.
  - (b) Proposed spot elevations every 25 feet in the gutter and top of curb.
  - (c) Existing and proposed drainage facilities, showing size, type, slope, invert and grate elevations.
  - (d) Existing and proposed pavement markings, signs and traffic control devices.
  - (e) At least two permanent bench marks based on NVGD datum are required for the following developments:

<b>Size</b>	<b>Distance to Nearest Vertical Control</b>
Less than 2 acres	1 mile
2–50 acres	5 miles
over 50 acres	10 miles

- (f) Separate striping plan where new striping is proposed.
- (g) Typical County curb and paving detail. (Figure 3.) [*Res. 599-99*]
- (h) In site plans abutting County roads which do not have right-of-way widths in accordance with the adopted County Comprehensive Plan, where dedication is not considered justifiable by the applicant, applications shall indicate proofs as follows:
  - (1) Evidence as to additional traffic or drainage estimated to be generated by the subject proposal.
  - (2) Ingress, egress and turning movements to be created by the subject proposal.
  - (3) Evidence as to any proposed widening or improvements and by whom proposed, or lack of such plans, certified by local, County or State engineering departments.
  - (4) Other evidence pertinent to such case.

16. Cross sections every 100 feet where widening of a County road is proposed, showing existing and proposed grades. Additional cross sections shall be required at critical locations and where a large change in grade occurs adjacent to the County right-of-way. Cross sections should be at a scale of one inch equals ten feet horizontal and one inch equals two feet vertical.

17. Overall drainage plan showing existing and proposed drainage facilities.

18. Drainage area map, predeveloped and post developed, showing a number for each area, size of each area and the existing and proposed drainage facilities.

19. Overall utility plan showing all existing and proposed utilities.

20. Standard details, including, but not limited to, curbing, paving, inlets and manholes.

21. Drainage calculations for total undeveloped and developed runoff, storm sewer design, basin, hydrographs, etc., in accordance with Chapter VII. Proposed retention/recharge systems must have at least one soil profile and percolation test within the limits of the system.

22. Traffic study, where required by this Resolution, in accordance with Chapter VI.

23. Detailed plans and specifications for all proposed box culverts and bridges which may become structures under County jurisdiction, or improvements to existing County box culverts or bridges.

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24. Delineation of all freshwater and/or tidal wetlands.
  25. Soil borings information, including seasonal high water table and boring location.
  26. Any and all other information and data necessary to meet any of the requirements of this Resolution not listed above.

(as amended by *Res. 599-99*, 7/27/1999; and by *Res. 423-08*, 5/27/2008)

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**Chapter III****Performance and Maintenance Guarantees****§3-1. General.**

3-1.1. *Performance or Guaranties Required Before Final Approval.* No applicant shall be entitled to final approval of a land development which affects a County road or County drainage facilities, or requires the issuance of a building permit, an access permit or road opening permit by the County Engineer, unless the applicant has as a condition of Planning Board approval posted adequate performance guarantees to assure the installation of the required improvements. Required County improvements are expected to be constructed prior to or simultaneously with construction of the development project unless the County development review staff and/or the County Engineer determines that certain sections or segments of the development can be constructed without adversely affecting the safety and/or efficiency of the County road or drainage facility or County owned building or land affected by the development. [Res. 510-11]

No applicant shall be entitled to final approval of a land development unless the applicant installs required facilities exterior to the applicant's plat, makes payments in lieu of off-site improvements, installs the required drainage facilities or provides the assessed costs attributable to the applicant's development for the future installation of County drainage facilities.

3-1.2. *Payments.* All payments shall be made by certified check, cashier's check, money order or bank check payable to the "Cape May County Treasurer" and shall be held in an appropriate account under the name of the County of Cape May.

3-1.3. *Form of Guarantee.* Each performance guarantee shall consist of:

- a. An agreement to perform.
- b. A surety, which may be in the form of a certified check, surety bond, irrevocable letter of credit, bank check or any other form acceptable to the Cape May County Planning Board, upon the advice of the County Counsel.

Checks shall be payable to the Cape May County Treasurer. Letters of credit and surety bonds shall name the Cape May County Board of Chosen Freeholders as beneficiary. Where the Planning Board has approved standard forms of surety or approved required language for letters of credit, the applicant shall use such forms or language. (See Appendices C, D and E) [Res. 423-08]

3-1.4. *Liability of Applicant.* Upon issuance of building, access or road opening permits, the applicant shall be fully responsible for accidents or injuries resulting from the acts or failure(s) to act by the applicant, its servants, agents, employees and contractors pertaining to the installation of the improvements.

3-1.5. *Inspection of Site.* The County Engineer and the Planning staff shall have the right to inspect the applicant's work site to determine that the applicant's construction conforms to the applicant's approved plans and that the applicant's construction is not creating a hazardous situation to the travelling public.

(as amended by Res. 599-99, 7/27/1999; and by Res. 423-08, 5/27/2008)

**§3-2. Computation of Guarantee Amount.**

3-2.1. *Cost Estimate for Improvements.* The County Engineer shall prepare a cost estimate for all road and drainage improvements proposed or required as a condition of Planning Board approval to be made by the applicant within the County right-of-way.

The cost of all improvements required to be installed by the applicant for County purposes pursuant to the directive of the Development Review Committee or Planning Board including, but not limited to, work within County right-of-way, shall be included in the performance guarantee to be posted with the County. For purposes of this paragraph, "County purposes" shall include the County's right, power and authority to specify conditions of and pertaining to County roads, drainage facilities and traffic and safety matters pertaining thereto, for and in consideration of the safety and convenience of the public. An applicant shall be required to post a guarantee for all improvements deemed by the Development Review Committee or the Planning Board to be for the County purpose notwithstanding that a municipality shall also have required the applicant to post a guarantee for the subject improvement. In the event that a required improvement might be deemed to have both a County and municipal purpose, the County purpose shall be presumed to be paramount, absent a clear showing to the contrary. [Res. 423-08]

3-2.2. *Challenge to Estimate.* If the applicant believes that the cost determined by the County Engineer is excessive (s)he shall have the right to present his/her calculations to the County Engineer and the Development Review Committee. The amount required to be provided as a performance guarantee as a condition of approval shall be the amount established by the County Engineer or, in the event that the applicant challenges the County Engineer's calculations, the Development Review Committee. [Res. 423-08]

3-2.3. *Increase of Guarantee.* In the event the applicant fails to complete the required work within one year of the Planning Board's acceptance of the performance guarantee, the Development Review Committee may reevaluate the amount of the performance guarantee for the purpose of determining whether the costs upon which the performance guarantee was based have increased. If the Development Review Committee finds that the pertinent costs have increased, it shall direct the applicant to increase the amount of the performance guarantee to ensure that the guarantee will be sufficient to pay for the required improvements in the event the developer defaults. [Res. 423-08]

3-2.4. *Cash Payment In Lieu of Performance.* Where determined appropriate by the Development Review Committee, in lieu of installing the improvements and providing a guarantee therefore the applicant may be directed or permitted to make a cash contribution to the County in an amount determined by the Planning Board. [Res. 423-08]

3-2.5. *Legal Review.* The Planning Board Solicitor shall review all performance guarantees for legal sufficiency and compliance with this Chapter. Upon Planning Board Solicitor approval of a performance guarantee, the County engineering staff shall be authorized to recommend that building, access or road opening permits be issued, if appropriate.

3-2.6. *Acceptance of Guarantee.* At the regular Development Review Committee meetings called for that purpose, the Committee shall accept or reject performance guarantees submitted in accordance with the foregoing. Such acceptance constitutes acceptance by the Cape May County Board of Chosen Freeholders. [Res. 423-08]

3-2.7. *Deposit of Guarantees.* The Cape May County Treasurer shall provide a suitable depository for all monies submitted as performance and maintenance guarantees. Such funds shall be used in accordance with the County Planning Act,

N.J.S.A. 40:27-1 *et seq.*

(as amended by *Res. 423-08, 5/27/2008*)

### **§3-3. Release of Performance Guarantee.**

3-3.1. *Inspection of Improvement by Engineer.* Within 30 days of a written request from the applicant, the County engineering staff shall inspect all improvements for which a performance guarantee has been provided. If the County Engineer finds that the required improvements have been satisfactorily constructed in conformance with the standards and specifications of this Resolution, the terms and conditions of the performance guarantee and the applicant's approval, (s)he shall so certify to the Planning Board.

3-3.2. *Failure to Install Improvements.* If the County Engineer finds that all or any portion of the improvements required to be installed as a condition of Planning Board approval have not been installed or have not been installed in accordance with the standards set forth herein or in the approved plan(s), the Planning staff shall so advise the applicant in writing, specifying the defects in the applicant's constructions. If the applicant believes that the required improvements have been properly installed, (s)he may so advise the Planning Board and request a ruling therefrom. Based on evidence presented by the applicant and County Engineer, the Planning Board shall determine whether the applicant has satisfactorily installed the improvements required as a condition to approval.

3-3.3. *Release of Performance Guarantee; Posting of Maintenance Guarantee.* Certifications of the County Engineer pertaining to the installation of improvements secured by performance guarantees shall be presented to the Planning Board. If the Planning Board is satisfied with the certifications, it shall adopt a motion or resolution so stating and recommend that the Cape May County Board of Chosen Freeholders release the applicant's performance guarantee, except that a performance guarantee shall not be released until the applicant has submitted an acceptable maintenance guarantee where the amount of such maintenance guarantee exceeds \$750.

3-3.4. *Time for Action.* Within a reasonable time of receiving a request to release, the Board of Chosen Freeholders shall release the performance guarantee or advise the applicant why it declines to do so.

### **§3-4. Maintenance Guarantees.**

3-4.1. *Guarantee Required; Form.* All applicants required to post performance guarantees, and all applicants installing the required improvements prior to final approval, and applications that include nonstandard improvements within the County right-of-way, i.e., brick pavers, irrigation, landscaping, granite curbs, special lighting etc., shall provide a maintenance guarantee guaranteeing the adequacy of the constructed improvements, to be effective for a period of not less than one year and not more than two years after the Planning Board has accepted the maintenance guarantee. Such guarantee shall consist of an agreement to satisfactorily maintain the improvements installed as a condition of Planning Board approval and a surety, in the form of a certified check, cashier's check, maintenance bond, irrevocable letter of credit, bank check or any other form acceptable to the Cape May County Planning Board upon the advice of the Planning Board Solicitor. All checks shall be payable to the "Cape May County Treasurer." Surety bonds shall name the Cape May County Board of Chosen Freeholders as beneficiary. Where the Planning Board has approved standard forms of

surety of approved required language for letters of credit, the applicant shall use such forms. [*Res. 423-08*]

3-4.2. *Amount of Guarantee.* Each maintenance guarantee shall be in an amount of not less than 15 percent of the amount of the performance guarantee amount. No applicant shall be required to post a guarantee where 15 percent of the performance guarantee is less than \$750.

3-4.3. *Legal Review.* The Planning Board Solicitor shall review all maintenance guarantees for legal sufficiency and compliance with this Chapter and advise the Planning Board accordingly.

(as amended by *Res. 423-08, 5/27/2008*)

### **§3-5. Release of Maintenance Guarantees.**

3-5.1. *Inspection of Improvements.* The County Engineer shall inspect all improvements which are the subject of a maintenance guarantee 60 days prior to the expiration date of the guarantee, or such other time as may be appropriate, to determine whether the improvements are in satisfactory condition. If the improvements are in satisfactory condition, engineering staff shall so certify to the Planning Board.

3-5.2. *Improvements Deteriorated.* If the County Engineer finds that all or any portion of the improvements installed as a condition of Planning Board approval have deteriorated or otherwise not remained in satisfactory condition during the period of the maintenance guarantee, the Engineer shall so advise the applicant, in writing, specifying the defects in the applicant's construction.

If the applicant believes that the improvements have remained in satisfactory condition and are not defective, (s)he may so advise the Planning Board and request a ruling therefrom. Based on the evidence presented by the applicant and the County Engineer, the Board shall determine whether the applicant's improvements have remained in satisfactory condition during the period of the maintenance guarantee.

3-5.3. *Release of Guarantee.* The certifications of the County Engineer shall be presented to the Planning Board. If the Planning Board is satisfied with the certifications, it shall adopt a motion so stating and recommend that the Cape May County Board of Chosen Freeholders release the applicant's maintenance guarantee. On the request of the Planning Board, the Board of Chosen Freeholders, by Resolution, shall release the maintenance guarantee or advise the applicant of its reason(s) for failing to do so.

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**Chapter IV****Appeals****§4-1. Appeals to Planning Board.**

4-1.1. *Notice of Appeal.* An interested party aggrieved by action taken by the Cape May County Development Review Committee may appeal said action to the Cape May County Planning Board. Such appeal shall be made by written notice of appeal and hand-delivered or mailed by certified mail, to be received in the Planning Board office and by the applicant within ten days after written notice of the Committee's action has been served upon the applicant. [Res. 423-08]

4-1.2. *Contents of Notice.* All notices of appeal from action taken by the Development Review Committee shall include the following information: [Res. 423-08]

- a. Name and address of the applicant.
- b. Name of proposed development.
- c. Location of proposed development.
- d. Date of the committee's action.
- e. Specific action appealed from.
- f. Name and address of appellant.
- g. The location of property of the appellant affected by the Committee's action and nature of the impact.
- h. Statement of the basis of the appeal. The appellant shall complete a notice of appeal form.

4-1.3. *Time for Hearing.* The Planning Board shall consider the appeal at a regular public meeting or a special public meeting within 45 days after the notice of appeal is received in the Planning Board office.

4-1.4. *Notice of Hearing.* The Planning Board shall advise the appellant, applicant and appropriate municipal and County officials of the date the hearing on the appeal has been scheduled. Notice shall be sent by certified mail not less than ten days prior to the date of the hearing, pursuant to N.J.S.A 40:27-6.9. The appellant and applicant shall be responsible for advising all persons they wish to be present at the hearing.

4-1.5. *Adjournments.* If the appellant and applicant consent, the date for conducting the hearing on the appeal may be extended for a period not exceeding 100 days. In the event that the appeal is from any aspect of approval of the applicant's land development, the applicant assumes the risk of proceeding with construction or other work in reliance upon its approval.

4-1.6. *Statement of Facts, Legal Brief Required.* At least five days prior to the scheduled hearing, the appellant shall deliver to the Planning Board office and serve upon the municipal approval agency a written statement of the facts and claims which (s)he intends to prove at the hearing and a legal brief or other statement specifying the legal bases upon which (s)he relies. The appellant's failure to comply with the provisions of this paragraph shall constitute a withdrawal of the appeal by the

appellant.

4-1.7. *Conduct of Hearing.*

- a. The Planning Board Chairperson, or his/her designee, shall preside over the hearing. The Planning Board Solicitor or the County Solicitor shall cross-examine witnesses for the Board and shall otherwise assist and counsel the Planning Board as needed.
- b. At the hearing, the appellant, applicant and County shall have the right to present evidence, call witnesses, cross-examine opposing witnesses and object to evidence as being irrelevant or otherwise improper, in accordance with the New Jersey Rules of Evidence, which may be relaxed as appropriate. Specific procedures at the hearing shall be at the discretion of the Planning Board, and shall provide the appellant with a full, impartial, fair and just adjudication. The decision of the Planning Board shall be based on the record presented at the hearing and such portions of the Planning Board's file concerning the application presented at the hearing.

4-1.8. *Appellant to Provide for Transcript.*

- a. The appellant shall bear the cost of recording and transcribing the hearing proceedings. At least ten days prior to the hearing, the appellant shall provide the name, address and telephone number of the court reporter (s)he intends to utilize to record the hearing proceedings. The appellant's failure to comply with the provisions of this paragraph shall constitute a withdrawal of the appeal by the appellant.
- b. A verbatim record of the proceedings shall be made and a transcript prepared, unless at the conclusion of the hearing or five days thereafter, or such other period agreed to by the Planning Board Solicitor, the appellant elects to withdraw the appeal. If the appeal is not withdrawn, the appellant shall deliver to the Secretary of the County Planning Board at least two copies of the transcript of the hearing of appeal within 15 days of the date of the hearing.  
[Res. 423-08]

4-1.9. *Time for Decision.* The Planning Board shall render its decision within 30 days of the date of the hearing. However, in the event that a decision is not rendered within the 30-day period, the decision of the Committee shall be deemed affirmed. The Board shall issue a written decision containing findings of fact which it finds established by a preponderance of the evidence, and its conclusions. The Board's decision shall be transmitted to the appellant, applicant and the municipal approval authority by certified mail.

(as amended by Res. 423-08, 5/27/2008)

**§4-2. Appeals to Board of Chosen Freeholders.**

4-2.1. *Right of Appeal.* Any person aggrieved by action taken by the Planning Board with regard to subdivision review and approval or site plan review and approval may appeal such action to the Board of Chosen Freeholders pursuant to N.J.S.A. 40:27-6.9.

4-2.2. *Notice of Appeal.* The appellant shall complete a notice of appeal form. The notice of an appeal shall be delivered to the Clerk of the Board of Chosen Freeholders within ten days after notice of the Planning Board action has been served upon the applicant. All notices of appeal from subdivision or site plan review and approval by the Planning Board shall include the following information:

- a. Name and address of appellant.

- b. Name and address of applicant.
- c. Name of proposed development.
- d. Location of proposed development.
- e. Date of Planning Board action.
- f. Specific action appealed from.
- g. Statement of the basis of the appeal.
- h. Location of appellant's property affected by the Planning Board's action and nature of impact.

4-2.3. *Time for Hearing.*

- a. The Board of Chosen Freeholders shall consider the appeal at a regular public meeting or a special public meeting within 45 days after receipt of the notice of appeal.
- b. The Clerk of the Board of Chosen Freeholders shall advise the appellant, applicant and appropriate municipal and County officials of the scheduled hearing date for the appeal. Notice shall be sent by certified mail not less than ten days prior to the date of the hearing. The appellant and applicant shall be responsible for advising all persons they wish to present at the hearing.
- c. If the applicant and appellant consent, the time for conducting the hearing on the appeal may be extended for a period of not more than 60 days. During the period prior to the hearing, the applicant assumes the risk of proceeding with construction or other work in reliance upon its approval.

4-2.4. *Copies of Documents.*

- a. The Board of Chosen Freeholders staff shall make available to the appellant and other interested parties, upon request at his/her expense, all public nonprivileged documents in its possession bearing on the controversy at least 15 days prior to the scheduled hearing date.
- b. The Planning Board shall make available to the appellant, applicant and the Board of Chosen Freeholders a record of its decision, to consist of:
  1. The Development Review Committee's action and reasons there for. [Res. 423-08]
  2. The pre-Planning Board hearing statement of the County, appellant and applicant.
  3. A transcript of all testimony, evidence and argument heard by the Planning Board.
  4. The statement of the findings of fact and the decision of the Planning Board.

4-2.5. *Statement of Facts, Legal Brief Required.* At least five days prior to the scheduled hearing, the appellant shall file with the Board of Chosen Freeholders and serve upon the municipal approval agency, the applicant and other parties known to be interested in the matter a written statement of the facts and claims which (s)he intends to prove at the hearing, and a brief or other statement specifying the legal bases upon which (s)he relies. The appellant's failure to comply with the provisions of this paragraph shall constitute a withdrawal of the appeal by the applicant.

4-2.6. *Conduct of Hearing.*

a. *Consideration on the Record.* The Director of the County Board of Chosen Freeholders, or his/her designee, shall preside over the hearing. The matter shall be considered by the Board of Chosen Freeholders on the record compiled before the Cape May County Planning Board. The appellant, County and applicant may, upon application to and approval by the Board of Chosen Freeholders, supplement the record where the interests of justice would be served. The nature, extent and form of any such supplementation shall be matters entrusted solely to the discretion of the Board of Chosen Freeholders.

b. *Argument by Parties; Examination of Witnesses.* At the hearing the appellant, applicant and County shall have the right to present arguments based on the transcript and to present, examine and cross-examine witnesses presented to supplement the record, and to present or challenge any documentary evidence offered to supplement the record.

4-2.7. *Appellant to Provide for Transcript.* The appellant shall bear the cost of recording and transcribing the hearing proceedings. Not less than ten days prior to the hearing, the appellant shall name the court reporter (s)he intends to utilize to record and transcribe the hearing proceedings. A verbatim record of the proceedings shall be made and a transcript prepared, unless at the conclusion of the hearing or within five days thereafter, the appellant elects to withdraw the appeal. If the appeal is not withdrawn, the appellant shall deliver to the Clerk of the Board of Chosen Freeholders at least three copies of the transcript of the hearing of appeal within 15 days of the date of the hearing. [Res. 423-08]

4-2.8. *County Consultants, Cost to be Paid by Appellant.* The appellant shall also bear the professional costs charged to the County by non-County employed professional consultants, such as planners, engineers, attorneys and any other consultants or specialists, for services rendered during the appeal process.

4-2.9. *Decision.*

a. *Time.* The Board of Chosen Freeholders shall render its decision within 30 days of the date of the hearing. However, in the event that a decision is not rendered within the 30-day period, the decision below shall be deemed affirmed.

b. *Basis.* The decision of the Board of Chosen Freeholders shall be based on the record, as it may have been supplemented.

c. *Form.* The Board shall issue a written decision containing findings of fact which it finds established by a preponderance of the evidence, and its conclusions.

d. *Notice of Decision.* The Board's decision shall be transmitted to the appellant, applicant, Planning Board, the municipal approval authority and other interested parties of record by certified mail.

(as amended by Res. 423-08, 5/27/2008)

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**Chapter V****Fees****§5-1. Required.**

Fees shall be charged for review of subdivisions and site plans submitted to the County Planning Board. Application fees shall be submitted in accordance with Table 2 of this Resolution or subsequent revisions adopted by Resolution of the Board of Chosen Freeholders.

The fees set forth herein shall be applicable to all land development applications filed on or after the adoption of this Resolution.

**§5-2. Exemption.**

Fees will not be charged for review of plans submitted by State, County and municipal governments, churches, hospitals and secular nonprofit institutions.

**§5-3. Payment.**

Payment shall be made at the time the applicant files its application for development with the County. No application will be accepted for review unless payment in the correct amount and in an approved form is presented with the application.

The approved forms of payment are personal checks, certified checks and cashier's checks. No cash will be accepted. All checks shall be made payable to the Cape May County Treasurer.

**§5-4. Dishonored Checks.**

In the event that the applicant's check is dishonored, the applicant shall have three business days to deliver a replacement payment to the Planning Board, which payment shall include any costs incurred by the Board for the dishonor of the applicant's check. The applicant's failure to correct the deficiency shall constitute cause for rejection of the applicant's application.

**§5-5. Fees Not Refundable.**

Application fees are not refundable, notwithstanding the fact that the applicant withdraws the application.

**§5-6. Corrected Application.**

If an application is rejected for the applicant's failure to include all required elements in its plan or for engineering considerations, the applicant shall not be required to submit a new application fee if the applicant submits plans correcting the deficiencies within one year of the date the applicant's plan is rejected. Submission of corrected plans thereafter shall be accompanied by a new application fee.

**§5-7. Revised Plans.**

5-7.1. *Required by Board.* No new application fee shall be required if the

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applicant submits revised plans pursuant to direction by Planning Board staff. All revisions as required by the County must be clearly indicated on the revised plan either through shading or numbering (other than in the revision box). [*Res. 599-99*]

5-7.2. *Substantial Revision.* However, if the applicant substantially revises its plans for any reason other than pursuant to request by Planning Board staff or to comply with requirements of State, municipal or other regulatory agencies, a new application fee shall be required.

Whether a change in plans is substantial shall be decided by Planning Board staff. Generally, a change in plans shall be regarded as substantial if the change will necessitate a full re-review by Planning Board staff.

5-7.3. *Substantial Revision Requested by Other Agencies.* If the applicant substantially revises its plans to comply with State, municipal or other regulatory agencies, a re-submittal fee of 30 percent of the original fee shall be paid.  
(as amended by *Res. 599-99, 7/27/1999*)

#### **§5-8. Tolling of Time Limits.**

The reporting period, as set forth in N.J.S.A. 40:27-6.3 and 6.7, shall not begin to run until the application form and accompanying plans are complete and the application fee is paid.

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**Chapter VI****Design Criteria****§6-1. General Design Criteria.**

6-1.1. *General Design Criteria.* All construction within County right-of-way shall be governed by the recommendations of the latest edition, supplements and amendments thereto, of the American Association of State Highway and Transportation Officials (AASHTO) *Policy on Geometric Design of Highways and Streets, Roadside Design Guide*, and the ASSHTO *Guide for the Development of Bicycle Facilities*. Construction methods and materials shall follow the latest edition of NJDOT *Standard Specifications for Road and Bridge Construction*. [Res. 423-08]

6-1.2. *Traffic Control.* The developer and its contractor shall be responsible for maintenance and protection of traffic during construction along or adjacent to the County highway. The current edition of the *Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD)*, U.S. Department of Transportation (U.S.D.O.T.), and all amendments thereto, shall govern the maintenance and protection of traffic during construction.

6-1.3. *Interference With County Facilities.* Construction work shall not interfere with or disrupt any County structure or facility on, over or under the County road, except with the prior express authorization of the County Engineer.

6-1.4. *Conformance to County Requirements.* The design of any subdivision or site plan shall conform to the proposals and standards contained in the adopted County Comprehensive Plan and the requirements contained in this Resolution.

6-1.5. The standard details to be included on submitted subdivision plats and site plans, including but not limited to curbing, paving, driveways, inlets, manholes, etc., shall be illustrated using the latest edition, supplements and amendments thereto of the *Standard Specifications for Road and Bridge Construction* of the New Jersey Department of Transportation (N. J. D. O. T.); the *Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD)* of the Federal Highway Administration of the U. S. Department of Transportation, *A Policy on Geometric Design of Highways and Streets, 2001*, prepared by the American Association of State Highway and Transportation Officials (AASHTO) as well as the standards contained in the *Residential Site Improvement Standards* (Revised February 7, 2005) for stormwater management, particularly N. J. A. C. 7:8 "Stormwater Management" and N. J. A. C. 7:14A, *New Jersey Pollutant Discharge Elimination System (NJPDES) Stormwater Regulations*, which were adopted on February 2, 2004 by N.J.D.E.P. [Res. 423-08]

6-1.6. *Encroachments in the County Right-of-Way.* Subdivision and site plans shall be designed so that no part of the County right-of-way is used to conduct private business. The County road right-of-way is to be kept clear of buildings, structures, any portion of a detention or retention basin, sales or merchandise displays, vehicle parking areas, vehicle service areas, service equipment and appurtenances thereto, and fences, walls, advertising signs or business identification signs unless approved by the Development Review Committee. In the event certain items are allowed to remain an encroachment agreement will be required. [Res. 423-08]

**§6-2. Traffic Impact Analysis.**

6-2.1. *When Required.* Any land development located along or affecting a County road, in accordance with N.J.S.A. 40:27-6.2, which shall result in the construction of 24 or more residential units, or nonresidential uses with 50 or more parking stalls required under the provision of this Resolution, shall submit a comprehensive traffic impact study to the County Planning Board. Traffic impact reports shall be a written report containing the information outlined below:

- a. Existing count data.
- b. Design year projections (build-out or not to exceed five years).
- c. Source of projection data.
- d. Existing and proposed roadway improvements.
- e. Level of service, capacity and V/C analysis.
- f. Key map.
- g. Internal development layout.
- h. Trip generation rates, and the source.
- i. Trip distribution map.
- j. Peak hour analysis.
- k. Intersection analysis.
- l. Discussion of signal warrants.
- m. Gap analysis.
- n. Analysis of development impact.
- o. Recommendation for improvements.
- p. Conceptual plans of recommended improvements.
- q. Transportation management techniques.
- r. Copies of traffic counts.

If the circumstances of a development warrant a comprehensive traffic impact study because of its location in relation to land use, traffic volumes and traffic patterns, the County Engineer may require such a study even though the development does not meet the criteria stated above.

6-2.2. *Waiver.* The applicant's engineer may request a waiver from strict compliance with this requirement if it can be demonstrated, in writing, that the land development will not have a significant impact on County roads. The Development Review Committee may grant such waiver, by majority vote of the committee, based on the documentation submitted.

**§6-3. Structural Design Criteria.****6-3.1. Streets.**

- a. Where subdivisions abut County roads and marginal roads or reverse frontage are provided, the improvements to the County road shall be limited to the following:
  1. *Drainage.* Drainage facilities made necessary by the construction of the subdivision or site plan. (See Chapter VII, Stormwater Management Design Criteria.)
  2. *Grading.* Uniform grading of the additional right-of-way or easement

for County road purposes within a minimum slope of one-fourth inch to the foot toward the pavement of the County road. Top soil shall be uniformly distributed over the graded area and the area seeded.

3. *Right-of-Way Improvements.* The area between the existing pavement and new curblines shall be improved in accordance with the specifications of the County Engineer's Office.

4. *Curbing.* Residential, commercial and industrial developments may be required to install concrete curbs along the entire property frontage of the County road. Curbing shall be located and constructed in accordance with standards and specifications set forth by the Cape May County Engineer. See Figure 3 for specifications and details. [Res. 423-08]

In the absence of local curbing requirements applicable to the site, the County shall require curbing for each land development that requires County approval where the County Engineer determines it is necessary in order to control drainage, to act as a deterrent to vehicles leaving the pavement at hazardous points and to delineate the edge of pavement. In urban areas, as compared to rural areas, curbing may also be required to present a more finished appearance and/or to assist in the orderly development of the roadside, in addition to any of the above reasons. Curbing shall not be required in rural areas in order to preserve the rural character, except where absolutely essential for drainage or traffic control. See Figure 3 for specifications.

All proposed curbs and sidewalks shall conform to the requirements of the latest edition, supplements and amendments thereto, of the requirements of the Americans with Disabilities Act. Where existing curbs and sidewalks do not conform to these requirements, they shall be replaced with conforming structures at the applicant's expense. [Res. 423-08]

(a) *Curbing, Off-Site.* The developer may be required to extend curbing a reasonable distance beyond his/her frontage to provide traffic safety and capacity or adequate drainage flow.

(b) *Curbing Specifications.* All new curbing in County rights-of-way shall be white concrete, Class B, as per applicable N.J.D.O.T. standard specification. Where curbing being replaced is gray, the County Engineer shall determine whether new concrete should be white or gray. Curbs shall be 6" x 8" x 18".

5. *Concrete Apron and Island Specifications.* All new concrete aprons and channelized island paving in County rights-of-way shall be white concrete, Class B, 3,500 PSI. Where existing concrete is gray, the County Engineer shall determine whether new concrete should be white or gray. Concrete aprons shall be six-inch reinforced (6 x 6 wire mesh). Channelized island paving shall be four-inch concrete.

6. *Road Opening Permit (ROP).* A road opening permit (ROP) shall be obtained from the Cape May County Department of Public Works prior to commencing construction, excavation, curbs, sidewalks, driveways or similar work within the right-of-way of the County road. A ROP shall not be issued for projects covered by this Resolution unless a land development application has been reviewed

and approved by the County pursuant to this Resolution. [*Res. 423-08*]

7. *Road Opening Moratorium.* If improvements to a County road have been completed with funds provided under the County Highway Improvement Program (HIP), a road opening moratorium shall be in place after the completion date of the road improvements. The length of the road opening moratorium shall be five years for a reconstructed road and three years for overlaid roadways or as deemed appropriate by the County Engineer in compliance with Federal, State and County Statutes. [*Res. 423-08*]

8. *Relocation of Public Utilities.*

(a) The applicant/developer shall be responsible for and bear the expense of the relocation of existing utility poles, light standards, fire hydrants, storm drainage, traffic control devices and signals or other utilities within the County right-of-way.

(b) The applicant/developer shall be responsible to coordinate the relocation of the utilities with the respective utility companies.

(c) All above-ground utilities shall be located 18 inches behind the curblines at locations approved by the Development Review Committee. [*Res. 423-08*]

(d) When utilities are to be relocated a note shall be added to the plans as follows:

“The applicant/developer shall be responsible for and bear the expense of the relocation of utilities within the County right-of-way.”

[*Res. 423-08*]

b. No subdivision with frontage on a County road showing lands controlling access to County roads shall be approved, except where the ownership of such lands is by a public body.

c. When subdivisions result in lots abutting County roads which are functionally classified other than “local,” one of the following shall be required.

1. A marginal service road, where a subdivision has more than 1,000 feet of frontage on one side of a County road, (See Figure 4). [*Res. 599-99*]

2. The frontage shall be reversed so that the lots contiguous to such road will front on an internal street with no direct access to the County road.

3. Because of irregular shaped lots, in lieu of marginal access roads or reverse frontage requirements, the combining of driveway curb openings (joint driveways, see Figure 5) may be required whenever feasible to limit access points and driveway conflicts on the County road. The County Planning Board may require a performance guarantee or other security for the completion of the joint driveway. The driveway shall be completed, inspected by the County Engineer’s office and the security released prior to the issuance of the occupancy permits for the lots served by the joint driveway. [*Res. 510-11*]

4. Where a proposed facility on a County road has adequate, legal access to one or more municipal roads, where necessary for public safety reasons and/or reducing traffic volumes, the County may prohibit curb cuts on the County road.

d. Where a subdivision involves lands with frontage on a functionally classified County road other than “local,” such subdivision shall have driveways so laid out that it is possible to turn passenger vehicles on the lot and it is not

necessary to back any passenger vehicle into the County road.

6-3.2. *Road Intersections.*

a. *Angle at Intersection.* Streets or roads connecting with any road in the County road system shall be at right angles whenever possible, and intersections of less than 60 degrees, measured at the centerline of the streets, shall not be permitted.

b. *Spacing.* Only one new street connecting with the County road system will be permitted for a subdivision, except where large frontages are present. In those cases, streets shall not connect with the same side of a functionally classified road other than "local" at intervals of less than 800 feet. In spacing of streets, consideration shall be given to the location of existing intersections on both sides of the development. Streets which connect with the County road system from opposite sides of a County road shall not be offset. If conditions require the streets to be offset, they shall be separated by at least 150 feet between their center lines.

c. *Sight Triangles.* Sight triangles shall be dedicated by the owner of the property to the County of Cape May at driveways and streets that intersect with a County road. These clear sight areas shall be in conformance with the standards as set for in *A Policy on Geometric Design of Rural Highways, 1990*, prepared by the American Association of State Highway and Transportation Officials, and subsequent amendments thereto, and in each required instance, shall be verified by the County Engineer. The sight triangle areas shall be clearly shown on the survey, plan of subdivision or site plan, with bearings, metes, bounds and area descriptions prepared by and signed by a NJ professional land surveyor. It is the responsibility of the property owner to maintain the clear sight triangle area from any obstruction as defined in this Resolution. A sample sight triangle easement form and additional easement and deed recording requirements are found in Appendix F. [Res. 423-08]

d. *Radii.* The radii of the right-of-way lines at intersections shall be a minimum of 20 feet, unless otherwise determined by the County Engineer.

6-3.3. *Special Lanes; Traffic-Control Devices.*

a. *Specifications.* All plans for special lanes and traffic control devices shall be reviewed and approved by the County Engineer and N.J.D.O.T. All special lane and traffic control devices shall be designed and constructed in accordance with the current edition of the *Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD)* of the Federal Highway Administration of the U.S. Department of Transportation, the American Association of State Highway and Transportation Officials (AASHTO) *Policy on Geometric Design of Highways and Streets* and *Roadside Design Guide*. [Res. 423-08]

b. *Special Lanes.* A speed-change lane is an auxiliary traffic lane for the acceleration or deceleration of vehicles entering or leaving the through traffic lanes. The policy of the County Planning Board shall be to encourage the use of speed-change lanes. However, it is realized that speed-change lanes cannot be utilized in all desired cases due to limited frontage and adjacent land uses. In general, the following criteria shall be used to require the construction of speed-change lanes:

1. *Deceleration Lanes.* Where a driveway or road serves as an entrance to a land development and is located on a County road which has a speed limit of 30 miles per hour or more and the development provides 50 or more parking spaces, or the County road has a peak-hour traffic volume exceeding 500 vehicles per hour, or where the expected impact of a development will generate sufficient traffic volumes to cause a hazardous or otherwise unsafe condition to exist, in addition to the standard pavement width, a deceleration lane shall be required. The deceleration lane must be designed to be bicycle compatible. [Res. 599-99]
2. *Acceleration Lanes.* Where a driveway or road serves right-turning traffic from a land development located on a County road which has a speed limit of 30 miles per hour or more and the development provides 200 or more parking spaces, or the County road has a peak-hour traffic volume exceeding 500 vehicles per hour, or where the expected impact of a development is such that the development will generate sufficient traffic volumes to cause a hazardous or otherwise unsafe condition to exist, an acceleration lane shall be required in addition to the standard pavement width. The acceleration lane must be designed to be bicycle compatible. [Res. 599-99]

**Acceleration/Deceleration Lane Length  
(Including Tapers\*)**

Roadway Travel Speed (MPH)	Acceleration Lane Length (ft.)	Deceleration Lane Length (f)
30	150	250
40	310	370
50	680	500

\* The taper, used in transition from the normal road width to that of the auxiliary lanes, shall not be less than 50 feet long.

3. *Lane Length.* Acceleration and deceleration lanes within County rights-of-way shall be designed and constructed in accordance with the Table above.  
The County Engineer shall determine the location of the curbline and the proper curb detail and pavement cross section. In the event the application has insufficient frontage to meet the above criteria, the County Engineer will make a determination. [Res. 599-99]
4. *Left Turn Lane.* An applicant shall be required to prepare plans and specifications and construct a separate left-turn lane to facilitate the safe and expeditious movement of traffic into and past the land development where the proposed development is likely to generate a significant amount of traffic or create a traffic safety hazard. [Res. 599-99]
5. *Passing Lane.* A passing lane is a paved shoulder on the side of the County road opposite the development entrance. It is needed on high-speed/high volume roadways to move through-traffic around left-turning vehicles without disrupting the flow of traffic and is used on entrances to developments that do not meet the normal warrants for a separate left-turn lane. It shall also be required by the County Engineer

when the safety and capacity of the County road would be reduced by the development entrance. The paved shoulder shall extend not less than 200 feet on either side of the development entrance centerline, and shall be of such width as to provide a paved surface 22 feet from the centerline of the road. See Figure 7 for more detail.

6. *Paved Shoulder.* Applicants proposing major developments, including major subdivisions, with lots fronting on a County road shall be required to install a paved shoulder to 20 feet from the centerline of the County road along the entire frontage. This requirement is intended to eliminate maintenance and safety problems along County roads resulting from development of the parcel. The pavement section for the paved shoulder shall be the same as that used for normal road widening for acceleration or deceleration lanes. [Res. 599-99]

7. *Jug Handles.* A developer shall be required to dedicate rights-of-way, prepare plans and specifications and construct a jug handle to facilitate the safe and expeditious movement of traffic into a proposed land development where the development may be expected to generate a significant amount of traffic, as determined by a detailed Traffic Impact Analysis, or create a traffic safety hazard warranting its installation.

6-3.4. *Sign and Pavement Markers.*

- a. *Required.* To facilitate the safe and efficient movement of traffic into and out of a land development, an applicant shall be required to install specified guide, regulatory or warning signs or pavement markings at designated locations on the site or in the County right-of-way. Such signs and pavement markings shall be in accordance with the *Manual on Uniform Traffic Control Devices for Streets and Highways*, (MUTCD). Signs which are not warranted under MUTCD shall not be placed in the County right-of-way (i.e., stop signs, driveways, etc.). Signs erected for the purpose of regulating traffic within a development shall be placed outside the County right of way and maintained by the property owner in perpetuity. [Res. 423-08]
- b. *Advertising Signs.* No unapproved advertising sign, device or marking shall be erected on or overhead the County right-of-way. Advertising signs which revolve, move, flash or give the illusion of movement shall be prohibited within 25 feet of existing or proposed rights-of-way.
- c. *Entrance Signs.* Signs designating the exit and entrance ways to land developments may be placed in the County right-of-way if such signs and positions have been approved by the County Engineer.
- d. *Unauthorized Signs.* No person shall place, maintain or display upon or in view of any highway, any unauthorized traffic sign, device or other contrivance which purports to be, is an imitation of, or of such a nature as to be mistaken for an official traffic sign or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic sign.

No person shall place or maintain, nor shall any public authority permit upon any County highway, any traffic sign or signal bearing thereon, or on its support, any commercial advertising.

Signs which are not warranted under the *Manual of Uniform Traffic Control Devices* shall not be placed in the County right-of-way. [Res. 423-08]

Signs for the purpose of directing traffic within a development shall be placed outside of the County right-of-way and shall be the responsibility of the applicant. [Res. 423-08]

6-3.5. *Traffic Signals/Control Devices.*

a. *Signalized Intersections.* The County Engineer has plans of all signalized County intersections, which will be made available to developers and their consultants. Plans for modifications to existing signalized intersections must be reviewed and approved by the County Engineer. Neither installation of new traffic control equipment nor modification to existing traffic control equipment shall be made without the prior approval of the County Engineer and the New Jersey Department of Transportation. The developer shall bear the expense of modifying existing signalized intersections.

b. *Moving Existing Signs.* If a land development necessitates relocation of an existing County-owned traffic-control device, other than a signal, the County Engineer shall designate an adequate site to which the sign may be relocated which is satisfactory to the N.J.D.O.T. The developer shall bear the expense of relocating such signs.

c. *Moving Existing Signals.* The County Engineer may permit the relocation of existing County-owned traffic signals, pull boxes, conduits, cabinets, and other constituent parts of traffic signals, electrical sign installations, and electrically illuminated signs, provided a satisfactory site can be provided which is approved by the N.J.D.O.T.

d. *Changing "No Passing" Zones.* Changes to existing striping of "no passing zones" on County roads shall require approval by the County Engineer. The applicant shall submit a mylar of the striping plan to the County Engineer for his/her review and approval.

e. *Cost for Future Signal.* An applicant shall be required to post a performance guarantee to cover all or a portion of the cost of designing and constructing a traffic signal where a traffic signal may be warranted in the future by the applicant's development alone or when traffic impacts of the development, considered with the traffic impacts of other projected developments, may warrant a traffic signal. This performance guarantee shall be separate from performance guarantees posted by the applicant for other required improvements and shall remain in effect for five years from the date of the first occupancy within the development.

f. *Requirement for Signal; Design.*

a. A traffic signal shall be warranted when developments will generate a significant amount of traffic or create a traffic safety hazard or other situation warranting the installation of a traffic signal.

b. If a traffic signal is warranted during the five-year period after the date of first occupancy of the development, the County shall require the applicant to prepare plans and specifications for approval by the County Engineer and to construct the traffic signal, subject to the supervision of the County Engineer.

c. Alternatively, in lieu of requiring the applicant to construct the traffic signal, the County may apply the performance guarantee submitted by the applicant to the cost of constructing the traffic signal to satisfy the applicant's required dedication.

d. All traffic signals shall meet the warrants as specified in the *Manual on*

*Uniform Traffic Control Devices for Streets and Highways, (MUTCD).*

e. If, in accordance with Chapter X, a developer is determined to be responsible for less than half the cost of constructing or relocating a traffic signal, the County or another developer shall be responsible for designing a signalized intersection, unless otherwise determined to be appropriate by the County Engineer and Planning Board.

6-3.6. *Traffic Control Islands.*

a. *When Required.* Where a land development is expected to generate a large amount of traffic or pose a traffic safety hazard, the County Engineer may recommend that the applicant prepare plans and specifications and construct a traffic control island to facilitate the safe and expeditious movement of traffic into and out of the development. All such islands shall be designed, signed, illuminated and marked in accordance with the current edition of the MUTCD and *A Policy on Geometric Design of Rural Highways*, and all subsequent amendments thereto, and shall be approved by the County Engineer.

b. *Modification of Existing Islands.* The relocation, extension, reduction or elimination of an existing traffic control island may be approved at the applicant's expense if such work is approved by the County Engineer.

6-3.7. *Sidewalk Specifications.* An applicant may be required to install sidewalks, landscaping and uniform grading as a condition of approval.

a. Sidewalks shall be constructed with gray, Class B, air-entrained, Portland cement concrete, having a strength of 3,700 P.S.I., unless the municipality dictates otherwise. Class B requires a 1:1.75:3.5 mix: one part Portland Cement, 1.75 parts sand, and 3.5 parts crushed stone or washed gravel. The sidewalk shall be constructed to a thickness of not less than four inches. Where the sidewalk crosses over a driveway, it shall be six-inch reinforced concrete.

b. Alignment and grade is to be determined by the established or existing grade in the area and is subject to County Engineer approval.

c. One-half inch wide transverse expansion joints shall be provided at intervals of not more than 20 feet and filled with prefabricated bituminous cellular type joint filler.

d. One-quarter inch longitudinal joints shall be provided between curbs and abutting sidewalks and shall be filled with premolded bituminous cellular type joint filler.

e. Transverse surface grooves shall be cut in sidewalks between expansion joints at intervals equal to the sidewalk width.

f. The standard slope of sidewalk or sidewalk area shall be one-quarter inch per foot, rising from the top of curb (See Figure 6). [Res. 510-11]

g. The sidewalk finish shall be made with a wood float, followed by brushing with a wet soft-hair brush to a neat and workmanlike surface. All edges shall be neatly rounded to one-half inch.

6-3.8. *Driveways.*

a. *Drainage Ditch Crossing.* Where a residential driveway crosses a drainage ditch along an uncurbed County road, a 15-inch diameter or larger pipe shall be placed in the ditch, provided there is sufficient depth to ensure one foot of cover

over the pipe. If the depth of the ditch is not adequate to provide for one foot of cover over the pipe, a valley gutter shall be provided to ensure proper drainage flow. See Figure 9.

b. *Grade.* Driveway and street grades shall be designed so as to not interfere with the normal roadway drainage unless adequate additional drainage facilities or other necessary facilities are provided for.

c. *Curbing.* Residential, commercial and industrial developments may be required to install concrete curbs along the entire property frontage of the County road. Curbing shall be located and constructed in accordance with standards and specifications set forth by the Cape May County Engineer. See Figure 3 for specifications and details.

In the absence of local curbing requirements applicable to the site, the County shall require curbing for each land development that requires County approval where the County Engineer determines it is necessary in order to control drainage, to act as a deterrent to vehicles leaving the pavement at hazardous points and to delineate the edge of pavement. In urban areas, as compared to rural areas, curbing may also be required to present a more finished appearance and/or to assist in the orderly development of the roadside, in addition to any of the above reasons. Curbing shall not be required in rural areas in order to preserve the rural character, except where absolutely essential for drainage or traffic control. See Figure 3 for specifications.

All proposed curbs and sidewalks shall conform to the requirements of the latest edition, supplements and amendments thereto, of the requirements of the Americans with Disabilities Act. Where existing curbs and sidewalks do not conform to these requirements, they shall be replaced with conforming structures at the applicant's expense.

(a) *Curbing, Off-Site.* The developer may be required to extend curbing a reasonable distance beyond his/her frontage to provide traffic safety and capacity or adequate drainage flow.

(b) *Curbing Specifications.* All new curbing in County rights-of-way shall be concrete, Class B, as per applicable N.J.D.O.T. standard specification. Where curbing being replaced is gray, the County Engineer shall determine whether new concrete should be white or gray. Curbs shall be 6" x 8" x 18".

(c) *Concrete Apron and Island Specifications.* All new concrete aprons and channelized island paving in County rights-of-way shall be white concrete, Class B, 3,500 PSI. Where existing concrete is gray, the County Engineer shall determine whether new concrete should be white or gray. Concrete aprons shall be six-inch reinforced (6 x 6 wire mesh). Channelized island paving shall be four-inch concrete.

[Res. 423-08]

d. *Depressed Curb.* Where existing curbs must be depressed for the purpose of constructing entrance drives, the standard section curb shall be entirely removed and depressed curb constructed. New depressed curb shall be constructed at locations recommended by the County Engineer. [Res. 423-08]

e. *Number of Driveways.* The number of driveways provided from a site directly to any one County road shall be recommended as follows:

**Length of  
Site Frontage**

**Recommended Number  
of Driveways**

Length of Site Frontage	Recommended Number of Driveways
Up to 100 feet	1
101–299 feet	2
300 feet or more	To be specified by the County Engineer and the County Planning Director

f. *Location of Driveways.*

1. All entrance and exit driveways to a County road shall be located to afford maximum safety to traffic on the County road.
2. Where a proposed facility on a County road has adequate legal access to one or more municipal roads, where necessary for public safety reasons and/or reducing traffic volumes, the County may prohibit the curb cuts on the County road.
3. Any exit driveway or driveway lane shall be designed in profile and grading and shall be so located in conformance with the standards as set forth in the current edition of AASHTO's *Policy on Geometric Design of Highways and Streets*, and subsequent amendments thereto, to permit minimum sight distance of full pavement width, measured in each direction along the County road. [*Res. 423-08*]
4. Where a site occupies a corner of two intersecting roads, no driveway entrance or exit may be located within 35 feet of the extended curb line of the intersecting road.
5. No part of any driveway may be located within ten feet of a side property line. However, upon application to the Planning Board and upon approval of design by the County Engineer, the Planning Board may permit a driveway serving two or more adjacent sites to be located on or within ten feet of a side property line between the adjacent sites.
6. No entrance or exit driveway shall be located on a ramp of an interchange or within 20 feet of the beginning of a ramp or other portion of an interchange.
7. Where two or more driveways connect a single site to any one County road, a minimum clear distance of 25 feet, measured along the curb line, shall separate the closest edges of any two such driveways.
8. Gated communities (residential, commercial, or industrial developments that restrict access through use of manned or unmanned facilities) must, within the immediate entrance area, provide adequate turn-around space for large vehicles denied access to the site.

Facilities or barriers used to control entrance to any gated community must be located a sufficient distance from the roadway so large vehicles stopped at the facility do not block travel lanes.

[*Ord. 423-08*]

g. *Driveway Angle.*

1. *Two-Way Operation.* Driveways used for two-way operation shall intersect the County road at an angle to as near 90 degrees as site conditions permit, and in no case shall such angle be less than 60 degrees.
  2. *One-Way Operation.* Driveways used by vehicles in one direction of travel, right-turn only, shall not form an angle smaller than 45 degrees with a County road, unless acceleration and deceleration lanes are provided.
- h. *Driveway Dimensions.* The dimensions of the driveways shall be designed to adequately accommodate the volume and character of vehicles anticipated to be attracted daily onto the land development for which the site plan is prepared. The required maximum and minimum dimensions for driveways are indicated in the following Table. Driveways serving large volumes of daily traffic or traffic over ten percent of which is truck traffic shall be required to utilize high to maximum dimensions.\* Driveways serving low daily traffic, less than ten percent of which is truck traffic, shall be required to use low to minimum dimensions:\* [510-11]

\*"High to maximum" = midpoint to maximum  
 "Low to minimum" = low to midpoint

<b>Driveway Dimensions</b>				
<b>Size of Residence</b>	<b>1-Way Operation</b>		<b>2-Way Operation</b>	
	<b>Curblin Opening</b>	<b>Driveway Width</b>	<b>Curblin Opening</b>	<b>Driveway Width</b>
5-10 Family Residence	12-15	10-13	24-30	22-26
Over 10 Family	12-30	10-26	24-36	20-30
Commercial and Industrial	15-50	12-34	24-50	24-46
Service Stations	15-36	12-34	24-36	20-34

i. *Driveway Surfacing.* The surfaces of any driveway subject to County site plan approval shall be constructed with a permanent pavement or such other driveway material acceptable to the County Engineer. Such pavement, or other acceptable material, shall extend to the paved traveled way or paved shoulder of the County road and throughout the area defined by the required driveway dimensions specified in paragraph .g above.

6-3.9. *Off-Street Parking.*

a. *Number of Spaces.*

1. Each land development subject to County site plan approval shall provide on its lots the number of off-street parking spaces required by any zoning, subdivision, site plan or other ordinance of the municipality in which the land development is to be located. The following standards shall be required in the absence of municipal requirements. (See Table 1.) The eight and one-half foot stall width dimension is for compact car parking areas only. Projects with 30 or more parking spaces may provide parking areas exclusively for compact or smaller cars at a rate of ten compact spaces for every 20 regular parking spaces. See Appendix B for County parking

standards.

2. Off-street parking areas shall be designed to prevent the maneuvering of vehicles into or out of parking spaces or the storage of vehicles within any portion of an entrance driveway or driveway lane that is within 20 feet of the right-of-way line of the County road. Off-street parking areas shall be designed to permit all vehicles to turn around on the site to prevent the necessity of any vehicles backing onto the County road from such site. [*Res. 599-99*]

3. No required off-street parking space, including adjacent parking access lanes or maneuvering space, shall be located within the existing or proposed right-of-way of the County road, including the sidewalk area.

4. Parking aisles and areas shall be adequate in size to service the vehicles that will be parked and maneuvered on such. If vehicles larger than automobiles are to be parked, loaded, unloaded or stored on the proposed development, such indications and allowances shall be included on the plan. [*Res. 599-99*]

5. Stacked parking spaces are prohibited for nonresidential and residential uses unless provisions for turning and storing vehicles are made on site. [*Res. 423-08*]

b. *Loading Spaces and Areas.*

1. Each land development subject to County site plan approval shall provide on its lot the number of off-street truck loading or unloading spaces required by any zoning, subdivision, site plan or other ordinance of the municipality in which the land development is to be located. However, in the absence of local off-street truck loading requirements applicable to the site, the standards included in Appendix A shall be applied.

2. No part of any off-street truck loading or unloading space shall be located within the right-of-way of the County road, including the sidewalk area. Off-street truck loading and unloading spaces shall be located and designed to permit any truck to maneuver from a driveway into or out of such space without encroaching upon any portion of the County road, or existing or proposed right-of-way, including the sidewalk area.

c. *Barrier Free Design.*

1. In instances where parking lots are provided for public buildings or facilities, as defined in the New Jersey Administrative Code, 5:23-7 (Barrier Free Subcode) or the Americans with Disabilities Act, as applicable, designated parking spaces for handicapped persons shall be required as follows:

<b>Handicapped Parking Requirements</b>	
<b>Total # of Parking Spaces in Lot</b>	<b>Required # of Accessible Handicapped Spaces</b>
1-25	1
26-50	2

51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total
Over 1,000	20 + 1 for each 100 over 1,000

2. At least one handicapped parking space in each parking lot, and one in every eight accessible spaces, must be van-accessible with an access aisle at least eight feet wide. The parking spaces and access aisles must be painted in a color (most often blue) contrasting with other spaces.

3. Designated parking spaces for handicapped drivers shall be as close as possible in the route of travel to the accessible principal entrance or entrances to the building, and shall be identified with a clearly visible sign mounted off the ground and displaying the international symbol of accessibility and containing appropriate legend and colors, as per the current *Manual on Uniform Traffic Control Devices for Streets and Highways* (MUTCD) of the Federal Highway Administration of the U.S. Department of Transportation.

Where the designated space cannot be within 200 feet of the accessible principal entrance or entrances, a drop-off area is to be provided within 100 feet of such entrance or entrances.

4. Parking spaces for individuals with physical handicaps shall be at least eight feet wide with adjacent striped access aisles at least five feet wide, with an unobstructed, near-level, paved surface that is suitable for wheeling and walking.

(a) Such parking spaces shall allow room for individuals in wheelchairs or individuals on braces and crutches to get in and out of either side of an automobile.

(b) A standard parking space parallel to a curb shall constitute an acceptable space for handicapped parking providing it allows sufficient area for individuals in wheelchairs or individuals on braces and crutches to get in and out of either side of an automobile onto a near-level, paved surface that is suitable for wheeling and walking, and affords a route of travel accessibility to the building.

(c) Care in planning shall be exercised so that individuals in wheelchairs and individuals using braces and crutches are not compelled to wheel or walk behind parked cars.

5. All routes of travel walks serving accessible principal entrance(s) shall meet the following criteria:

(a) Be at least 48 inches wide. Where considerable traffic or persons in wheelchairs are anticipated, walks or portions of walks should be at least 60 inches

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wide to allow simultaneous passage of wheelchairs in each direction.

(b) The running slope of walking surfaces should not be steeper than 1:20. The cross slope should not be steeper than 1:48.

6. Curb cut ramps shall be provided for the physically handicapped at all intersections and driveways. Plans must include the existing or proposed crosswalks in conjunction with the handicapped ramps. Where existing curb cut ramps and sidewalks do not conform to current Americans with Disabilities Act requirements, they shall be replaced at the applicant/owner's expense (See Figure 7). [510-11]

6-3.10. *Customer Service Areas.* Any site plan that provides temporary stopping space or maneuvering space for vehicles of customers or patrons seeking service at a road-side business establishment, such as a roadside market, filling stations drive-in-bank, and the like, shall be located so that the stopping or maneuvering space is at least ten feet back of the existing or, where applicable, future right-of-way line of the County road.

6-3.11. *Guide Rails.*

a. Warrants for guiderail installation shall be based on AASHTO *Roadside Design Guidelines* and New Jersey Department of Transportation standards. Length of need calculations, post spacing, fixed object treatment, etc., shall be in accordance with New Jersey Department of Transportation standards and as more specifically directed by the County Engineer. [Res. 423-08]

b. The length of guide rail for embankment protection shall include a 50-foot extension beyond the point of need for the trailing end, with breakaway cable terminals at the end of the guide rail.

c. Where consecutive installations of guide rail are required and the points of need are 200 feet or less apart, the guide rail protection shall be made continuous between the points of need.

d. Breakaway cable terminals should be provided on both the approach and trailing ends of guide rail on two-lane facilities with two-way traffic.

e. The type and specifications of guide rails within County rights-of-way shall be in accordance with the documents referenced in §6-1.5. [Res. 599-99]

f. Existing guide rails may be removed, subject to County Engineer approval, after the developer has completed installation of fill behind the existing guide rail.

6-3.12. *Stabilizing Construction Entrances.*

a. *Purpose.* The purpose of a stabilized construction entrance is to reduce the tracking or flowing of sediment onto public rights-of-way.

b. *When Required.* A stabilized construction entrance applies to points of construction egress and ingress where sediment may be tracked or flows off the construction site. This requirement is only applicable to major subdivisions.

c. *Design Criteria.*

1. *Stone Size.* ATM C-33 size No. 2 or 3 crushed stone.
2. *Thickness.* Not less than four inches.

3. *Width.* Not less than the full width of ingress or egress.
4. *Length.* A minimum of 50 feet where soils are sand or gravel, or 100 feet minimum where soils are clay or silts, except where the traveled length is less than 50 or 100 feet respectively.

At poorly drained locations, subsurface drainage should be installed before installing the stabilized construction entrance.

- d. *Maintenance.* The entrance shall be maintained in a condition which will prevent tracking or flowing of sediment onto public right-of-way. This may require periodic top dressing with additional stone or additional length, as conditions demand, and repair and/or cleanout of any measures used to trap sediment. All sediment spilled, dropped, washed, or tracked onto the public right-of-way must be removed immediately.

6-3.13. *Floodways.* To prevent and eliminate conditions which, in the event of flood and storm, threaten public health, safety and welfare and which lead to damage to, or loss of, property, the County hereby:

- a. Prohibits the erection or location of buildings and structures in the floodway area, as delineated on the Cape May County Official Map, adopted by the Board of Chosen Freeholders by Resolution No. 4803-77, amended by Resolutions No. 9578-82, No. 615-88, and as may be further amended from time to time.
- b. Prohibits the filling within, or obstruction of, any floodway designated on the official County Map. The exact boundary of a floodway of active streams will be determined by the County Engineer. Exact boundaries of seasonal or ephemeral streams will be determined by mutual agreement between the County Engineer and the applicant, or his/her engineer. The controlling factor in determining the boundaries of seasonal or ephemeral streams shall be where the seasonal high water table is at the surface.
- c. In cases of extraordinary and exceptional situations where public facilities, such as bridges and culverts, must be located in these areas, this requirement may be waived, provided a State Freshwater Wetlands Permit is obtained.

6-3.14. *Freshwater Wetlands.*

- a. *Purpose.* It is the purpose of this subsection to provide consistency between County regulations and standards and the New Jersey Department of Environmental Protection (NJDEP) statutory requirements for control of Freshwater Wetlands after July 1, 1988, N.J.A.C. 7:7A.
- b. *Application Process.*
  1. All applications to be submitted, where wetlands may be involved, must include the survey with the field delineated and the wetlands line indicated by the applicant's engineer and/or consultant. The delineations should be based upon criteria enumerated in the April 1, 1987 interim draft, *Wetland Identification and Delineation Manual*, developed by the United States Environmental Protection Agency (EPA), and any subsequent amendments thereto. When applicable, any letters of interpretation from NJDEP should accompany the submitted plat.
  2. The County will compare the wetlands boundary on the plan to the Soil Survey of Cape May County and the National Wetlands Inventory Maps. Where appropriate, a field inspection will be conducted to determine the accuracy of the wetlands delineation. A letter report, where appropriate,

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will be issued by the Cape May County Planning Board to the applicant, the municipality and the state or federal agencies having jurisdiction.

c. *County Requirements.*

1. *Pinelands.* All lots for subdivision and site plans must be able to meet the requirements of §9-1, “(Pinelands) Additional Requirements,” and any subsequent amendments thereto and the Cape May County Water Quality Management Plan (208).

2. *Approvals.* Final site plan or subdivision approval will be subject to any required NJDEP freshwater wetlands permit, where appropriate.

6-3.15. *Bikeways.* Applications providing for the construction of bicycle paths, bicycle lanes and bicycle ways shall conform to the New Jersey Department of Transportation Bicycle Planning and Design Guidelines and the United States Department of Transportation, Federal Highway Administration, Design and Construction Criteria for Bikeway Construction. All traffic control devices on bikeways shall conform to the MUTCD. The County Planning Board presents the following guidelines as official recommendations.

a. *Width.* Projects should provide sufficient width of smoothly paved surface to accommodate the shared use of the roadway by bicycles and motor vehicles. In general, 15 feet of smoothly paved surface is required in the outside lane, or in the outside lane plus adjacent shoulder, to accommodate shared use. On roadways with less than approximately 1,200 ADT (Average Daily Traffic), no space in addition to the regular travel lane is needed. On roadways with high speed heavy truck traffic more space is required, as a minimum 18 feet, or 12 feet plus a six-foot shoulder.

b. *Drainage Grates.* Wherever possible, drainage grates should be located outside the “lane sharing” area. Only bicycle safe drainage grates should be used on the roadway surface where bicyclists are likely to operate, such as the outside lane, or the outside lane plus the portion of the shoulder necessary to make the 15-foot “lane share” area. [Res. 599-99]

c. *Utility Covers; Surface Irregularities.* The roadway where bicycles operate should be free from utility covers or other irregularities which protrude above or are sunken below the roadway surface. Where present, these should be flush with the roadway surface. Raised roadway reflectors are an obstruction to bicycles. They should be used as an edge line demarcator only in hazardous areas of poor visibility where necessary to ensure motor vehicle safety.

d. *Signalized Intersections.* Signals at intersections shall be designed to accommodate bicycle traffic. Where signals are tripped by induction loop detectors bicycle sensitive loop detectors should be used in all legs of the intersection or push button signal actuators should be placed so as to be visible from, and within reasonable proximity to, the bicyclist's expected travel path.

e. *Railroad Grade Crossings.* Railroad grade crossings should be as smooth as possible. Where railroad tracks do not cross at a right angle, the pavement should be widened, or “blistered out,” to provide bicyclists sufficient space to cross the tracks perpendicularly without entering the motor vehicle traffic stream.

- f. *Maintenance.* The roadway surface on which bicycles operate, such as the “lane sharing” area, should be reasonably free of potholes, bumps, seams and debris. Otherwise, bicyclists tend to move left to avoid these obstructions and into the motor vehicles traffic stream or risk accident and injury by riding through these obstacles or the debris. Pothole repair and other maintenance activities in the “lane sharing” area should be carried out so that there is a smooth, flush surface free of debris.
- g. *Placement of Guide Beams, Sign Posts.* Guide beams, sign posts, utility poles and similar potential obstructions should not be placed immediately adjacent to the “lane sharing” space, which is usually the outside 15 feet. They should be set back at least one foot, “shy distance,” from the “lane sharing” space to prevent the reduction of the effective distance of this space.
- h. *Unimproved Intersecting Streets and Driveways.* Unimproved intersecting streets and driveways should be paved back to prevent surface material, such as gravel and debris, from migrating onto the bicyclist's riding space. Paving should extend back ten feet on roads and as far back as practicable for driveways.
- i. *TSM Type Improvements.* Attempts to maximize the motor vehicle capacity of intersections should not sacrifice bicycle access. Where it is absolutely necessary to co-opt a bike rideable shoulder for use as a right turn lane, the turning lane and through lane should be made extra wide, approximately 14 feet, to accommodate the shared use of these lanes by both bicycles and motor vehicles.
- j. *Unavoidable Obstructions.* Where there are unavoidable obstacles, obstructions or barriers such as narrow bridges, warning signs or pavement striping should be employed to alert motorists to possible bicycle presence or to otherwise mitigate the obstruction.

Where it is impracticable to provide sufficient space for lane sharing, it is possible, in some situations, to improve conditions by a variety of paint striping strategies. For example, on a 48-foot curbed section roadway, rather than stripe for four 12-foot lanes, the roadway could be striped for two 11-foot wide interior lanes and two 13-foot wide outside lanes.

- k. *Design Standards.*
1. Design standards of bicycle lanes and paths should conform to the appropriate documents referenced in Section 6-1.5 of this Resolution. [*Res. 599-99*] (as amended by *Res. 599-99*, 7/27/1999; and by *Res. 423-08*, 5/27/2008)

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**Chapter VII****Stormwater Management Design Criteria****§7-1. General Criteria.**

7-1.1. *Purpose.* The drainage design criteria herein are intended to prevent an increase in the stormwater run-off rate after construction of a development. All stormwater management facilities shall be designed in conformance with the applicable Stormwater Management Plan and the New Jersey Stormwater Best Management Practices Manual. [Res. 423-08]

7-1.2. *Waivers.* Where an applicant demonstrates to the satisfaction of the Planning Board or the Development Review Committee that the criteria herein would impose an unreasonable hardship, they may be waived or modified. Approaches other than those suggested herein may be used, provided the applicant demonstrates that they clearly will accomplish the purposes set forth in this Resolution.

7-1.3. *Establishment of Design Requirements.* The County Engineer shall establish design requirements for land developments to prevent the creation of adverse drainage conditions to County roads or drainage facilities, minimize the need for future maintenance, and to prevent risk of flooding and the inundation, silting, erosion and undermining of County roads and facilities from new developments. In cooperation with the N.J. Department of Environmental Protection, County review shall include consideration of stream encroachment, wetlands and floodplain protection.

7-1.4. *Installation of Storm Drainage Facilities.*

- a. If a development is likely to increase the amount of stormwater drainage onto a County road, the applicant shall be required to install such storm drainage facilities, at its own expense, as will be needed to accommodate the increase. Improvements which may be required include, but are not limited to, the reconstruction of existing storm drainage facilities and construction of new facilities.
- b. Where street widening is required by the County or municipality the additional run-off must be accommodated on the site or conveyed to a downstream facility capable of accommodating the additional flow.
  1. Curbs, inlets and associated structures must be designed to be consistent with existing roadway profiles and cross sections. Reversing cross slopes at the edge of existing pavement will not be permitted.
  2. Substandard inlets not conforming to stormwater management standards must be replaced.
  3. Where curbs and sidewalks are installed in areas where they would obstruct existing drainage flow, additional inlets and drainage systems shall be the responsibility of the applicant.

[Res. 423-08]

7-1.5. *Drainage Easements.* County drainage rights and easements appurtenant

to a County road shall not be impaired. Where an applicant conveys land for right-of-way to the County, the County may require the applicant to convey to the County the right to drain all or part of the road on the remaining lands of the grantor.

7-1.6. *Drainage Calculations.* The applicant shall submit drainage calculations to the County Engineer for all proposed drainage facilities. Calculations shall include, at a minimum, specific reference to roughness coefficients for pipes, streams and swales; the method of determining the runoff coefficient and time of concentrations, separate runoff coefficient for each individual drainage area, and a drainage area map showing the area used in calculations. The County Engineer may require additional information, if deemed necessary.

7-1.7. *Fill.* Where property adjacent to a highway is to be filled to highway grade, the applicant may be required to install drainage pipe of adequate size and material, catch basins, manholes, headwalls and ditches, and to take such other measures as may be necessary, to protect the County's drainage rights and adequately provide for highway drainage.

a. The first dwelling floor of all structures adjoining a County road shall be no less than one foot above the gutter line grade of the nearest roadway. The floor elevation of a proposed garage must be higher than the existing centerline of the adjoining County road. [Res.510-11]

b. Developments which receive runoff from existing County roads or drainage structures shall be provided with a graded drainage easement to conduct the existing flow to a downstream channel or structure capable of accommodating the existing and proposed flow. Provisions shall be made to prohibit blocking or filling of roadside drainage facilities without the approval of the County Engineer. [Res. 510.11]

7-1.8. *Compliance With Other Applicable Laws.* The following laws may be applicable to a development and are administered by local, Federal and State agencies. It is the applicant's responsibility to determine the applicability of these and other laws and to file all prescribed applications and to conform with all pertinent rules and regulations of laws applicable to the development.

*Coastal Area Facility Review Act*, N.J.S.A. 13:19-1, *et seq.* Requires a permit for the construction of "facilities" in a "coastal area" defined by the act.

*County Planning Enabling Act*, N.J.S.A. 40:27-1, *et seq.* Requires consideration of drainage and traffic safety impacts of a proposed development relating to County roads and drainage and traffic facilities.

*Dam & Reservoir Law*. N.J.S.A. 58:4. Governs the construction of certain reservoirs and dams, and is administered by the N.J. Department of Environmental Protection.

*Federal Water Pollution Control Act*, 1972 Amendment, 33 U.S.C. 1251, *et seq.*, Regulates discharges of pollutants.

*Flood Disaster Protection Act of 1973.* This act requires conformance with flood insurance regulations for federal mortgage insurance purposes.

*Flood Hazard Area Control Act*, N.J.S.A. 58:16A-50, *et seq.* Pertains to regulation of flood hazard areas and stream encroachments.

*Municipal Floodplain Ordinance.* Developments shall conform with applicable local floodplain restrictions.

*Municipal Land Use Law*, N.J.S.A. 40:55D-1, *et seq.* Pertains to procedures and scope of municipal planning laws.

*Riparian Rights Law*, N.J.S.A. 12:3-1, *et seq.* Provisions pertaining to riparian

lands, those lands now or formerly flowed by the tides.

*Solid Waste Management Act*, N.J.S.A. 13:1E-1, *et seq.* Governs the procedures for locating, operating and maintaining solid waste facilities.

*Water Pollution Control Act*, N.J.S.A. 58:10A-1, *et seq.* Authorizes the Department of Environmental Protection to adopt codes, rules and regulations to prevent, control or abate water pollution; establishes New Jersey Pollutant Discharge Elimination System.

*Water Quality Planning Act*, N.J.S.A. 58:11A-1, *et seq.* Requires that projects and activities affecting water quality in a planning area be developed and conducted in a manner consistent with an area-wide waste treatment management plan.

*Water Supply Management Act*, N.J.S.A. 58:1A-1, *et seq.* Pertains to water diversion, control, conservation and management, and provisions for water emergencies.

*Wetlands Act of 1970*, N.J.S.A. 13:9A-1, *et seq.* and *Freshwater Wetlands Protection Act*, N.J.S.A. 13:9B-1, *et seq.* Requires wetlands permits, freshwater wetlands permit and compliance with transition area requirements under certain conditions.

(as amended by *Res. 423-08, 5/27/2008*)

**§7-2. Basic Drainage Criteria.**

7-2.1. *Objective.* The applicant's plans shall comply with provisions specified in this Resolution pertaining to County roads and drainage facilities. The objective of the drainage design criteria contained herein is to provide for safe and adequate drainage, flood and soil erosion control in watersheds and land developments, roadway storm drainage and erosion and sediment control.

<b>Category</b>	<b>Criteria Reference</b>
Watersheds	N.J Special Report 38
Land Development	County, municipal and, where applicable, Pinelands standards.
Roadway Storm	N.J.D.O.T., Cape May County and, where applicable, Pinelands standards.
Erosion and Sediment Control	Standards for Soil Erosion and Sediment Control in New Jersey

7-2.2. The applicant's use of runoff coefficients, rainfall intensity factors, friction factors and soil factors will be analyzed and reviewed. "Design Storm Frequencies," shall apply unless a specific exception is involved. [*Res. 599-99*]

7-2.3. *References.* The following references are incorporated herein as part of these standards.

<b>Reference</b>	<b>Source</b>
New Jersey Special Report 38	U.S. Geological Survey, Trenton, New Jersey
	New Jersey Dept. of Transportation, Trenton, New Jersey

Reference	Source
Rules & Standards for Preparation of Plans, Specifications, Contract Forms & Engineer's Estimates	
Standard for Soil Erosion and Sediment Control in New Jersey	New Jersey State Soil Conservation Committee
Standard Details Conforming to the Standard Specifications	New Jersey Dept. of Transportation, Trenton, New Jersey
Standard Specifications for Roads and Bridge Construction, with supplements	New Jersey Dept. of Transportation, Trenton, New Jersey
ASCE Manual 37	American Society of Engineers, New York, New York
Design of Storm Sewers Design of Culverts No. 13 Design of Open Channels No. 3	U.S. Dept of Transportation, Washington, D.C.
Soil Survey, Cape May County New Jersey	U.S. Dept. of Agriculture & N.J. Agricultural Experiment Station, Mt. Holly, N.J.
Technical Release #55	U.S. Dept. of Agriculture, Soil Conservation Services
Technical Manual for Stream Encroachment	Bureau of Floodplain Management, N.J. Dept. of Environmental Protection

7-2.4. *Watershed Drainage Methods.* Major watershed criteria shall be utilized in the design of construction and encroachments in flowing streams whenever the drainage area is one-half square mile or larger. For watersheds of one-half to one square mile, the Rational Method may be used. For watersheds in excess of one square mile, Special Report No. 38 shall be used to compute design discharge. The SCS Method may be used for watersheds with a drainage area of less than five square miles.

7-2.5. *Storm Drainage Standards.* The State of New Jersey DEPE, Division of Water Resources' standards for storm discharge from drainage areas where an encroachment upon a stream is involved shall apply. The State's criteria for 100-year flood frequency shall be applied where appropriate.

7-2.6. *Land Development Design Methods.* Designs applying calculations meeting the criteria and standards set forth herein shall be given consideration, regardless of method. Computer methods, the soil conservation service method, and the rational formula are acceptable methods, except for developments in the Pinelands area, where only the SCS method may be used.

7-2.7. *Retention and Detention Basins; Floodplain Storage.* Where not in conflict with municipal regulations, the specifications herein shall apply to all land

developments. Higher municipal standards shall control these standards. Development design shall satisfy the following objectives and measures:

- a. Maintenance of floodplain storage along existing waterways.
- b. Provision of detention basins with outlet flow control or additional floodplain storage to prevent increase in peak rates of outflow after development.
- c. In cases where an existing waterway traverses a tract of land to be developed, the volume of flood waters stored in the waterway and the related floodplain between the normal low water elevation and the flood elevation, as determined by the Design Storm Frequency, shall be no less after development than prior to development, unless a proper plan of flood flow storage or discharge is presented and approved by the County Engineer. [*Res. 599-99*]
- d. Where possible, maintenance of floodplain storage volume shall be accomplished by leaving the floodplain area undisturbed.
- e. If a disturbance of the floodplain area cannot be avoided and that disturbance reduces the flood water storage capacity, additional floodplain storage volume shall be provided elsewhere along the stream to fully compensate for such reduction, subject to the approval by the New Jersey Department of Environmental Protection and Energy.
- f. Where peak flow reduction is to be accomplished by provision of a detention basin, the peak rate of outflow permitted shall be that occurring prior to development, using the pre-development time of concentration.
- g. The rates and volumes of inflow shall be based on assumptions similar to those used in the Rational Formula, and the duration of storm used to determine such rates and volumes shall be that which will require maximum storage. In general, the duration of the critical storm will be appreciably greater than the time of concentration of flow into the basin.
- h. A suitable method of flood routing shall be used to:
  1. Demonstrate that the storage being provided is adequate.
  2. Where additional floodplain storage is to be provided, to offset an increase in peak runoff caused by the development.

Routing shall be based upon inlet structure or the downstream flow characteristics of the channel, whichever controls the characteristics of the hydrograph, as determined in paragraph g. above, for detention basins or storage area.

In general, storage shall be provided so that it commences before the outflow rate exceeds 25 percent of the peak outflow rate permitted from the start of the outflow to the time when the peak rate is reached.

- i. Basins shall be designed with at least one foot of freeboard and provisions for overflow. The recommendations contained in the standards for soil erosion and sediment control in New Jersey and proper soil investigation and analysis shall be the minimum specification for earth work.
- j. Retention/detention basins shall be designed, and maintenance responsibility planned, to avoid objectionable or unsightly appearance.

- k. Design storm frequency shall not be less than for the applicable conditions and size of the area.
- l. An in-depth routing analysis of the effects of a detention basin shall be submitted, if the County Engineer determines that it is needed. The applicant shall furnish engineering computations and analysis used in such a study. Preliminary design may be used in lieu of detailed computations, but detailed data shall be required before final approval is given.
- m. Recommended coefficient of runoff values, “c”, shall conform to the appropriate document referenced in §6-1.5 of this Resolution. [*Res. 599-99*]
- n. When calculating the predeveloped runoff for the SCS methods, the “good” value for the CN number shall be used for farmland.
- o. Compensating storage may consist, singly or in combination, of paved, unpaved, marsh or wooded areas, building roofs and parking lots.
- p. In the Pinelands Area floodplain storage shall not be utilized in the design of detention/retention basins.
- q. In all cases where a retention basin, recharge basin, seepage pit or other similar drainage facilities are used to retain stormwater runoff on the site, at least one soil boring and percolation test shall be at the location of each facility. The soil boring shall be at least ten feet deep. The boring and percolation test shall be made at a time when the ground water table is at or near its highest point. Test results shall be certified by a professional engineer. If the boring cannot be made at a time of seasonal high water, the location of seasonal high water shall be specified.
- r. The bottom of a retention/recharge basin shall be at least two feet above the seasonal high water table, as determined in the soil boring. The percolation test shall be performed at the elevation of the bottom of the basin, and the results shall be at least one inch in 20 minutes or better. If the percolation rate is slower than one inch in 20 minutes, remedial work shall be performed to increase the rate of percolation. Remedial measures include, but are not limited to, undercutting the bottom of a basin and backfilling with granular materials and constructing stone trenches in the bottom of the basin.

(as amended by *Res. 599-99, 7/27/1999*)

### **§7-3. On-Site Detention/Retention.**

7-3.1. *Required.* Developments that create more than one acre of new impervious cover shall provide on-site detention/retention. Developments creating less than one acre of new impervious cover shall be required to provide on-site detention/retention if the drainage system downstream is at or near capacity, is inadequate or known to have problems, or if the development is in the upper reaches of a watershed.

7-3.2. *Waiver of Requirement.* Any applicant not believing that on-site detention or retention is required shall bear the burden of demonstrating that there is no need for it by clear and convincing evidence. The County Engineer may require that any applicant not wanting to provide on-site detention/retention analyze the downstream drainage systems for its capacity to carry the developed flow.

Developments creating more than one acre of new impervious cover shall not be required to provide on-site detention/retention if the applicant shows that the development is on or near a mainstream channel or the channel is under tidal control at the drainage outfall, and that the existing County structures downstream are adequately sized and will not be impacted by expected increased runoff. The applicant shall submit engineering calculations to prove there is adequate capacity and that the development will not create an adverse impact. The applicant shall submit engineering calculations to demonstrate that the stormwater impact of the development is within Weston's

guidelines in *Stormwater Management Design: A Manual of Procedures and Guidelines*, or another recognized guideline for stormwater management.

7-3.3. *Appeal.* If the County Engineer believes that on-site detention/retention is required notwithstanding the applicant's analysis of downstream drainage system capacity, the applicant may appeal to the Development Review Committee and present his/her evidence at the time the Committee considers the application, or at such other time determined by the Committee.

7-3.4. *Report Supporting Absence of On-Site Retention.* If on-site detention is not proposed for a development, the applicant shall submit an engineer's report stating that the development satisfies the criteria set forth in subsection 7-3.2, above.

#### §7-4. Open Channels.

7-4.1. *Specifications.* All channels and storm sewers shall carry the maximum discharge for which they are designed and minimize the deposition of transported suspended solids. Applicants shall comply with the following specifications concerning open channels:

- a. Channels for conducting storm flows shall provide for design storm frequency. [*Res. 599-99*]
- b. Open channels shall be designed to provide stable soil side slopes.
- c. Channel design shall include suitable vegetative cover.
- d. Measures shall be taken to prevent erosion during construction. See standards for soil erosion and sediment control. [*Res. 599-99*]
- e. The Manning Formula may be used in designing open channels. Recommended roughness coefficients, "n", for concrete lined channels are .015-.025. For natural vegetative channels, "n" varies from .03-.14.
- f. The applicant shall control stream bank erosion aggravated by velocity problems associated with the more frequent, one to five years, flood event.
- g. The applicant shall comply with national flood insurance, 100-year event, criteria in locating buildings.

7-4.2. *Pinelands Area.* Neither development of a parcel nor construction of a road pursuant to a development shall result in an increase in the volume and rate of runoff generated from the parcel by a 50-year storm and a 24-hour duration, as calculated in accordance with the *U.S. Soil Conservation Service Technical Release No. 55* or the *S.C.S. National Engineering Handbook*, §4. Surface water runoff from impervious surfaces shall be retained to facilitate infiltration into the ground water. Retention (recharge) basins designed to store the difference between developed and undeveloped runoff in the 50-year, 24-hour storm shall also be designed to store the total runoff from a 25-year, 24-hour storm. Type C inlets, dry wells, stone trenches or other type of detention/retention facility shall be constructed to prevent increased runoff from roadway construction.

7-4.3. *Roadway Storm Drainage Criteria.* For small road projects, parking areas and industrial and commercial centers connecting into County drainage facilities, the five-year design storm frequency criteria shall be used. These criteria conform to the New Jersey Department of Transportation and Cape May County Engineer's standards and method of calculations for roadway drainage. [*Res. 599-99*]

(as amended by *Res. 599-99, 7/27/1999*)

### §7-5. Storm Sewer Systems on County Roads.

7-5.1. *Road Opening Permit Required.* Prior to commencement of any construction within the County's right-of-way, the developer shall obtain a road opening permit from the Cape May County Engineer's Office.

7-5.2. *Inlets and Manholes.* Inlet spacings shall not exceed 400 feet or a design inlet flow of 6.0 cfs, whichever condition shall be more stringent. Access manholes shall be spaced at not greater than 400-foot intervals through rights-of-way and at sewer junctions where there are no catch basins.

The inlet curb shall be the same size as the curb face unless otherwise directed by the County Engineer. Manhole and inlet castings shall conform to the New Jersey Department of Transportation standards. [*Res. 599-99*]

Capacity of inlets in sumps must be known in order to determine the depth and width of ponding in the street. For ordinary design, a grate inlet in a gutter can be considered as an orifice of area equal to the clear openings in the grate with a coefficient of discharge equal to 0.6. The capacity of an unclogged grate inlet in a sump is:

$$Q = 0.6A (2gh)^{1/2}, \text{ where}$$

Q = capacity in cfs.

A = area of clear opening in square feet

g = gravitational acceleration in feet per second (32.2 ft./sec./sec.)

h = head in feet

For Type "E" Inlets, A = 6.0 square feet.

For Type "A" Inlets, A = 3.0 square feet.

A curb opening inlet can be considered as a rectangular weir whose capacity is:

$$Q_c = 3.0 (h) (L), \text{ where}$$

Q<sub>c</sub> = Capacity in cfs

h = head in feet

L = length of curb opening in feet.

Type B inlets shall be required at points along the curbline to insure that drainage flow does not exceed six cfs. Inlets shall also be placed at low points along the curbline.

7-5.3. *Design Standards.* Sewers shall be designed using the Manning Formula for flow in pipes. Minimum design velocity flowing full shall be the cleaning velocity of the pipe. The five-year design storm frequency shall be used in the design of storm sewers on line. In addition, a ten-year design storm frequency at low points with overland relief shall be used, and a 25-year design storm frequency at low points without overland relief. The hydraulic grade line in the County storm sewer system must be kept at least one foot below the inlet grate elevation. [*Res. 599-99*]

7-5.4. *Catch Basins; Grates.* "Dish" type intersections or rocker gutters crossing County roads are not permitted. Sufficient catch basins shall be installed at each street intersection to avoid gutter overflow at low points in the street grade. Bicycle compatible grates shall be used in roadways.

7-5.5. *Pipe Standards.* Pipe shall be circular reinforced concrete pipe, Class III, Wall B, minimum 15-inch I.D., unless otherwise approved by the County Engineer, and laid with not less than two-foot depth of cover over the top of pipe. If depth of cover is less than two feet, but more than one foot, over the top of the pipe, Class IV reinforced concrete pipe may be used. If depth of cover is less than one foot, ductile iron pipe (DIP) is acceptable down to six inches of cover.

For pipes less than 48 inches in diameter, all transitions in slopes, horizontal directions, junctions and changes in pipe size shall be confined to manholes, catch basins or other accessible structures designed for one or more of these purposes. In 48-inch and larger pipe lines, vertical and horizontal deflections may be accomplished using 100-foot or larger radius curves.

Ends of pipe starting or terminating in an open ditch shall have suitable headwalls and rip-rap. Flared end sections and other protective treatment may be considered in specific cases such as parallel ditches to the roadway. [*Res. 599-99*]  
(as amended by *Res. 599-99, 7/27/1999*)

#### **§7-6. New Culverts and Bridges.**

7-6.1. *Acceptance by County.* The County shall not be responsible for the future maintenance of a culvert or bridge on a new public road within a development unless the bridge or culvert has been approved by the Board of Chosen Freeholders and the drainage basin upstream of the proposed bridge or culvert exceeds one-half square mile, 320 acres, in area and pipe diameter exceeds 48 inches, or equivalent area.

The County shall not be responsible for maintenance of a new culvert or bridge unless the County Engineer and the municipal engineer certify that the construction is in accordance with the approved plans and specifications.

7-6.2. *Plan Requirements.* Plans for culverts and bridges will not be considered unless they are accompanied by evidence of submission, and the approval or waiver, where applicable, of the following:

- a. Issuance of the following permits and/or certificates by the N.J. Department of Environmental Protection, Division of Coastal Resources:
  1. Stream encroachment permit.
  2. Wetlands permit.
  3. Tidelands grant, lease or license.
  4. CAFRA permit, coastal facilities.
  5. Waterfront development permit.
  6. Water quality certificate, from the division of water resources, unless a waterfront development permit is required.
  7. Floodway permit, from the division of water resources.
  8. Archeological certification from the N.J. Department of Environmental Protection.
- b. Issuance of a Water Quality Certificate by the Delaware River Basin Commission.
- c. Approval from the U.S. Coast Guard, Fifth Coast Guard District, in care of the First Coast Guard District, NYC and Washington, D.C.
- d. Approval from the U.S. Army Corps of Engineers, Philadelphia District.

#### 7-6.3. *Design Standards.*

- a. The new bridge or culvert shall be designed in accordance with the latest edition of AASHTO, America Association of State Highway and Transportation Officials, *Standard Specifications for Highway Bridges*, including interims, and as modified by the New Jersey Department of Transportation's *Design Manual*

*for Bridges and Structures*, including modifications. The construction specifications shall use the current edition of the New Jersey Department of Transportation's *Standard Specifications for Road and Bridge Construction*, including modifications. The structure shall be designed to carry AASHTO vehicle type HS20 44 plus ten percent, as a minimum.

b. Culverts shall be the full width of the road right-of-way, except for those portions necessary for headwalls, guide rails, slopes and parallel ditches. Bridges and box culverts shall be of the width specified by the County Engineer.

7-6.4. *Plan Submission and Approval.* Plan and specifications of the proposed structure shall be submitted to, reviewed and approved by the County Engineer.

7-6.5. *Periodic Inspections.* The County Engineer shall be notified in writing one week in advance of the commencement of construction so that periodic inspections can be made.

### §7-7. Existing Culverts.

#### 7-7.1. Widening.

a. In the event that a County road must be widened as a consequence of a land development, the applicant's frontage includes both sides of the stream, and the existing structure has adequate waterway area and is not scheduled for early replacement by reason of structural inadequacy, the applicant shall lengthen a culvert having a span of 48 inches or less to the full width of the proposed right-of-way, except for those portions necessary for headwalls, guide rails and slopes. Widening of bridges or box culverts shall be accomplished in accordance with County Engineer requirements.

b. If a developer's property fronts on only one side of a County road and a culvert or bridge must be lengthened as a consequence of the land development, the culvert or bridge shall be lengthened on the developer's side of the road from the centerline of the road to the full width of right-of-way in accordance with the County Engineer's requirements, except for those portions necessary for headwalls, guide rails and slopes.

#### 7-7.2. Cash Payment In Lieu of Widening.

a. In the event that a County road must be widened as a consequence of the construction of a development, the developer's frontage includes a stream, and the existing structure over the stream has adequate waterway area and is scheduled for early replacement by reason of structural inadequacy or is of such construction that reconstruction of the existing structure is impractical in the opinion of the County Engineer, then the applicant shall make cash payments sufficient to cover the developer's proportionate cost of the improvements. The cost will be determined by the County Engineer using current competitive bid prices for the units involved.

b. Where a proposed development upstream from a County culvert or bridge necessitates replacement, widening or lengthening of the culvert or bridge to accommodate additional stormwater runoff, the developer shall contribute his proportionate share of the costs. This cost will be determined by the County Engineer using current competitive bid prices for units involved.

7-7.3. *DEP Approval.* Plans for the proposed work shall be approved by the New Jersey DEP, Division of Coastal Resources.

7-7.4. *Performance Guarantees.* The developer shall post the guarantee specified

by the County Engineer to insure the satisfactory completion of the work.

7-7.5. *Inspections by County; Costs.* Construction of new structures that the County will be responsible for future maintenance, and modification to existing County owned structures, will be inspected by the County during the construction to insure conformance to the plans and specifications.

The applicant shall make payment to the County to cover all costs involved in the construction inspection of the structure. These costs shall include, but are not limited to, salaries, sampling, testing and consultant fees.

#### **§7-8. Subsurface Water Drains.**

An applicant may be required to construct Type “F” under-drains, as defined in the *Standard Specification for Roads and Bridge Construction*, N.J.D.O.T., or combination drains, where the water table is high, ditches are to be filled, or as otherwise directed by the County Engineer.

#### **§7-9. Pipes under Residential Driveways.**

7-9.1. *Where Required.* Where side ditches exist, pipes of a size and material designated by the County Engineer shall be installed beneath the driveways.

7-9.2. *Design Standards.* A masonry concrete headwall or flared end sections shall be installed at each end of the pipe. Where conditions are favorable, continuous pipe of proper size under the sidewalk area and drives may be installed. Where such installations, by itself or in combination with existing drainage facilities, exceeds 400 feet in length, manholes and/or inlets may be required at intervals not exceeding 400 feet. Grades on the above installations shall be approved by the County Engineer. The County Engineer shall specify the size and kind of pipe to be installed under a driveway.

7-9.3. *Costs to Applicant.* The County shall not be responsible for the cost to install the pipe which may be necessary, nor shall it furnish or place fill material either within the right-of-way of the road or outside of it.

7-9.4. *Pipe From Road Crossdrains.* The County Engineer may authorize the placing of pipe of adequate size and material in ditches extending from road crossdrains under such conditions as will adequately handle surface drainage from the highway and abutting property. The County Engineer, however, may require the applicant to construct standard manholes, catch basins or both if current drainage conditions or future maintenance conditions make these structures necessary. Depth of cover over such pipe ordinarily determines the kind of pipe to be used. On larger streams, the approval of the New Jersey Department of Environmental Protection shall be required.



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**Chapter VIII****208 Water Quality Management  
Plan Review Procedure****§8-1. Adoption of Wastewater Disposal Management Program.**

Cape May County has developed an On-Site Wastewater Disposal Systems (Septic) Management Program under §208 of the Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500. This program was adopted by the Cape May County Board of Chosen Freeholders and is administered by the Cape May County Health Department.

**§8-2. Adoption of Comprehensive Plan.**

Under the County Planning Enabling Act, the County Planning Board is not specifically empowered to review development under §208. However, the Board is empowered to create and adopt a County Comprehensive Plan which may address issues of water supply and sanitary facilities, and has adopted such a plan.

**§8-3. Review of Development Applications by County Health Department.**

8-3.1. *Review of Application.* In the interest of maintaining adequate County water supply and sanitary facilities as discussed in the adopted County Comprehensive Plan, all development applications submitted to the Cape May County Planning Board under N.J.S.A. 40:27 will be made available to the Cape May County Health Department for review under the above mentioned program.

8-3.2. *Approval/Disapproval.* The County Health Department, after such review, may generate a letter approving or disapproving a specific application based on the criteria of the Septic Management Program, as adopted.



## Chapter IX

### Development in Pinelands; Procedures and Standards

#### §9-1. Additional Requirements.

The following requirements, in addition to other County and municipal requirements, apply to the Cape May County Planning Board's review of all applications for development within the designated Pinelands Area.

#### §9-2. Submission Requirements.

Any application for development filed with the Cape May County Planning Board or other County approving agency shall be accompanied by the following:

1. A certificate or notice of filing from the Pinelands Commission issued pursuant to N.J.A.C. 7:50-4.34.
2. For major developments, notification from the Pinelands Commission that a prior municipal development approval complies with the Comprehensive Management Plan requirements.
3. For minor developments, a Certificate of Compliance, issued by the Pinelands Commission pursuant to N.J.A.C. 7:50-4.15, for development proposed in areas without certified local plans.

#### §9-3. Notice Requirements to Pinelands Commission.

9-3.1. *By Certified Mail.* Whenever notice is given by the County to the Pinelands Commission, it shall be by certified mail, return receipt requested.

9-3.2. *When Required.* The Cape May County Planning Board, or other County approving agency, shall give notice to the commission of the following:

- a. *Completeness of Application.* When a County approval agency determines that an application for development is complete, or that an application which was previously filed has been modified, notice shall be provided within seven days of such determination, and shall contain the information specified in N.J.A.C. 7:50-4.35(b).
- b. *Formal Hearing, Meeting or Proceeding.* The County Planning Board, or other County approving agency, shall notify the Pinelands Commission of any hearing, public meeting or other formal proceeding at which an application for subdivision or site plan review is to be considered. Such notice shall be given not less than five days prior to the proceeding, and shall contain the information specified in N.J.A.C. 7:50-4.35(c).
- c. *Notice of Approvals and Denials.* The County approving agency shall notify the Pinelands Commission of the granting of any approval, preliminary or final, or denial, or revisions thereto, of a subdivision or site plan application within five days following such action. Such notice shall be provided whether an approval occurs by action or inaction of any County approving agency decision or an appeal of any such decision. Such notice shall contain the information

specified in N.J.A.C. 7:50-4.35(d).

d. *Appeals.* Where an appeal of the County approving agency action is made to the County approving agency or Board of Chosen Freeholders, the County approving agency shall notify the Pinelands Commission of the decision of the County approving agency or Board of Chosen Freeholders within five days following the decision on such appeal.

#### **§9-4. Commission Review of County Approval.**

9-4.1. *Stay of Development Pending Review.* Upon receipt by the Pinelands Commission of a notice of approval pursuant to paragraph 9-3.2.c above, the application for a development approval shall be reviewed in accordance with the provisions on N.J.A.C. 7:50-4.37 through N.J.A.C. 7:50-4.42. The approval by the County approval agency 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 unless such review has been completed and the Commission has approved, or approved with conditions, the proposed development and the provisions of N.J.A.C. 7:50-4.38(d) have been fulfilled.

9-4.2. *No Review of Denials.* Although the Pinelands Commission shall be notified of all denials of applications for development, no such denial actions are subject to further review and action by the Pinelands Commission.

#### **§9-5. Effect of Commission's Decision on County Approval.**

If the Pinelands Commission disapproves a preliminary or final subdivision or site plan, the County approving agency shall revoke its approval and, within 30 days, deny approval of the application. If the Commission approves the County approving agency's approval subject to conditions, the County approving agency, within 30 days, shall modify its approval of the application to include all conditions imposed by the Commission. If final approval of the application is required, it shall grant final approval only if the application for approval demonstrates that the conditions specified by the Commission have been met by the applicant.

#### **§9-6. Public Development.**

All development proposed by Cape May County, or any agency thereof, shall comply with all the requirements for public development set forth in N.J.A.C. 7:50-4.51, *et seq.*

#### **§9-7. Definitions.**

Where a conflict exists between Pinelands area and other definitions, the Pinelands definitions shall apply in Pinelands areas. The following definitions, which are applicable to the requirements for County review of development applications in the Pinelands Protection Area are taken from N.J.A.C. 7:50-2.11, definitions. The following definitions are in addition to the definitions contained in §1-5 of this Resolution.

*Application for development* - any application, filed with any permitting agency, for any approval, authorization or permit which is a prerequisite to initiating development in the Pinelands area, except that the following shall not be considered development, except for development of any historic resource designated by the Pinelands Commission pursuant to N.J.A.C. 7:50-6.154:

- a. The improvement, expansion or reconstruction within five years of destruction or demolition of any single family dwelling unit or appurtenance

thereto.

- b. The improvement, expansion, construction or reconstruction of any structure accessory to a single family dwelling.
- c. The improvement, expansion, construction or reconstruction of any structure used exclusively for agricultural or horticultural purposes.
- d. The construction, repair or removal of any sign, except for the construction or replacement of any off-site commercial advertising sign.
- e. The repair of existing utility distribution lines and the installation of utility distribution lines to serve existing developments which have received all necessary approvals and permits.
- f. Clearing of less than 1,500 square feet of land.
- g. The construction of any addition or accessory structure for any non-residential use or any multi-family residential structure, provided that such addition or structure will be located on or below an existing impermeable surface; that the existing use is served by public sewers; and that such addition or structure will cover an area of no more than 1,000 square feet.
- h. The demolition of any structure that is less than 50 years old.

Nothing herein shall preclude any County agency from reviewing, in accordance with provisions of any applicable ordinance, resolution or regulation, any proposed development which does not require an application to the Pinelands Commission pursuant to paragraphs .a through .h above.

*Approval agency or authority* - any board, body, authority or person within the County with authority to approve or disapprove subdivisions, site plans or any other applications for development approval.

*Certificate of Compliance* - an approval issued by the Commission which is a prerequisite to the commencement of any land development in any portion of the Pinelands area located in the jurisdiction of a municipality with an uncertified master plan or land use ordinance. See N.J.A.C. 7:50-4.11 through 4.27.

This document shall be entitled certificate of noncompliance when the proposed development is not consistent with the requirements of the Comprehensive Plan.

*Certificate of filing* - the certificate issued by the Pinelands Commission which is a prerequisite to the filing of a complete application with any local permitting agency. (See N.J.A.C. 7:50-4.34.)

*Certified municipal plan or land use ordinance* - any municipal master plan or land use ordinance certified by the commission pursuant to N.J.A.C. 7:50-3, Part IV, as being in conformance with the minimum standards of the Comprehensive Management Plan.

*Commission* - the Pinelands Commission created pursuant to §5 of the Pinelands Protection Act, and its employees.

*Comprehensive Management Plan* - the plan adopted by the Commission pursuant to §7 of the Pinelands Protection Act, as amended, and referred to as N.J.A.C. 7:50, *et seq.*

*Development* - the change or enlargement of any use or disturbance of any land, the performance of any building or mining operations, the division of land into two or more parcels, or the creation or termination of rights of access or riparian rights including, but not limited to:

- a. A change in type of use of a structure or land.
- b. A reconstruction or alteration of a size, or a material change in the external appearance, of a structure or land.
- c. A material increase in the intensity of use of land, such as an increase in the number of businesses, offices or dwelling units in a structure or on land.
- d. Commencement of resource extraction, drilling or excavation on a parcel of land.
- e. Demolition of a structure or removal of trees.
- f. Commencement of forestry activities.
- g. Deposit of refuse, solid or liquid waste or fill on a parcel of land.
- h. In connection with the use of the land, the making of any material change in noise levels, thermal conditions or emissions of waste materials.
- i. Alteration, either physically or chemically, of a shore, bank, floodplain, seacoast, river, stream, lake, pond, wetlands or artificial body of water.

*Development, public* - any development, including subdivision, by any County or other public agency.

*Municipality* - any city, borough, town or township wholly or partially located in the Pinelands area or Pinelands National Reserve.

*Notice of filing* - a notice issued by the Pinelands Commission pursuant to N.J.A.C. 7:50-4.34 that a duplicate copy of the application for a single-family dwelling has been received.

*Pinelands Area* - that portion of Cape May County within the area designated by §10(A) of the Pinelands Protection Act.

*Pinelands Development Review Board* - the agency responsible from February 8, 1979, till June 28, 1979, for the review of, and actions 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.

*Seasonal high water table* - the level below the natural ground surface to which water seasonally rises in the soil in most years.

*Subdivision* - the division of a lot, tract or parcel of land into two 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 act if no new streets are created and no development occurs or is proposed in connection therewith:

- a. Divisions of land found by the Planning Board, or subdivision committee thereof appointed by the chairperson, to be for agricultural purposes, where all resulting parcels are five acres or larger in size.
- b. Divisions of property by testamentary or intestate provisions.
- c. Divisions of property upon court order including, but not limited to, judgments of foreclosure.
- d. Consolidation of existing lots by deed or other recorded instrument.

- e. The conveyance of one 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 municipal development regulation and are shown and designated as separate lots, tracts or parcels on the tax map or atlas of the municipality.

The term “subdivision” shall also include the term “resubdivision.”

### §9-8. Development Standards.

9-8.1. *Applicability of Pinelands Comprehensive Management Plan.* The following standards, which are applicable to the requirements for County review of development applications in the Pinelands Protection Area, are necessary to conform to the minimum standards of the Pinelands Comprehensive Management Plan. The standards contained herein are taken from Subchapter 6, “Management Programs and Standards,” of N.J.A.C. 7:50-1, *et seq.*

#### 9-8.2. *Drainage.*

- a. The volume and rate of runoff generated from the parcel by a 50-year storm of a 24-hour duration, as calculated in accordance with the United States Soil Conservation Service *Technical Release No. 55* or the S.C.S. *National Engineering Handbook 4*, may not increase as a result of any development of the parcel.
- b. Surface water run-off from impervious surfaces shall be retained to facilitate infiltration into the ground water.
- c. Run-off shall not be re-charged where depth to water table is more than 20 feet below the surface, whenever practical.
- d. Excessively and somewhat excessively drained soils, as defined by the Soil Conservation Service, should be avoided for recharge of run-off wherever practical.
- e. Surface water run-off shall not be directed in such a way as to increase the volume and rate of discharge into any surface water body from that which existed prior to development of the parcel.

#### 9-8.3. *Effect on Groundwater Quality.*

- a. Standards for nitrates are superseded by a standard of 2.0 mg/L at the property line or in any surface waters in the Pinelands Area.
- b. In the Pinelands Area, any potable water well shall be drilled and cased to a depth of at least 100 feet, unless the well penetrates an impermeable clay aquiclude, in which case the well shall be drilled and cased to at least 50 feet.

9-8.4. *Depth to Seasonal High Water Table.* In the Pinelands Area, a depth of five feet to seasonal high water table shall be required, in accordance with local ordinance and the Pinelands CMP standards, unless a Waiver of Strict Compliance, pursuant to Subchapter 4, Part IV, of the Comprehensive Management Plan, has been issued by the Pinelands Commission.

9-8.5. *Minimum Lot Size.* In the Pinelands Area, lot sizes have been set by each municipality to meet Pinelands water quality standards. Where an application is at variance with the municipal use or bulk requirement, the following septic system dilution model shall be utilized to determine that the groundwater exiting from the parcel or entering a surface body of

water will not exceed two parts per million nitrate/nitrogen.

### MODEL

$$A_t = A_f + \frac{\left\{ C - \frac{FL_f}{D_f} A_f \right\}}{D_o}$$

$A_t$  = Total Area  
(hectares)

$A_f$  = Septic Field Area in hectares (Effective area width = 4 times the trench width)

$F$  = Unit conversion factor = 10

$L_f$  = Flux of Nitrate-Nitrogen below the septic field area  
(kilograms/hectare/year)

$C$  = Target Concentration of Nitrate-Nitrogen (ppm)

$D_f$  = Equivalent depth of percolate below the leach field (cm/yr)

$D_o$  = Equivalent depth of percolate below the open areas (cm/yr)

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**Chapter X****Dedications and Improvements****§10-1. Off-Site and Off-Tract Improvements.**

10-1.1. *General.* Off-site improvements, the cost of which are to be borne by the applicant, may be required by the Planning Board as a condition of subdivision or site plan approval. The Planning Board may determine, in accordance with the provisions of this Resolution, that an applicant's subdivision or site plan creates the need for off-tract improvements, in whole or in part, to a County road, bridge, culvert or drainage facility. When such a determination is made, the Planning Board may require that the applicant install or contribute to the actual cost of installation of off-tract improvements as a condition of subdivision or site plan approval.

10-1.2. *Determination of Need.* In accordance with the provisions of this Resolution, the Planning Board may require off-tract improvements which shall be reasonably related to the health, safety and welfare of the general public, and shall include, but not be limited to, the installation of new improvements, the extension and modification of existing improvements and any land areas required for improvements, including improvements to roads, bridges, culverts, curbs, sidewalks, drainage facilities and such other off-tract improvements and easements the Board may find necessary.

10-1.3. *Manner of Construction.*

- a. All off-tract improvements which cross municipal boundary lines shall be constructed by the County.
- b. All off-tract improvements which do not cross municipal boundary lines shall be constructed by the applicant, unless otherwise provided for through agreement with the Board of Chosen Freeholders.

10-1.4. *Amount of Contribution.* The Planning Board shall require that the applicant provide for all necessary off-tract improvements as a condition of final approval of a subdivision or approval of a site plan consistent with one of the following procedures:

- a. If the off-tract improvement is to be completed by the County, a certified check or money order equal to the fair share amount allocated to the applicant's property, must be submitted.
- b. If the off-tract improvement is to be completed by the applicant, a certified check or money order, performance bond or guarantee in favor of the County and certified by the County Engineer in an amount equal to 110 percent of the estimated cost of the improvement. The Board of Chosen Freeholders and the applicant may enter into an agreement which provides for County participation in the construction of those off-tract improvements which benefit the County's property or facility.
- c. The Board of Chosen Freeholders may, at its discretion, enter into an agreement with the applicant to provide for the applicant to install and construct off-tract improvements and provide for the County's participation in completion of the off-tract improvements for the amount by which the County's property or

facility is improved.

10-1.5. *Applicant's Allocated Costs for Improvements Constructed by County.* The Planning Board shall require that the applicant provide for payment of allocated costs for off-tract improvements prior to final approval of subdivision or site plans consistent with the following procedures:

- a. The estimated cost of the off-tract improvement allocated to the applicant shall be paid by certified check or money order by the applicant to the County Treasurer, who shall provide a suitable depository therefore. Such funds shall only be used for off-tract improvements as required by the Planning Board. If, after a period of ten years the off-tract improvements have not been constructed, deposited funds may be transferred to the County's general fund.
- b. In the event that the actual cost of the applicant's allocated share of the off-tract improvement is less than the payment made by the applicant to the County Treasurer, the applicant shall be reimbursed by the County in an amount equal to the difference between the payment and the applicant's share of the actual cost. The applicant shall be reimbursed within 90 days of the completion of the project.

10-1.6. *Determination of Costs; Applicant's Fair Share.* The Planning Board shall estimate the costs of the required off-tract improvements in accordance with the standards adopted in this Resolution and the applicant's fair share of the costs of the improvements.

- a. *Professional Input.* The County Engineer, County Planning Director and such other persons having pertinent information or expertise shall assist the Planning Board in estimating the cost of the improvement and the amount representing the applicant's fair share of the cost.
- b. *Standards for Specific Improvements.* In determining to what degree the need for the off-tract improvement was created by the proposed development, the Planning Board may consider the following, subject to adjustment for peculiar or exceptional conditions:

1. Contributions for road, curb, gutter and sidewalk improvements in the public right-of-way shall be based upon a property's percent of the total frontage of such right-of-way. This percentage may be modified to reflect differences in vehicular or pedestrian traffic anticipated to be generated by developments fronting on such rights-of-way.
2. Contributions for traffic-related improvements shall be based upon the percentage relationship of traffic generated by the proposed development and the total volume of existing traffic. This percentage may be modified in consideration of peak flows for the proposed development and other segments of the contributing area.
3. Contributions for drainage facilities shall be based upon the percentage relationship between the acreage of the property and the total contributing acreage for each segment of pipeline involved. This percentage may be modified in consideration of the coefficients of runoff for the proposed development and other areas in the drainage basin.

10-1.7. *Appeal of Allocated Costs.* The Planning Board shall notify the applicant of the applicant's allocated fair share of the cost of off-tract improvements prior to imposing them as a condition of final approval of a subdivision or approval of a site plan. If the applicant shall deem that any of the costs so estimated by the Planning Board are unreasonable, the Board shall afford the applicant an opportunity to be heard thereon at a public meeting and the applicant may challenge them and seek revisions in appropriate proceedings brought to compel subdivision or site plan

approval.

10-1.8. *Design Standards.* Off-tract improvements installed by the applicant in accordance with the provisions of this Resolution shall observe all standards, requirements and principles of this Resolution and all other applicable requirements in the design of such improvements.

10-1.9. *Installation of Improvements by County.* Nothing herein above set forth shall be construed to impose an affirmative obligation upon the County to construct off-tract improvements unless the County, in its sole discretion, makes provision for the funding of such improvements in its annual budget.

## **§10-2. Dedications, Contributions and Required Improvements.**

10-2.1. *General Considerations.* Where a land development fronting a County road provides 50 or more parking spaces; or the County road has a peak-hour traffic volume exceeding 500 vehicles per hour; or a speed limit in excess of 25 miles per hour; or where the expected impact of a development, as determined from a detailed traffic analysis, is such that the facility will generate sufficient traffic volumes to cause a hazardous or otherwise unsafe condition to exist, dedication, easement or improvement may be required.

This Section describes the types of improvements which an applicant may be required to construct and specifies the conditions which may require dedication of lands, the mandatory construction or contribution to the cost of constructing drainage facilities, and the conveyancing of drainage easements or contribution to the cost of acquiring an easement.

a. *Dedication.* An applicant may be required to dedicate lands for right-of-way or drainage facilities, convey a drainage easement to Cape May County, and construct or contribute to the cost of constructing certain on- and off-site improvements as conditions to Planning Board approval.

b. *Improvements.* Improvements which may be required to be constructed by the applicant, or to the cost of which the applicant may be required to contribute as a condition of approval, include, but are not limited to, drainage facilities, drainage easements, dedication of lands for rights-of-way, dedication of lands for drainage ways along County roads, roadway pavement and widening, marginal access streets, reverse frontage, traffic design features, intersection improvements and traffic control devices, and other physical improvements relating to the safety and convenience of the traveling public.

c. *Bases of Requirement.* Requirements for dedication or contribution for off-site improvements will be based on consideration of pertinent factors, including their cost, the benefits to the development, the conditions created by the development, population and land use projection for the area of the development, impact of the required improvement on the area, estimated time of construction and projected usefulness.

### **10-2.2. Right-of-Way Dedication/Easement.**

a. Review of an application for development by the Planning Board staff shall include an assessment of whether the applicant should be required to dedicate lands for rights-of-way.

b. Rights-of-way may be required to be dedicated through conveyance by deed

or easement, whichever is specified by the Development Review Committee or Planning Board, where one of the following conditions is met: [*Res. 423-08*]

- (1) When the County road along the parcel in question is programmed for an improvement, which requires right-of-way in excess of the existing width.
- (2) When there is an established rational nexus between the proposed development and the improvement for which the additional right-of-way is necessary.
- (3) When the parcel in question is located such that additional right-of-way is needed to correct a safety, geometric, drainage or other existing or anticipated problems that affects the health, safety or welfare of the public.

If it is determined that a dedication is required, the applicant/owner will be responsible for preparation of the deed or easement. If the applicant/owner wants County Counsel to prepare the document, they will be charged \$300 per deed for this service. Any requirement for dedication of lands shall be in conformance with the County Comprehensive Plan, County Official Map and other County plans.

c. If the County Engineer believes that rights-of-way should be dedicated as a condition of Planning Board approval of an application, (s)he shall contact the applicant and determine whether the applicant is willing to dedicate any right-of-way. If the applicant is willing to do so, the Planning Board staff shall so advise the Development Review Committee at the time that the application is reviewed by the Development Review Committee. [*Res. 423-08*]

d. If the applicant advises the Planning Board that (s)he is not willing to dedicate any right-of-way, the Planning Board staff shall so advise the Development Review Committee and the County Engineer, who, in turn, shall advise the Committee of the reasons why (s)he believes lands should be dedicated. [*Res. 423-08*]

e. The developer shall be given the opportunity to present such evidence or testimony at a hearing on the development to support its contention that dedication of rights-of-way should not be required.

f. In determining whether dedication of rights-of-way should be required, consideration shall be given to the elements cited in paragraph e., above, and evidence such as traffic counts, existing and projected traffic patterns and existing roadway conditions. If the Development Review Committee determines that there are sufficient reasons to require dedication, it shall include that requirement as a condition of approval and the report of the Committee's action on the application shall include the reasons for requiring dedications. [*Res. 423-08*]

g. A determination may be made that an applicant should not be required to dedicate a right-of-way if there is a usable structure on the lot which is the subject of the application for approval and dedication of lands in conformity with the County Comprehensive Plan would either make the lot a nonconforming lot according to municipal zoning regulations, or the County right-of-way line would come within ten feet of the structure.

h. Where right-of-way dedication is not required, the proposed right-of-way line shall nevertheless be shown on the final approved plan of the development.

i. The additional right-of-way required shall be that portion of the parcel which abuts a

County road and which lies between the existing right-of-way and the right-of-way standard as set forth in the County Official Map, County Comprehensive Plan and other County plans.

j. The additional right-of-way shall be clearly shown on the survey, plan of subdivision or site plan, with bearings, distances, areas and metes and bounds descriptions prepared by and signed by a New Jersey Professional Land Surveyor. Plans which include dedication of land to Cape May County for right-of-way shall include the following language:

“Right-of-way dedicated to Cape May County for road-widening purposes” or such other language deemed appropriate by the Planning Board Solicitor.

k. A road easement form and additional easement and deed recording requirements are found in Appendix F.

[*Res. 773-05*]

10-2.3. *Drainage Facilities; Drainage Easements.*

a. An applicant may be required to construct, or contribute to the cost of constructing, drainage facilities, to convey a drainage easement to Cape May County or contribute the cost or proportionate share of securing a drainage easement when the County Engineer determines that the development will cause stormwater to drain either directly or indirectly to a County facility for which the County is responsible for the construction, maintenance or proper functioning.

b. Review of an application for development by the County Engineer shall include an assessment of whether the applicant should be required to install, or contribute to the installation of, drainage facilities, convey an easement to the County for drainage purposes or, in lieu thereof, providing the proportionate share of securing the easement.

c. If the County Engineer believes that the applicant should construct, or contribute to the cost of constructing or securing, drainage facilities, (s)he shall so advise the Development Review Committee at the time that the application is reviewed and state the reasons for requiring the applicant to do so. [*Res. 423-08*]

d. In deciding whether an applicant should be required to provide drainage facilities, a drainage easement or contribute to the cost of securing or constructing drainage facilities, the Development Review Committee and Planning Board shall consider the relationship between the development's size to the total drainage basin, the current and proposed use of the site, the amount of impervious surface to be created by the development, the current status and capacity of the drainage basin, and such other factors as may be pertinent. [*Res. 423-08*]

e. If the Development Review Committee determines that there are sufficient reasons to require the applicant to construct, or contribute to the cost of constructing, drainage facilities, it shall include this requirement as a condition of approval and the report of the Committee's action on the application shall include the reasons there for. [*Res. 423-08*]

f. If the County Engineer believes that the applicant should convey an easement to the County for drainage purposes, (s)he shall so advise the Development Review Committee at the time the application is reviewed and shall state the reasons for requiring the applicant to do so. If the County

Engineer recommends that the applicant should be required to contribute to the cost of securing a drainage easement, his/her reasons for so requiring the contribution shall include a statement of the location of the easement and what other persons may be required to contribute to the cost. [*Res. 423-08*]

g. A decision to require a developer to convey an easement to the County for drainage purposes, or contribute to the cost of securing a drainage easement, shall be made after consideration of the factors described in paragraph d., above.

h. If the Development Review Committee determines that the applicant should be required to convey an easement to the County for drainage purposes, it shall include this requirement as a condition of approval, and the report of the committee's actions on the application shall include the reasons there for. [*Res. 423-08*]

i. In lieu of providing a required drainage easement, the applicant may be required to deposit a cash contribution with the Cape May County Treasurer to cover the cost, or the applicant's proportionate share of the cost, of securing the easement. If an applicant is required to contribute his/her proportionate share toward provision of a drainage easement, the cost to the applicant shall be computed on the basis of the applicant's acreage related to the acreage of the total drainage basin.

(as amended by *Res. 599-99*, 7/27/1999; by *Res. 773-05*, 9/27/2005; and by *Res. 423-08*, 5/27/2008)

**Appendices**

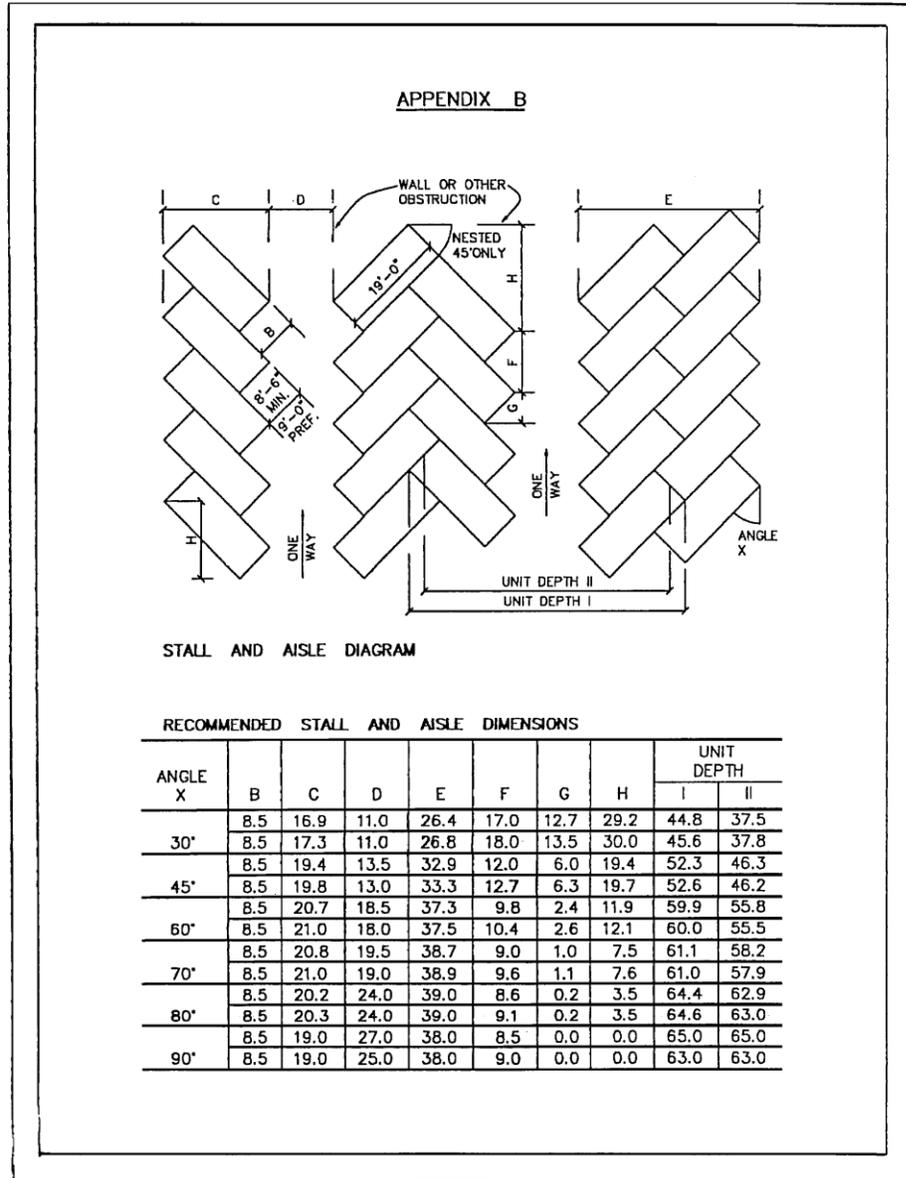


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**Appendix A****Loading Space Requirements**

On the same premises with every building, structure, or part thereof involving the receipt or distribution of vehicles or materials or merchandise there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of streets or alleys. Such space, unless otherwise adequately provided for, shall include a ten-foot by 25-foot loading space with a 14-foot height clearance for every 10,000 square feet or fraction thereof in excess of 3,000 square feet of building floor area.







**Appendix C**

**(Financial Institution Letterhead)**

Irrevocable Letter of Credit No: \_\_\_\_\_  
Re: \_\_\_\_\_ (Project Name) \_\_\_\_\_  
Amount: \_\_\_\_\_  
Date: \_\_\_\_\_

Treasurer, County of Cape May

Beneficiary: Cape May County  
Board of Chosen Freeholders  
4 Moore Road DN 101  
Cape May Court House, NJ 08210

Dear Beneficiary:

We hereby establish our irrevocable credit in the amount of \_\_\_\_\_ (specify) \_\_\_\_\_ (\$ \_\_\_\_\_ ) in favor of the Treasurer, County of Cape May, New Jersey, on behalf of \_\_\_\_\_ (Owner/Developer) \_\_\_\_\_. We understand that this irrevocable credit is to be used to insure the construction of roads, drainage facilities and other improvements as shown in the approved plans and specifications for \_\_\_\_\_ (Project Name) \_\_\_\_\_, located in \_\_\_\_\_ (Municipality) \_\_\_\_\_, in the County of Cape May and the State of New Jersey.

This irrevocable credit established by \_\_\_\_\_ (Financial Institution) \_\_\_\_\_ shall be in force for a period of one year and shall remain in effect without regard to any default in payment of sums owed by the owner and/or developer and without regard to other claims which we may have against the owner and/or developer.

It is a condition of this Letter of Credit that it shall be automatically extended, without amendment, for additional periods of one year from the present and each future expiration date, unless we notify you in writing to the above address by registered, certified or hand delivered mail at least 60 days prior to any extended expiration date, that this Letter of Credit will not be extended for any such additional period. Upon receipt by you of such notice, or within 60 days prior to the extended expiration date, you may draw hereunder, without having incurred liability by reason of the failure of \_\_\_\_\_ (Owner/Developer) \_\_\_\_\_ to construct and install the improvements as required by the above identified plans, profiles, specifications, and cost estimate of improvements by means of your drafts on us, at sight, accompanied by your written certification by the County Engineer that certain installation and construction work remains to be completed and that proceeds of your drafts will be retained and used by you to make any payments with you might thereafter be required to make by reasons of the failure of said \_\_\_\_\_ (Owner/Developer) \_\_\_\_\_ to complete the construction and

installation of improvements, and further, that you will refund to us the amount paid, less any amounts which may have been paid by you for the construction and installation of said improvements.

This Letter of Credit may be drawn upon by the Treasurer, County of Cape May, in the event that the above described improvements are not completed within the specified time.

The Letter of Credit may also be drawn upon by the County of Cape May if a maintenance guarantee, as required by the County is not deposited with the County, prior to the expiration date of this Letter of Credit.

We specifically agree that your drafts will be honored regardless of any objection made by \_\_\_\_\_ (Owner/Developer) \_\_\_\_\_ or any third party, even if said objections indicate that all the required improvements have been completed. It shall be the responsibility of \_\_\_\_\_ (Owner/Developer) \_\_\_\_\_ to resolve any dispute with the County of Cape May and payments on drafts will not be withheld as a result of any such disputes.

All drafts hereunder must be marked "Drawn on \_\_\_\_\_ (Financial Institution) \_\_\_\_\_, Letter of Credit Number \_\_\_\_\_." All drafts must be drawn on or before the expiration date of \_\_\_\_\_.

Very truly yours,

Attest:

\_\_\_\_\_  
Witness (Officer of Financial Institution)

(as amended by *Res. 599-99, 7/27/1999*)

**Corporate Acknowledgment - Letter of Credit**

STATE OF NEW JERSEY )

ss.

COUNTY OF CAPE MAY )

BE IT REMEMBERED that on this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
, before me the subscriber \_\_\_\_\_

(name of person taking acknowledgment)

personally appeared \_\_\_\_\_  
who being

(Grantor)

by me duly sworn on his/her oath, deposes and makes proof to my satisfaction that  
she/he is the \_\_\_\_\_

of \_\_\_\_\_,

the banking institution named in the within instrument; that she/he signed that same  
as such officer; and that the instrument is made by virtue of authority of the Board of  
Directors of said banking institution for the uses and purposes therein expressed.

Deed acknowledged by: \_\_\_\_\_

(Seal of Notary)



## Appendix D

### Bond Requirements

If a bond is to be used as a performance, or maintenance guarantee, it must comply with the following minimum requirements;

1. The bond must have an identifying number.
2. The name and address of the principal must be listed on the bond and in the case of a corporation or partnership, the state of incorporation or partnership must be noted.
3. The name and address of the surety company must be listed on the bond and in addition the company must be authorized to issue bonds in the State of New Jersey pursuant to the New Jersey Department of Insurance.
4. The amount of the bond must be in accordance with the approved cost estimate or as otherwise set by the Division of Engineering.
5. The work to be performed must be clearly defined in the bond.
6. The lot and block number, street address and the County application number must be listed on the bond.
7. Determination of the acceptability of all the work covered by the bond shall be at the sole discretion of the County Engineer.
8. The term or expiration date of the bond must be clearly stated. The term of all maintenance bonds shall be two years.
9. The manner in which a bond may be called in the event of nonperformance must be specified in the bond.
10. The bond shall be signed and attested to by the appropriate persons for the principal and the surety company together with the appropriate form of notarization.



**Appendix E**

**Performance Surety Bonds**

**N.J.A.C. 5:39-1.1 and 1.2**

**Performance surety bonds**

The standardized form of performance surety bond required by . . . pursuant to Section 41 of P.L. 1975, c.291 (N.J.S.A. 40:55D-53) shall be as follows:

Blocks(s) \_\_\_\_\_ Lots(s) \_\_\_\_\_

**PERFORMANCE SURETY BOND**

We, \_\_\_\_\_  
having offices at \_\_\_\_\_  
as principal,  
and \_\_\_\_\_

having offices at \_\_\_\_\_  
a corporation duly licensed to transact a surety business in the State of New Jersey, as surety, are indebted to the County of Cape May, obligee, in the sum of \$\_\_\_\_\_, for which payment we bind ourselves and our respective heirs, legal representatives, successors, and assigns, jointly and severally.

On \_\_\_\_\_ (date), principal was granted approval by the \_\_\_\_\_ (approving authority) of the \_\_\_\_\_ of \_\_\_\_\_ for \_\_\_\_\_ (include reference to specific job and resolution of approval). The estimate by the County engineer of the cost of this work and the resolution of approval are attached hereto and made a part hereof.

Pursuant to County resolution, adopted under authority of the County Planning Enabling Act (N.J.S.A. 40:27-1 to 40:27-6.13), the principal hereby furnishes a performance surety bond in the amount of \$\_\_\_\_\_ (not to exceed 120 percent of the cost of the improvements, as certified by the County engineer), written by \_\_\_\_\_, a surety licensed in the State of New Jersey, guarantying full and faithful completion of improvements approved by the approving authority, in lieu of completing the required improvements prior to the granting of final approval. This bond shall remain in full force and effect until such time as all improvements covered by the bond have been approved or accepted by resolution of the County governing body, except that in those instances where some of the improvements are approved or accepted by resolution of the governing body upon certification by the County engineer, partial release from the bond shall be granted in accordance with N.J.S.A. 40:27-1 to 40:27-6.13. The amount of the bond remaining shall be sufficient to secure provision of the improvements not yet approved; provided, however, that the County may require that 30 percent of the amount of the bond be retained to ensure completion of all improvements.

This bond shall remain in full force and effect until released by resolution of the

County governing body.

This bond is issued subject to the following expressed conditions:

1. This bond shall not be subject to cancellation either by the principal or by the surety for any reason until such time as all improvements subject to the bond have been accepted by the County, in accordance with the applicable provisions of the County Planning Enabling Act.

2. This bond shall be deemed to be continuous in form and shall remain in full force and effect until the improvements are accepted by the County and the bond is released, or until default is declared, or until the bond is replaced by another bond meeting applicable legal requirements. Upon approval or acceptance of all improvements by the County, or upon replacement of this bond by another bond, liability under this bond shall cease. Upon approval or acceptance of some, but not all, of the required improvements by the County, partial release from the bond shall be granted in accordance with N.J.S.A. 40:27-1 to 40:27-6.13; provided, however, that the portion of the bond amount sufficient to secure completion of the improvements shall continue in effect and the County may retain 30 percent of the bond amount posted in order to ensure such completion.

3. The aggregate liability of the surety shall not exceed the sum set forth above.

4. In the event that the improvements subject to this bond are not completed within the time allowed under the conditions of the final approval issued pursuant to the County Planning Enabling Act, including such extensions as may be allowed by the approving authority, the County governing body may, at its option, and upon at least 30 days prior written notice to the principal and to the surety by personal delivery or by certified or registered mail or courier, declare the principal to be in default and, in the event that the surety fails or refuses to complete the work in accordance with the terms and conditions of the original approval, claim payment under this bond for the cost of completion of the work. In the event that any action is brought against the principal under this bond, written notice of such action shall be given to the surety by the County by personal delivery or by registered or certified mail or courier at the same time.

5. The surety shall have the right to complete the work in accordance with the terms and conditions of the original approval, either with its own employees or in conjunction with the principal or another contractor; provided, however, that the surety, in its sole discretion, may make a monetary settlement with the County as an alternative to completing the work.

6. In the event that the principal and the approving authority agree to changes in the scope of work, the obligations of the surety under this bond shall not be affected so long as the cost of the work does not exceed 120 percent of the County engineer's certified estimate, attached hereto and made a part hereof, which 120 percent of the estimate shall be the limit of the surety's obligation under this bond in any case. If the cost of the work exceeds 120 percent of the certified estimate, the principal shall secure a rider from a surety for the additional amount; provided, however, that this provisions shall not be construed as requiring a surety to provide additional coverage.

7. This bond shall inure to the benefit of the County only and no other party shall acquire any rights hereunder.

8. In the event that this bond shall for any reason cease to be effective prior to the approval or acceptance of all improvements, a cease and desist order may be issued by the governing body, in which case all work shall stop until such times as a replacement guarantee acceptable to the approving authority becomes effective.

Date: \_\_\_\_\_

Witness/Attest:

\_\_\_\_\_  
Principal

\_\_\_\_\_

Date: \_\_\_\_\_

Witness/Attest:

\_\_\_\_\_  
Surety

\_\_\_\_\_



## Appendix F

### Easement/Deed Recording Requirements

1. Names and official titles must be typed or clearly printed beneath the signatures of individual grantees, corporate officers and witnesses. The name of the corporation must be clearly printed or typed. The grantee's address must be provided. In addition, the Certificate of Corporation must be submitted.
2. The Corporate Seal must be affixed to the document.
3. An accurate metes, bounds and area description shall be incorporated into the deed/easement, either clearly printed or typed into the document, and a map of the easement no larger than 11" x 17" which includes the metes bounds and area shall be attached. The attached map must be clearly referenced on the deed/easement. The map and descriptions must be signed and sealed by a licensed N. J. Land Surveyor.
4. The reference to the map from which the metes and bounds description was prepared must be clearly printed or typed, including map title, preparer's name and address, signature and date and revision dates of map.
5. Acknowledgments for individuals and/or corporations must be provided, including signature and seal of a Notary Public of the State of New Jersey. Names and titles must be typed or clearly printed beneath the signatures. Dates must also be provided.
6. The preparer of the document must be provided on the face of the document and must be signed with name and title typed or clearly printed beneath the signature.
7. The signatures must be original.
8. The consideration must appear on the face of the acknowledgment.
9. If the applicant/owner has the easements /deeds prepared they must be reviewed by County Counsel, Cape May County Development Review Committee and the County Engineer.
10. Once the easement/deed is found acceptable, the application (subdivision or site plan) shall be approved and the deed shall be forwarded to the County Clerk's office by County Counsel for recording.



PREPARED BY:

\_\_\_\_\_  
-

**DEED OF SIGHT TRIANGLE EASEMENT**

THIS DEED OF EASEMENT is made on this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_ by

\_\_\_\_\_

whose mailing address is

\_\_\_\_\_

\_\_\_\_\_

(hereinafter referred to as “Grantor”), and **THE COUNTY OF CAPE MAY**, a body corporate and politic of the State of New Jersey, with offices at 4 Moore Road, Cape May Court, House, New Jersey 08210 (hereinafter referred to as “Grantee”). The words “Grantor” and “Grantee” shall mean all Grantors and all Grantees listed above.

THIS EASEMENT is granted by Grantor to Grantee for and in consideration of one (\$1.00) dollar, receipt of which is hereby acknowledged. Grantor also acknowledges that the conveyance of this sight triangle easement is a condition of site plan/subdivision approval by the Cape May County Planning Board (File Number \_\_\_\_ ) for the development of Block No. \_\_\_\_, Lot No. \_\_\_\_ as delineated on the tax map of the \_\_\_\_\_ of \_\_\_\_\_.

THE LANDS AFFECTED by this Easement (the “Affected Lands”) are more formally described on **Exhibit “A”** (attached hereto and incorporated herein by this reference) prepared by \_\_\_\_\_. New Jersey License No. \_\_\_\_\_. Said Affected Lands is also depicted on a Site Plan/Subdivision Plan dated \_\_\_\_ (last revised \_\_\_\_\_) as prepared by \_\_\_\_\_, New Jersey License No. \_\_\_\_, attached hereto as **Exhibit “B”** and incorporated herein by this reference (which subdivision map was filed on \_\_\_\_\_ in the Cape May County Clerk’s Office as Map No. \_\_\_\_\_) (*strike out if Easement is granted as a condition of Site Plan approval*).

SAID AFFECTED LANDS are a part of the lands and premises conveyed unto Grantor by deed from \_\_\_\_\_, dated \_\_\_\_\_ and recorded in the Cape May County Clerk's Office on \_\_\_\_\_ at Deed Book \_\_\_\_\_, Page \_\_\_\_\_.

THE TERMS OF THIS DEED OF EASEMENT are as follows:

1. There shall not be erected at any time on the following described lands any building, structures or signs which may in any way interfere with the view or sight of operators of vehicles or pedestrians traversing the abutting streets, roads or highways. However, such varieties of ground cover or shrubs having an ultimate height of two feet, six inches above the centerline of the adjoining highways and may be easily cared for, may be planted in the Affected Lands.
  
2. Grantee, its agents, representatives or employees may (but shall have no duty to) enter upon and re-enter upon said lands hereinabove described for the purpose of clearing any brush, trees, weeds, or other growth upon said lands for the purpose of establishing a clear sight or view for operators of vehicles or pedestrians traversing the abutting streets, roads and highways.

THIS DEED OF EASEMENT and the rights and obligations hereunder shall run with the land and be binding upon all the parties hereto, their successors, heirs, transferees and assigns.

THE GRANTOR signs this Deed to be effective as of the date at the top of the first page.

WITNESS:

GRANTOR:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

(ACKNOWLEDGMENT)

STATE OF \_\_\_\_\_ :  
 : ss.  
COUNTY OF \_\_\_\_\_ :

I HEREBY CERTIFY that on \_\_\_\_\_, 20\_\_\_\_, the Grantor,  
\_\_\_\_\_, appeared before me and established

to my satisfaction that:

- (a) he/she signed, sealed and delivered this Easement as his/her act and deed individually and/or on behalf of any corporate entity named herein as Grantor:
- (b) if executed on behalf of a corporate Grantor, he/she verified that he/she has been authorized to execute this Easement on behalf of the corporation and has affixed the true seal of the corporation hereto; and
- (c) made this Easement for one dollar (\$1.00) as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5.)

\_\_\_\_\_  
NOTARY PUBLIC

*Seal*

<p><b><u>RECORD AND RETURN TO:</u></b>  <b>OFFICE OF COUNTY COUNSEL</b>          4 Moore Road, DN-104          Cape May Court House, N.J. 08210          Tel. (609) 465-1122          Fax (609) 463-0705</p>
--



PREPARED BY:

\_\_\_\_\_

**DEED OF RIGHT-OF-WAY EASEMENT**

THIS DEED OF EASEMENT is made on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by

\_\_\_\_\_

whose mailing address is

\_\_\_\_\_

\_\_\_\_\_

(hereinafter referred to as "Grantor"), and **THE COUNTY OF CAPE MAY**, a body corporate and politic of the State of New Jersey, with offices at 4 Moore Road, Cape May Court House, New Jersey 08210 (hereinafter referred to as "Grantee"). The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

THIS EASEMENT is granted by Grantor to Grantee for and in consideration of one (\$1.00) dollar, receipt of which is hereby acknowledged. Grantor also acknowledges that the conveyance of this right-of-way easement is a condition of site plan/subdivision approval by the Cape May County Planning Board (File Number \_\_\_\_\_) for the development of Block No. \_\_\_\_\_, Lot No. \_\_\_\_\_ as delineated on the prevailing tax map of the \_\_\_\_\_ of \_\_\_\_\_.

THE LANDS AFFECTED by this Easement (the "Affected Lands") are more formally described on **Exhibit "A"** (attached hereto and incorporated herein by this reference) prepared by \_\_\_\_\_, New Jersey License No. \_\_\_\_\_. Said Affected Lands is also depicted on a Site Plan/Subdivision Plan dated \_\_\_\_\_ (last revised \_\_\_\_\_) as prepared by \_\_\_\_\_, New Jersey License No. \_\_\_\_\_, attached hereto as **Exhibit "B"** and incorporated herein by this reference (which subdivision map was filed on \_\_\_\_\_ in the Cape May County Clerk's Office as Map No. \_\_\_\_\_) *(strike out if Easement is granted as a condition of Site Plan approval)*.

SAID AFFECTED LANDS are a part of the lands and premises conveyed unto Grantor by deed from \_\_\_\_\_, dated \_\_\_\_\_ and recorded in the Cape May County Clerk's Office on \_\_\_\_\_ at Deed Book \_\_\_\_\_, Page \_\_\_\_\_

THIS DEED OF EASEMENT conveys to Grantee the right to utilize the easement area in perpetuity for the widening or improving of \_\_\_\_\_ Road (County Road No. \_\_\_\_\_) where said road abuts Grantor's property, as set forth herein, to aid the traveling public as deemed necessary and appropriate by the Cape May County Engineer.

IT IS THE SPECIFIC INTENTION of the easement to permit Grantee to plan, construct, install, maintain, renew, repair and widen as to future road improvements, utilities and associated drainage facilities (including related piping or material incident thereto) on \_\_\_\_\_ Road (County Road No. \_\_\_\_\_) as the County of Cape May deem necessary for public safety.

THE TERMS OF THIS DEED OF EASEMENT are as follows:

1. Grantor and Grantee shall exercise due care in the manner in which rights hereunder are exercised.
2. Grantor and Grantee agree to exercise its rights with respect to the described area so as to not to unreasonably interfere with the rights of the other party.
3. Grantee is permitted the right to enter in and upon the described premises to plan, survey, place, construct, maintain, repair and inspect the road and any and all road improvements that may be constructed.
4. Grantee is permitted to place, construct, erect, operate, maintain and inspect storm drainage facilities across and upon the described premises.
5. Grantee shall have the right of ingress and egress to and over said described premises at any and all times for the purpose of doing anything necessary or useful or convenient for the enjoyment of the easement herein granted.
6. Grantor shall not construct, install, alter, or cause to be constructed, installed or altered, any improvements within the described premises that will interfere with or impede in any manner Grantee's ability to access or use this easement.

THIS DEED OF EASEMENT and the rights and obligations hereunder shall run with the land and be binding upon all the parties hereto, their successors, heirs, transferees and assigns.

THE GRANTOR signs this Deed to be effective as of the date at the top of the first page.

WITNESS:

GRANTOR:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

(ACKNOWLEDGMENT)

STATE OF \_\_\_\_\_ :

: ss.

COUNTY OF \_\_\_\_\_ :

I HEREBY CERTIFY that on \_\_\_\_\_, 20\_\_\_\_\_,  
the Grantor, \_\_\_\_\_  
, appeared before me and established to my satisfaction that:

- (a) he/ she signed, sealed and delivered this Easement as his/her act and deed individually and/or on behalf of any corporate entity named herein as Grantor;
- (b) if executed on behalf of a corporate Grantor, he/she verified that he/she has been authorized to execute this Easement on behalf of the corporation and has affixed the true seal of the corporation hereto; and
- (c) made this Easement for one (\$1.00) dollar as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5.)

\_\_\_\_\_  
NOTARY PUBLIC

*Seal*

<p><b><u>RECORD AND RETURN TO:</u></b>  <b>OFFICE OF COUNTY COUNSEL</b>          4 Moore Road, DN-104          Cape May Court House, N.J. 08210          Tel. (609) 465-1122          Fax (609) 463-0705</p>
--



PREPARED BY:

\_\_\_\_\_

**DEED OF RIGHT-OF-WAY DEDICATION**

THIS DEED is made on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by

\_\_\_\_\_

whose mailing address is

\_\_\_\_\_

\_\_\_\_\_

(hereinafter referred to as "Grantor"), and **THE COUNTY OF CAPE MAY**, a body corporate and politic of the State of New Jersey, with offices at 4 Moore Road, Cape May Court House, New Jersey 08210 (hereinafter referred to as "Grantee"). The words "Grantor and "Grantee" shall mean all Grantors and all Grantees listed above.

1. **Transfer of Ownership.** The grantor grants and conveys (transfers ownership of) the property (called the "property") described below to the grantee. This transfer is made for the sum of one (\$1.00) dollar. The grantor acknowledges receipt of this money.

2. **Tax Map Reference.** (N.J.S.A. 46:15-2.1) Municipality of \_\_\_\_\_, Block No. \_\_\_\_\_, Lot No. \_\_\_\_\_.

3. **Property.** The property consists of the land and all the buildings and structures on the land in the \_\_\_\_\_ of \_\_\_\_\_, County of Cape May and State of New Jersey. The legal description is:

ALL that certain lot, tract, or parcel of land required for widening a portion of \_\_\_\_\_ Road (County Road No. \_\_\_\_\_), as more particularly described in Schedule "A" (attached hereto and made a part hereof in one page) which is a legal description prepared on \_\_\_\_\_ by \_\_\_\_\_.

BEING a portion of the lands and premises conveyed unto Grantor by deed from \_\_\_\_\_, dated \_\_\_\_\_ and recorded in the Cape May County Cleric's Office on \_\_\_\_\_ at Deed Book \_\_\_\_\_, Page \_\_\_\_\_.

THE described lands are also identified on a certain filed Site Plan/Subdivision Map entitled "\_\_\_\_\_"

, Cape May County, New Jersey” dated \_\_\_\_\_,  
 and prepared by \_\_\_\_\_, N.J.  
 License No. \_\_\_\_\_, (which subdivision map was filed on \_\_\_\_\_  
 in the Cape May County Clerk's Office as Map No. \_\_\_\_\_  
 ) *(strike out if Dedication is required as a condition of Site Plan approval).*

THIS conveyance is made pursuant to and as a condition of subdivision/site plan review and approval by the Cape May County Planning Board under *N.J.S.A. 40:27-6.6* (Cape May County Planning Board File Number \_\_\_\_\_). This conveyance is made as a dedication to the County of Cape May, New Jersey, for the purpose of future road widening of the aforesaid \_\_\_\_\_ Road (County Road No. \_\_\_\_\_).

4. **Promises by Grantor.** The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a “covenant as to grantor's acts” (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights that affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

5. **Signatures.** The Grantor signs this Deed as of the date at the top of the first page. If the Grantor is a corporation, this Deed is signed and attested to by its proper corporate officers and its corporate seal is affixed.

WITNESS:

GRANTOR:

\_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

(ACKNOWLEDGMENT)

STATE OF \_\_\_\_\_ :

: ss.

COUNTY OF \_\_\_\_\_ :

I HEREBY CERTIFY that on \_\_\_\_\_, 20\_\_\_\_\_,  
the Grantor, \_\_\_\_\_  
, appeared before me and established to my satisfaction that:

- (a) he/she signed, sealed and delivered this Easement as his/her act and deed individually and/or on behalf of any corporate entity named herein as Grantor;
- (b) if executed on behalf of a corporate Grantor, he/she verified that he/she has been authorized to execute this Easement on behalf of the corporation and has affixed the true seal of the corporation hereto; and
- (c) made this Easement for one (\$1.00) dollar as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5.)

\_\_\_\_\_  
NOTARY PUBLIC

*Seal*

<p><b><u>RECORD AND RETURN TO:</u></b>  <b>OFFICE OF COUNTY COUNSEL</b>          4 Moore Road, DN-104          Cape May Court House, N.J. 08210          Tel. (609) 465-1122          Fax (609) 463-0705</p>
--



PREPARED BY:

\_\_\_\_\_

**DECLARATION OF EASEMENT  
(Drainage Easement)**

THIS DECLARATION OF EASEMENT (this "Easement" is made on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by

\_\_\_\_\_

whose mailing address is

\_\_\_\_\_

\_\_\_\_\_

(hereinafter referred to as "Grantor"), and **THE COUNTY OF CAPE MAY**, a body corporate and politic of the State of New Jersey, with offices at 4 Moore Road, Cape May Court House, New Jersey 08210 (hereinafter referred to as "Grantee"). The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

THIS EASEMENT is granted by Grantor to Grantee (and to grantee's successors in title) for and in consideration of one (\$1.00) dollar and other good and valuable consideration, receipt of which is hereby acknowledged.

THE LANDS AFFECTED by this Easement (the "affected lands"<sup>(4)</sup>) are more formally described on **Exhibit "A"** (attached hereto and incorporated herein by this reference) prepared by \_\_\_\_\_, New Jersey License No. \_\_\_\_\_. Said affected lands is also depicted on a Site Plan/Subdivision Plan dated \_\_\_\_\_ (last revised \_\_\_\_\_) as prepared by \_\_\_\_\_, New Jersey License No. \_\_\_\_\_ attached hereto as **Exhibit "B"** and incorporated herein by this reference.

SAID AFFECTED LANDS are a part of the lands and premises conveyed unto Grantor by deed from \_\_\_\_\_, dated \_\_\_\_\_ and recorded in the Cape May County Clerk's Office on \_\_\_\_\_ at Deed Book \_\_\_\_\_, Page \_\_\_\_\_.

THE TERMS OF THIS EASEMENT are as follows:

1. Grantee is permitted to place, construct, install, operate, maintain and inspect storm drainage facilities across the affected lands, provided that (a) all such facilities shall be constructed and installed under the affected lands, (b) all such facilities shall be

kept in good repair and operating condition, (c) any plants, shrubs, trees and other growth located on the affected lands shall either not be disturbed by such construction and installation or, if disturbed, shall promptly be replaced in like kind, (d) any structures located on the affected lands shall either not be disturbed by such construction and installation or, if disturbed, shall promptly be replaced in like kind, and (e) the affected lands shall in all other respects be restored to the condition existing immediately prior to such construction and installation.

2. Upon reasonable notice to Grantor, and with Grantor's consent, grantee shall have the right of ingress and egress to and over the affected lands at any time reasonably necessary for the purpose of constructing, repairing or inspecting the said drainage facilities and for doing anything reasonably necessary, useful or convenient for the enjoyment of the specific limited easement herein granted. Grantor shall not unreasonably withhold said approval. However, in the event of an emergency, as solely determined by the County Engineer, grantor expressly waives said notice and consent provision. Grantee shall use its best efforts during the performance of any such work to minimize interference with grantor's use and enjoyment of the affected lands.

3. Grantee shall have the right to remove at any time any or all of the drainage improvements erected under the affected lands subject to the same obligations either not to disturb or to replace in like kind any structures, plants, shrubs, trees or other growth then located on the affected lands and to otherwise restore the affected lands to the condition existing immediately prior to such removal.

THIS EASEMENT and the rights and obligations hereunder shall run with the land and be binding upon all the parties hereto, their successors, heirs, transferees and assigns.

THE GRANTOR SIGNS THIS DECLARATION OF EASEMENT to be effective as of the date written at the top of the first page.

WITNESS:

GRANTOR:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

(ACKNOWLEDGMENT)

STATE OF \_\_\_\_\_ :

: ss.

COUNTY OF \_\_\_\_\_ :

I HEREBY CERTIFY that on \_\_\_\_\_, 20\_\_\_\_\_,  
the Grantor, \_\_\_\_\_  
, appeared before me and established to my satisfaction that:

- (a) he/ she signed, sealed and delivered this Easement as his/her act and deed individually and/or on behalf of any corporate entity named herein as Grantor;
- (b) if executed on behalf of a corporate Grantor, he/she verified that he/she has been authorized to execute this Easement on behalf of the corporation and has affixed the true seal of the corporation hereto; and
- (c) made this Easement for one (\$1.00) dollar as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5.)

\_\_\_\_\_  
NOTARY PUBLIC

*Seal*

<p><b>RECORD AND RETURN TO:</b>  OFFICE OF COUNTY COUNSEL  4 Moore Road, DN-104  Cape May Court House, N.J. 08210  Tel. (609) 465-1122  Fax (609) 463-0705</p>
--



PREPARED BY:

\_\_\_\_\_

**DEED OF EASEMENT FOR TRAFFIC SIGNAL**

THIS DEED OF EASEMENT FOR TRAFFIC SIGNAL (the "Easement") is made on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by

whose mailing address is

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(hereinafter referred to as "Grantor"), and **THE COUNTY OF CAPE MAY**, a body corporate and politic of the State of New Jersey, with offices at 4 Moore Road, Cape May Court House, New Jersey 08210 (hereinafter referred to as "Grantee"). The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

THIS EASEMENT is granted by grantor to grantee for and in consideration of the sum of one (\$1.00) dollar and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

THE LANDS AFFECTED by this Easement (the "affected lands") are more formally described on **Exhibit "A"** (attached hereto and incorporated herein by this reference) prepared by \_\_\_\_\_, New Jersey License No. \_\_\_\_\_. Said affected lands are also depicted on a Traffic Signal Plan, dated \_\_\_\_\_ (last revised \_\_\_\_\_), as prepared by \_\_\_\_\_, New Jersey License No. \_\_\_\_\_, attached hereto as **Exhibit "B"** and incorporated herein by this reference.

SAID AFFECTED LANDS are a part of the lands and premises conveyed unto Grantor by deed from \_\_\_\_\_, dated \_\_\_\_\_ and recorded in the Cape May County Clerk's Office on \_\_\_\_\_ at Deed Book \_\_\_\_\_, Page \_\_\_\_\_.

This Easement conveys to Grantee the right to utilize the affected lands in perpetuity as Grantee (in its sole discretion which shall be controlling) may deem necessary, appropriate and/or proper for the installation, inspection, operation, repair

and maintenance of a traffic signal system, as the same may be modified, replaced and/or removed from time to time (the "Traffic Signal").

THE TERMS OF THIS EASEMENT are as follows:

1. The foregoing recitals are hereby incorporated herein by this reference as though fully set forth at this place.
2. The Traffic Signal shall be and remain the property of Grantee.
3. Grantor hereby grants to Grantee a permanent easement for the installation, inspection, operation, maintenance, modification, replacement and/or removal of the traffic signal over the affected lands.
4. Grantor and Grantee shall exercise due care in the manner in which rights hereunder are exercised.
5. Grantor and Grantee each agree to exercise its rights with respect to the affected lands so as to not unreasonably interfere with the rights of the other party.
6. Grantee shall have the right of ingress and egress to, over and under the affected lands at any and all times for the purpose of doing any or all things necessary, useful and/or convenient for the enjoyment of the easement herein granted.
7. Grantor shall not construct, install, alter, or cause to be constructed, installed or altered, any improvements within the affected lands.

THIS EASEMENT and the rights and obligations hereunder shall run with the land and be binding upon all the parties hereto, their successors, heirs, transferees and assigns.

THE GRANTOR SIGNS THIS DEED OF EASEMENT FOR TRAFFIC SIGNAL to be effective as of the date set forth at the top of the first page.

WITNESS:

GRANTOR:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(ACKNOWLEDGMENT)

STATE OF \_\_\_\_\_ :

: ss.

COUNTY OF \_\_\_\_\_ :

I HEREBY CERTIFY that on \_\_\_\_\_, 20\_\_\_\_\_,  
the Grantor, \_\_\_\_\_  
, appeared before me and established to my satisfaction that:

- (a) he/she signed, sealed and delivered this Easement as his/her act and deed individually and/or on behalf of any corporate entity named herein as Grantor;
- (b) if executed on behalf of a corporate Grantor, he/she verified that he/she has been authorized to execute this Easement on behalf of the corporation and has affixed the true seal of the corporation hereto; and
- (c) made this Easement for one (\$1.00) dollar as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5.)

\_\_\_\_\_  
NOTARY PUBLIC

*Seal*

<p><b>RECORD AND RETURN TO:</b>  OFFICE OF COUNTY COUNSEL  4 Moore Road, DN-104  Cape May Court House, N.J. 08210  Tel. (609) 465-1122  Fax (609) 463-0705</p>
--

(as amended by *Res. 773-05, 9/27/2005*)



## Appendix G

### Digital Mapping Submission Standards

The purpose of the digital map submission is to provide the user community with survey accurate data that will be beneficial in future endeavors requiring digital data. The cartographic standards used by the submitting agency may be of its own design; however, when necessary, the standards should be modified to reflect the requirements of the digital mapping submission standards. In those instances where it is not possible to adopt cartographic standards to adhere to the digital mapping submission standards, modification of the cartographic standards may be required.

#### I. Drawings

Drawings shall be submitted in the form of Computer Aided Design (CAD) in .dwg or .dxf format. This file shall include all layers and graphic elements included in the submitted paper document (text, legend, scale, labels etc.). This file will include features classified in the standard layers defined in the GIS Layer Table below. If the drawing contains layers that are not included in the Table, then a list of these layers shall also be submitted (ASCII text file labeled: 'xlyrspec.txt'). The completed CAD drawing file should contain text in standard fonts that can be read without third-party software.

#### II. Features

Drawing features shall include layer names as indicated in the Table below. Features other than those thematically defined by the individual layer name/description shall not be included in that layer. Systems using numbered levels, such as Microstation, should include a conversion table in the .dxf file creation process that can be used to specify named layers. Additional layers may utilize any open layer beyond those reserved layers. A list of these layers shall also be submitted (ASCII text file labeled: 'alyrspec.txt').

#### III. Lines

Lines must completely represent the feature. Do not break lines to accommodate annotation placement.

1. All partial lines, which are shown for reference in drawings, are not to be included in the layers defined in the Table. Such features can be included in unnamed layers.
2. End nodes must be snapped.
3. Crossing lines shall have nodes at the intersection or point of intersection.
4. Lines shall be correctly labeled.
5. Line length must match annotation length.

IV. Detail Boxes

Detail boxes must adhere to line labeling and spatial requirements.

V. Symbology

Symbology shall not be used to represent features.

VI. Monumentation

Placement of points cannot break continuity of lines. The North American Datum of 1983 (NAD83) has been adopted as the datum for the horizontal control for all CMCPB–GIS projects. All CMCPB–GIS survey projects shall be connected and tied to the New Jersey Geodetic Reference Network. The will allow all surveys to be correlated to a single reference network. The North American Vertical Datum of 1988 (NAVD88) has been adopted as the reference datum for all vertical control on CMCPB–GIS projects. All elevation points shall be delivered in a single comma-delimited ASCII text file. Each line of the file shall contain values in New Jersey State Plane Coordinates (NJSPC) for a single point as follows: Easting, Northing, Elevation and Description. Monument order or positional accuracy to the National Geodetic Reference Network must be identified.

VII. Annotation

Text insertion or start points shall be within the area of the feature. Block and lot numbers shall be represented by complete numbers and shall adhere to the NJ Tax Map filing standards. Easement text label points must be between the easement line and the corresponding feature line, which compromises the easement. Line annotation must reflect CAD measurement of the line length. Subdivision final plan/plans shall be accompanied by an ASCII text file in the following format: Block, Lot, Street Number, Street Prefix, Street Name, Road Type, Old Block, and Old Lot.

VIII. Accuracy

The digital mapping shall be based on the New Jersey Plane Coordinate system, using grid (not ground) coordinates having a positional accuracy of 0.3 foot at all boundary corners. Digital map bearings shall relate to true North in the New Jersey Plane Coordinate System. If the application of this standard will cause a significant economic hardship on any particular applicant, the Planning Board may waive this requirement. The basis of the plane coordinate values must be included as a reference in the electronic version of the mapping.

**Cape May County Planning Board - Layer Tables**

**Point Styles**

<b>Layer Name</b>	<b>Description</b>
DIMTIC	Line Endpoint

---

**Cape May County Planning Board - Layer Tables**
**Point Styles**

MONUMENT	Survey Monument
GRIDTIC	Map Grid Tic Mark
BLOCKLINE	Tax map blockline
BLOCKLINE _ BUILDING	Building - Tax block forming
BLOCKLINE _ RAILROAD	Railroad Right-of-way–Tax block forming
BLOCKLINE _ ROW _ PRIVATE	Private Right-of-way–Tax block forming
BLOCKLINE _ WATER	Surface Water–Tax block forming
CONTOUR	Contour line
BRIDGE	Bridge
BUILDING	Building–non-lot forming
CENTERLINE	Street Centerline
DAM	Dam
EASEMENT	Easement
FHA	Flood hazard area
FIRE_DIST	Fire district
FLOODWAY	Floodway
LOTLINE	Tax map lotline
LOTLINE_BUILDING	Building - lot forming
LOTLINE_RAILROAD	Railroad right-of-way–lot forming
LOTLINE_ROW_PRIVATE	Private right-of-way–lot forming
LOTLINE_WATER	Surface water–lot forming
MCD	Municipal boundary line
MCD_CENTERLINE	Municipal boundary line and street centerline
MCD_RAILROAD	Municipal boundary line and railroad right-of-way
MCD_ROW	Municipal boundary line and public right-of-way
MCD_ROW_PRIVATE	Municipal boundary line and private right-of-way
MCD_WATER	Municipal boundary line and surface water

OLD_LOTLINE	Old lotline
OLD_MCD	Old municipal boundary line
OLD_ROW	Old right-of-way
OUTBOUND	Outbound map feature
ROW	Public right-of-way
ROW_PEDESTRIAN	Pedestrian right-of-way
ROW_PVT_NOLOT	Private right-of-way–non-lot forming
ROW_RAILROAD	Public right-of-way and railroad right-of-way
ROW_WATER	Public right-of-way and surface water
STREAMENC	Stream encroachment line
WATER	Surface water
WETLANDS	Wetlands boundary

### Annotation Styles

#### Layer Name

#### Description

ADDRESS	Street address number
BLOCKLINE_TXT	Descriptive text for block line
BLOCKNO	Block number
BLDG_LOTNO	Lot number–inside a building
BUILDING_TXT	Descriptive text for building
CENTERLINE_TXT	Descriptive text for street centerline
CONDON_UNIT_NO	Condominium unit number
DAM_TXT	Descriptive text for dam
EASEMENT_TXT	Descriptive text for easement
FHA_TXT	Flood hazard area text
FIRE_DIST_TXT	Fire district text
FLOODWAY_TXT	Floodway text
FRONTAGEDIM	Front yard dimension
LOT_TXT	Descriptive text for lot
LOTACRES	Lot acreage
LOTDIM	Side/rear yard lot dimension
LOTNO	Lot number
MCD_TXT	Municipal boundary text
OLD_BLOCKNO	Old block number

**Annotation Styles****Layer Name****Description**

OLD\_LOTNO

Old lot number

OLD\_ROW\_TXT

Descriptive text for old right-of-way

RAILROAD\_TXT

Descriptive text for railroad right-of-way

ROADNAMES

Road name

ROX\_PED\_TXT

Descriptive text for pedestrian right-of-way

ROX\_PVT\_TXT

Descriptive text for private right-of-way

ROX\_TXT

Descriptive text for public right-of-way

STREAMENC\_TXT

Stream encroachment test

WATER\_TXT

Descriptive text for surface water

WETLANDS\_TXT

Descriptive text for wetlands

(as added by *Res. 423-08, 5/27/2008*)



**TABLES**



**Table 1**  
**Parking Requirements**

Assembly hall, auditorium, community center, civic club, stadiums, theaters, museums, or other places of public assembly	one for each 100 square feet of gross floor area or one for each four seats whichever is greater
Hospitals, sanitariums, nursing homes or similar uses	one-half for each bed
Medical, dental, or veterinary clinics	one for each 250 square feet plus one for each employee
Church, house of worship	one for each three seats or one for each 72 inches of seating space when benches are used
Education facilities	one for each six seats in a principal auditorium (if no auditorium, then gymnasium) or one space for each seventeen classroom seats whichever is greater
Establishments for the sale and consumption on the premises of food, beverages or refreshments	one for each three seating accommodation
Mortuaries or funeral homes	ten plus one for each 100 square feet of floor space devoted to chapel or slumber room
Hotels, motels, and tourist facilities	one for each one bedroom unit, one-half for each two bedroom unit, two for each three bedroom unit, including employees/owners quarters
Residences or apartments	one for each dwelling unit
Bowling alley	five for each alley
Banks, business or professional offices	one for each 100 square feet of floor area and one for each employee
Manufacturing, industrial, research labs	one for each employee on maximum shift plus space to accommodate all trucks and vehicles in connection therewith
Drive-in restaurants and similar establishments	one for each 100 square feet of floor area and one for each four employees
Beauty parlors and barber shops	three parking spaces per barber and/or beautician
Roadside produce stands and farm markets	one for each 60 square feet devoted to retailing. Minimum of five in all cases
Retail store, service business	one for each 200 square feet of gross floor area

**Table 1****Parking Requirements**

Shopping centers	0-25 acres	- 6 spaces/1,000 sq. ft. of gross floor area
	25-50 acres	- 5.5 spaces/1,000 sq ft of gross floor area
	above 50 acres	- 5.3 spaces/1,000 sq. ft. gross floor area
Service stations		two for each bay plus one for each service vehicle
Wholesale store, motor vehicles establishment, furniture store, warehouse or storage building		one for each 400 sq. ft. of gross floor area plus one for each employee on maximum shift

**Table 2**

**Cape May County Planning Board  
Subdivision and Site Plan  
Fee Schedule**

**Subdivisions**

A subdivision which contains three new lots or less which does not abut a County road or affect a County drainage facility.	\$60
A subdivision which contains more than three new lots and/or new streets which does not abut a County road or affect a County drainage facility.	\$200
A subdivision which contains three new lots or less which abut a County road or affect a County drainage facility.	\$250
A subdivision which contains more than three new lots which abuts a County road or affect a County drainage facility.	\$300 + \$15 per new lot
<b>All Final Plans/Plans to be Recorded</b> - <i>Review is free - if a digital copy is provided.</i>	\$25 per lot if a digital copy is not provided. This requirement will be enforced three months from the date of adoption of this amendment.

**Site Plans**

Not on a County road, nor affecting County drainage facility. A site plan which does not abut a County road and which does not affect a County drainage facility and which has less than one acre of impervious surface.	\$50
On a County road and/or affecting a County drainage facility, A site plan for land development including proposed commercial retail, office buildings, multi-family structures which contains five or more units, or any other land development which requires off-street parking area or off- street standing area for five or more vehicles; and site plan for land developments which have one or more acres of impervious surface.	\$300 + \$10 per new parking space or residential unit
A site plan for industrial use or warehousing which contains one or more acres of impervious surface.	\$300 + \$10 per 1,000 square feet of gross floor area or \$10 per parking space, whichever is greater

- Checks or money orders (no cash will be accepted) should be made out to the "Treasurer, County of Cape May."

- Fees will not be charged for review of plans submitted by state, county and municipal governments, churches, hospitals and secular nonprofit institutions.
- The review period will not commence until proper fees and completed application form are received.
- Fees will not be refunded if the application is withdrawn or the scope of the project is reduced.
- Full review fees may be charged for plans where one year elapsed between submissions.

(as amended by *Res. 599-99*, 7/27/1999, and by *Res. 423-08*, 5/27/2008)

**Table 3****Right-of-Way Standards**

<b>No.</b>	<b>Name</b>	<b>Existing R-O-W</b>	<b>Proposed R-O-W</b>	<b>Road Category</b>	<b>Miles</b>
548	Weatherby Road County Line Road	50'	50'	Local	3.672
550	Hoffman Mill Road Belleplaine/Woodbine Rd Washington Avenue Woodbine-Ocean View Rd	50-100**	66-100**	Secondary	10.657
557	North Dennis/ Marshallville Road Mill Road	50'	66'	Secondary	7.876
601	Avalon Boulevard	50-320**	86-320**	Primary	3.864
602	Church Road	50'	50'	Local	.826
603	Bayshore Road Jonathan-Hoffman Road	33-50** 33'	66' 50'	Secondary Local	8.047
604	Beach Avenue	50-95**	50-95**	Local	2.057
605	Belleplaine Road	49.5'	66'	Secondary	3.384
606	Sunset Boulevard W. Perry Street Jackson Street	50'	66'	Secondary	2.603
607	Bayshore Road (South of Canal)	49.5'	50'	Local	2.031
608	Clermont Road Kings Highway	40'	50'	Local	3.361
609	Crest Haven Road	120**	120**	Local	1.058
610	Dennisville/ Petersburg Road	33'	66'	Secondary	8.057
611	Dennisville/ Woodbine Road Tyler Road	49.5'	66'	Secondary	2.945
612	Dias Creek Road	35'	66'	Secondary	2.875
613	Breakwater Road	49.5'	86'	Primary	5.517
614	Glenwood Avenue	50-60**	50-60**	Local	1.425

No.	Name	Existing R-O-W	Proposed R-O-W	Road Category	Miles
615	Goshen Road Mechanic Street	40'	66'	Secondary	4.875
616	Greenfield Road Tyler Road New Bridge Road	40-210*	50-210*	Local	2.355
617	Woodbine/ Marshallville Road	50'	66'	Secondary	.227
618	Burleigh/ Dias Creek Road Indian Trail Road	66'	66'	Secondary	3.213
619	Ocean Drive Landis Avenue West Avenue Third Avenue	60-70'	66-70*	Primary	19.460
620	Shunpike (Middle Twp)	33'-50*	50'	Local	2.690
621	Spruce Avenue Ocean Drive Pacific Avenue Rambler Road New Jersey Avenue	50-120*	66-120*	Primary	6.928
622	Pittsburg Avenue Texas Avenue	90-100*	90-100*	Local	1.017
623	Roosevelt Boulevard	66-130*	86-130*	Primary	2.824
624	Rio Grande Avenue (Lower Twp.)	49.5'	50'	Local	.0581
625	Sea Isle Boulevard J.F.K. Boulevard	66-166*	86-166*	Primary	3.125
626	Seashore Road Broadway Avenue Railroad Avenue	49.5'	66'	Secondary	7.523
627	Mt. Vernon Avenue	50'	50'	Local	.148
628	South Dennis/ Corson Tavern Road New Bridge Road between Route 9, Corsons Tavern and Route 50 [Res. 423-08]	40'	66'	Secondary	6.374
629	Lighthouse Avenue	50'	50'	Local	.758
630	Fish Dock Road	50'	50'	Local	.289
631	Tuckahoe Road	40'	86'	Primary	5.344
632	Marshallville Road	40'	50'	Local	1.195

633	Lafayette Street Washington Street	35-70*	50-70*	Primary	2.017
634	Wildwood Boulevard	49.5'	50'	Local	.551
635	Fourth Avenue	60'	60'	Local	.702
637	Butter Road	50'	50'	Local	1.751
638	Webster Avenue Fidler Road	40'	50'	Local	3.523
639	Fishing Creek Road	40-95*	66-95*	Secondary	2.360
640	Delaware Avenue	60'	60'	Secondary	.0714
641	New England Road	49.5'	50'	Local	.799
642	Norbury's Landing Road	70'	70'	Local	.513
643	Springers Mill Road	33'	50'	Local	1.484
644	Shunpike Road (North of canal)	49.5'	66'	Primary	2.708
645	Stimpson Lane	33'	50'	Local	.610
646	Goshen-Swainton Road	33'	50'	Local	3.431
647	Tabernacle Road	33'	66'	Secondary	1.116
648	Town Bank Road	49.5'	66'	Secondary	2.473
649	Shunpike Road (South of Canal)	49.5'	50'	Local	1.155
651	Cape Avenue Lincoln Avenue	60'	60'	Local	1.243
652	Seigtown Road	50'	50'	Local	.978
653	Madison Avenue	40-80*	50-80*	Local	.648
654	Fulling Mill Road	40'	50'	Local	2.454
655	Reeds Beach Road	50'	50'	Local	1.028
656	Bay Avenue Battersea Road Wesley Road Gardens Parkway 35 <sup>th</sup> Street from West Ave. to Bay Ave. [Res. 423-08]	75-120*	75-120*	Primary	5.428
657	CMCH/So. Dennis Road Stone Harbor Boulevard	49.5-176*	86-176*	Primary	9.722
658	Hand Avenue	49.5'	50'	Local	3.013
659	Station Avenue	33'	50'	Local	.282

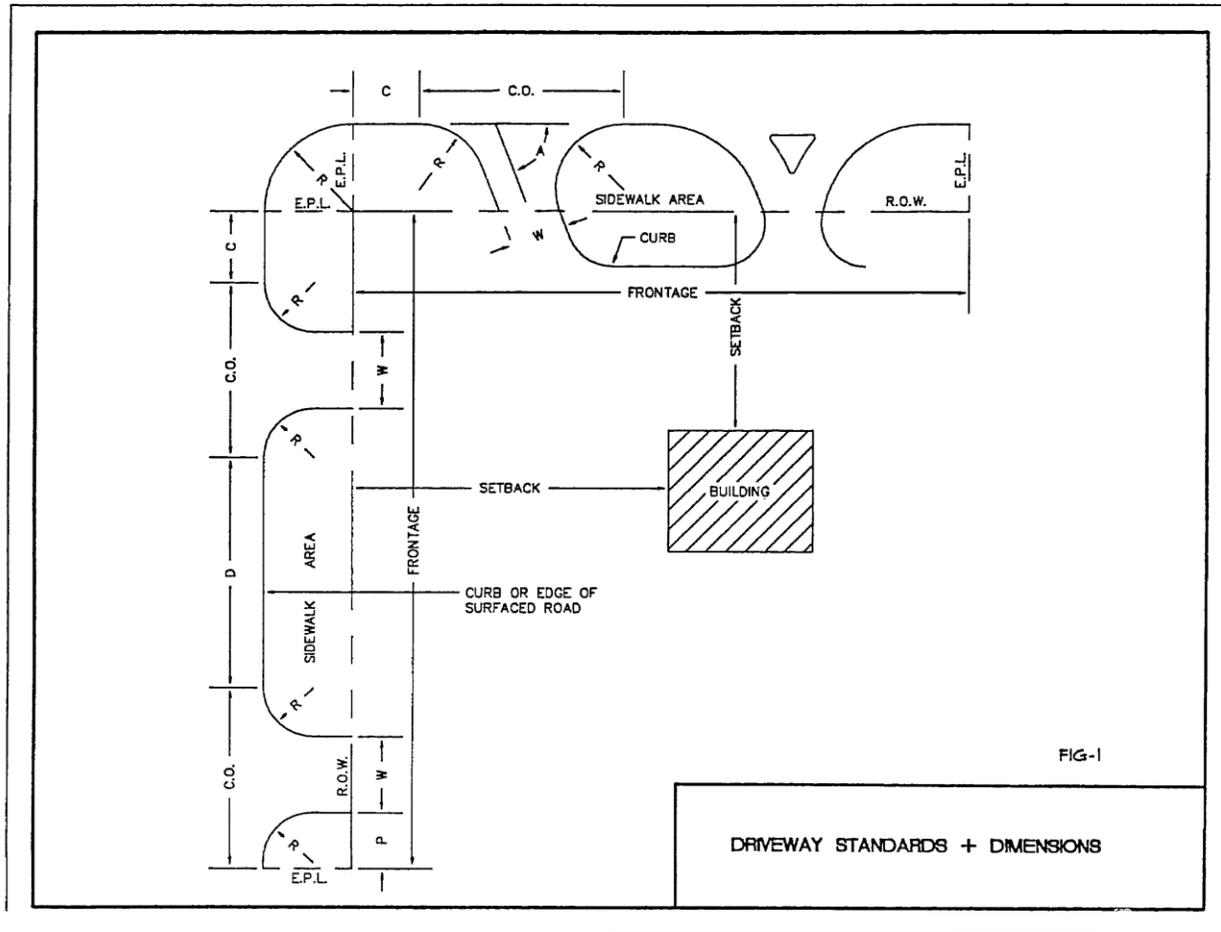
§10-2	County of Cape May				§10-2
660	Fidler Hill Road	40'	50'	Local	.629
661	Rio Grande Boulevard (in Wildwood)	66'	66'	Primary	.492
662	Tuckahoe Rd Extension	40'	50'	Local	.548
663	Moore Road	50'	50'	Local	1.100
664	Tuckahoe/ Mt. Pleasant Road	40-66'	66'	Secondary	3.505
667	Stagecoach Road	40'	66'	Secondary	4.359
668	Seaville Avenue	40'	66'	Local	1.276
669	Marshall Avenue	50'	50'	Local	.185
670	East Creek Mill Road	49.5'	66'	Secondary	3.558
671	Hope Corson Road	33'	50'	Local	.765
672	College Drive [Res. 423-08]	40-60	50'	Local	.210
673	Magnolia Drive [Res. 423-08]	60'	60'	Secondary	.611
674	Shellbay Avenue between Route 9 and Garden State Parkway [Res. 423-08]	80'	80'	Primary	.136

(as amended by *Res. 423-08, 5/27/2008*)

**Figures**



F-1



F-2

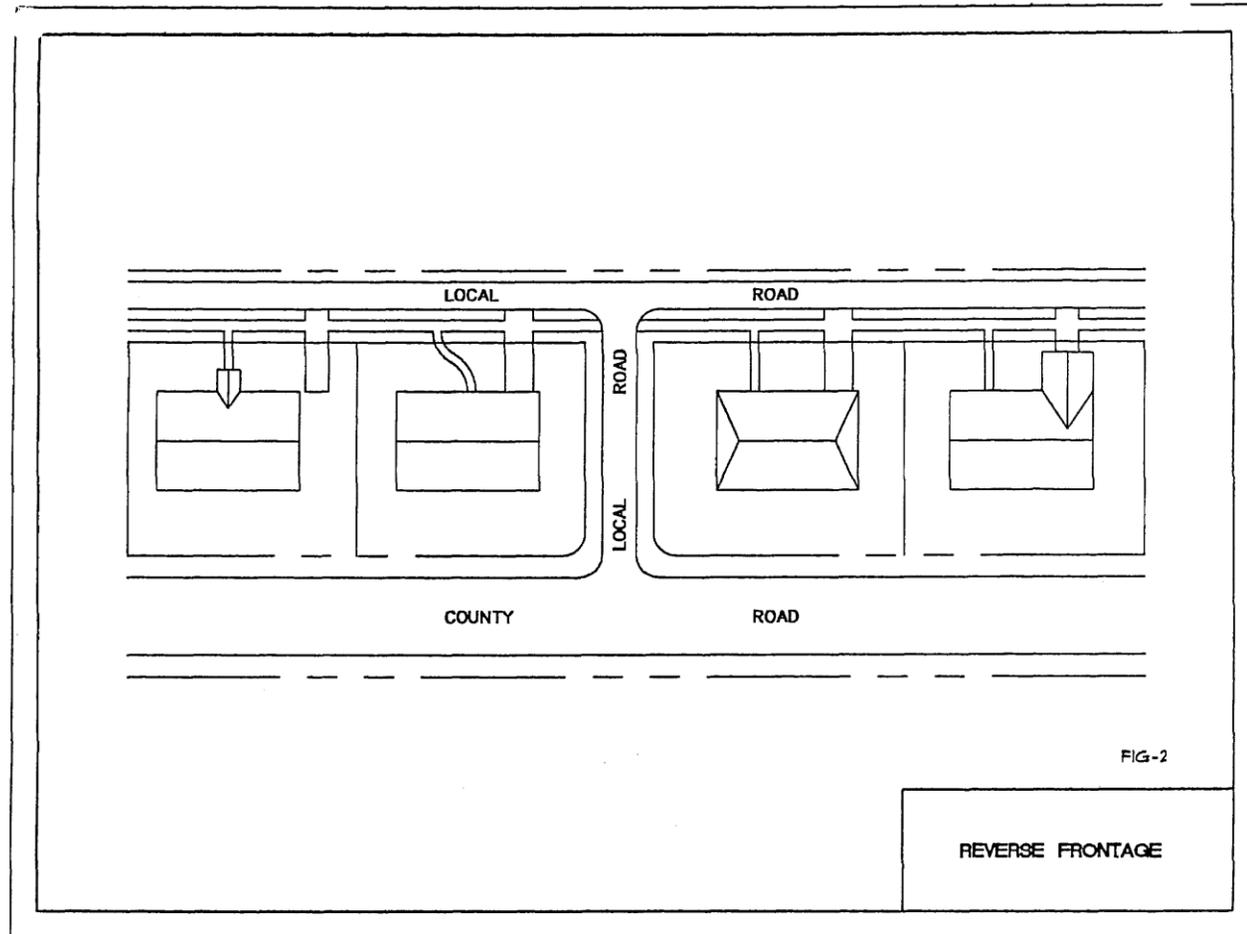
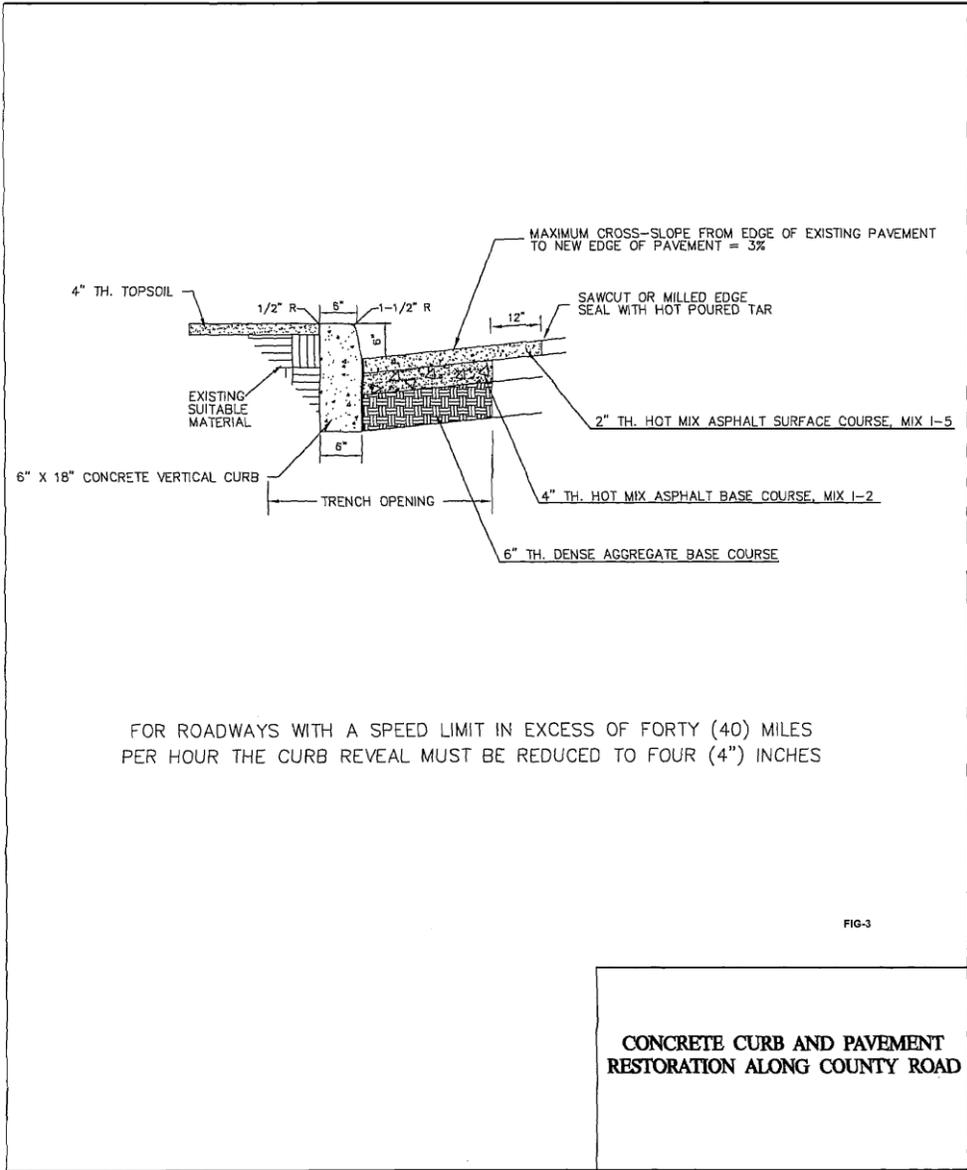


FIG-2

REVERSE FRONTAGE



F-12

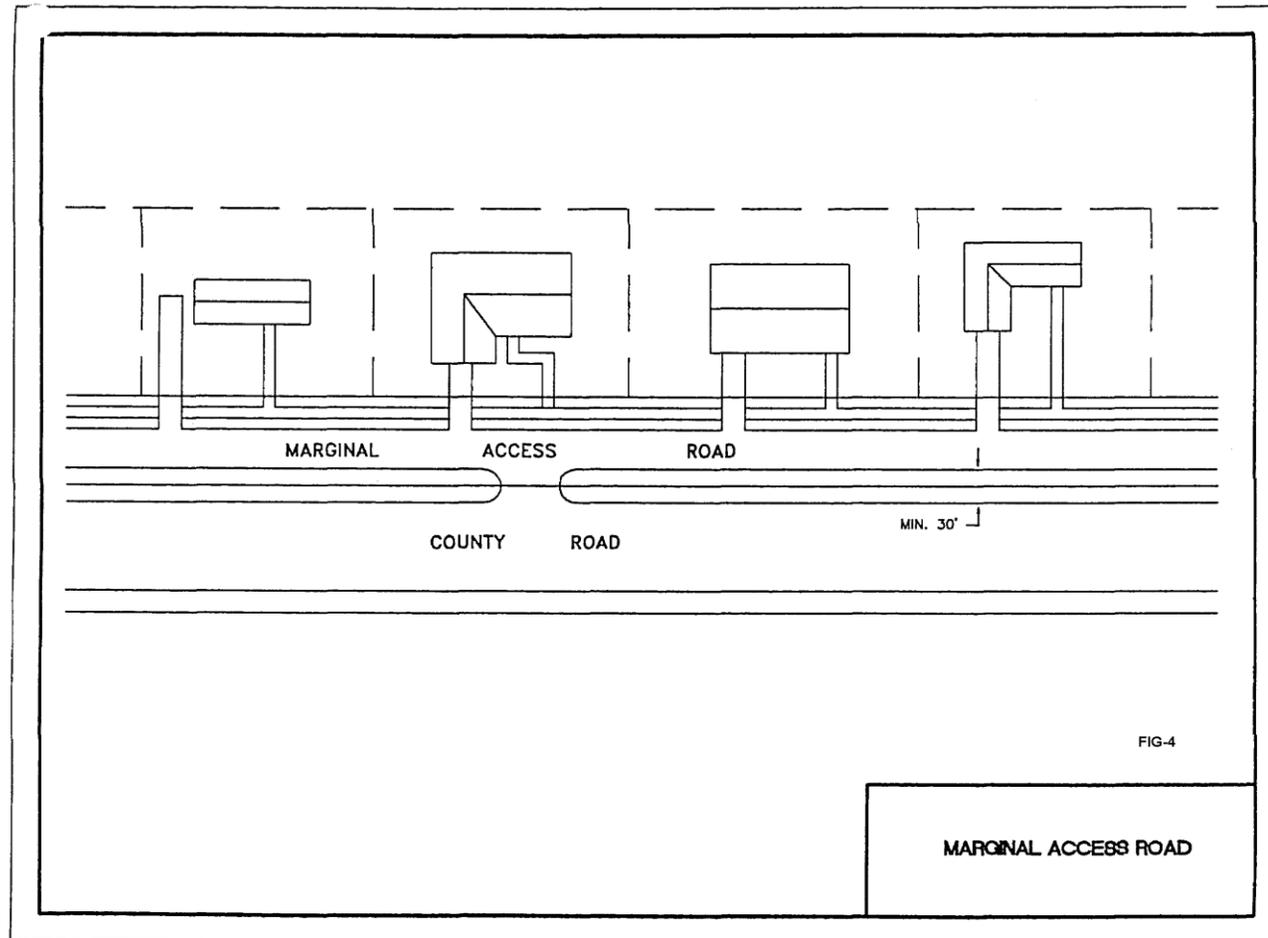
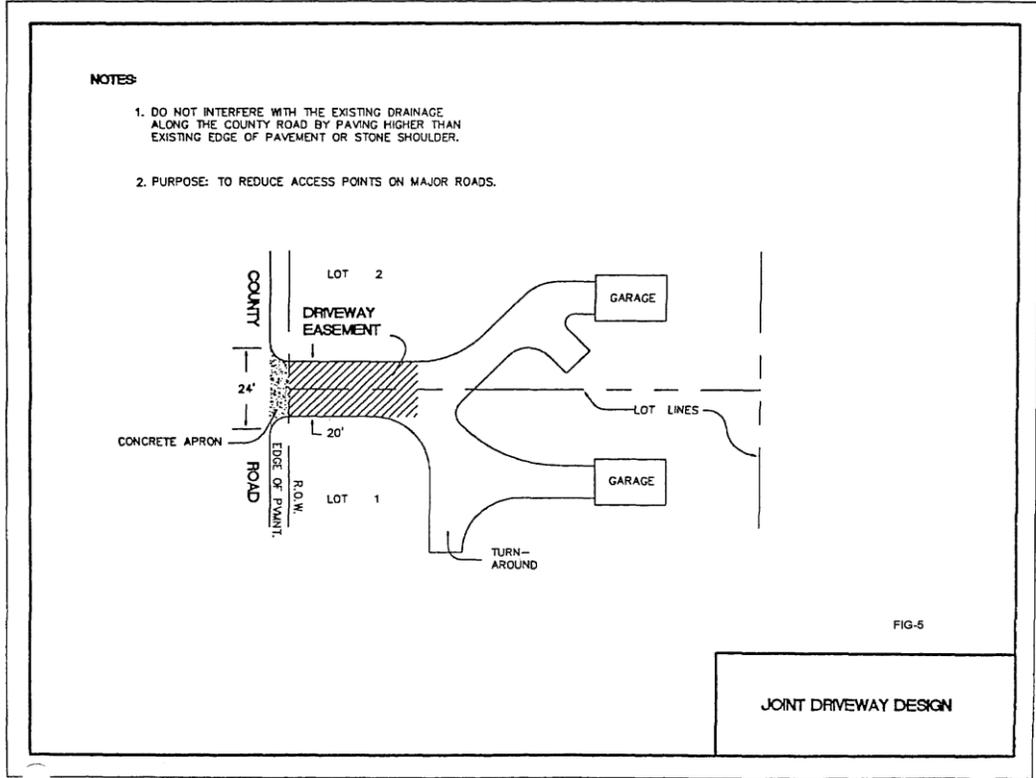
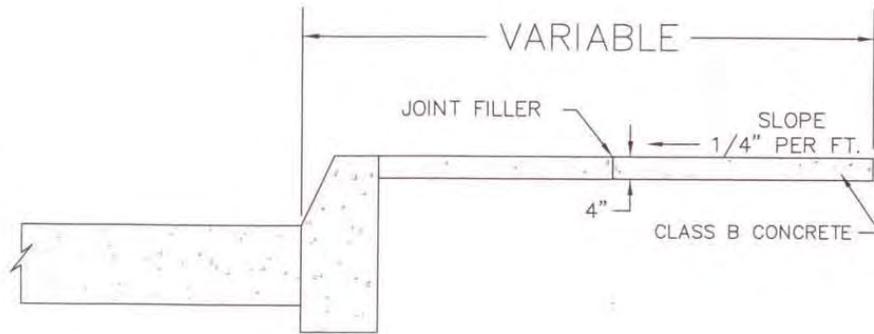


FIG-4

MARGINAL ACCESS ROAD

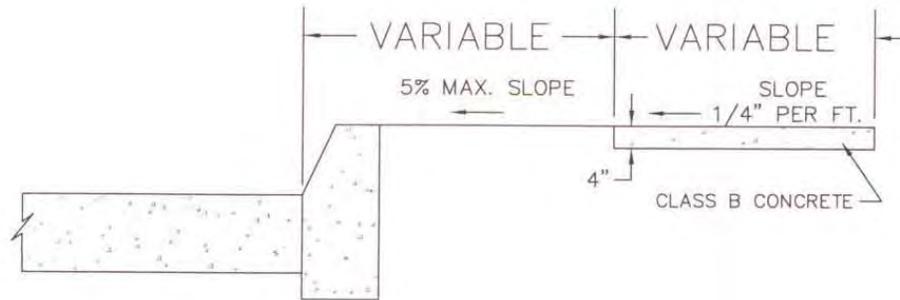
F-13





TYPICAL CONCRETE SIDEWALK  
SECTION ADJACENT TO CURB

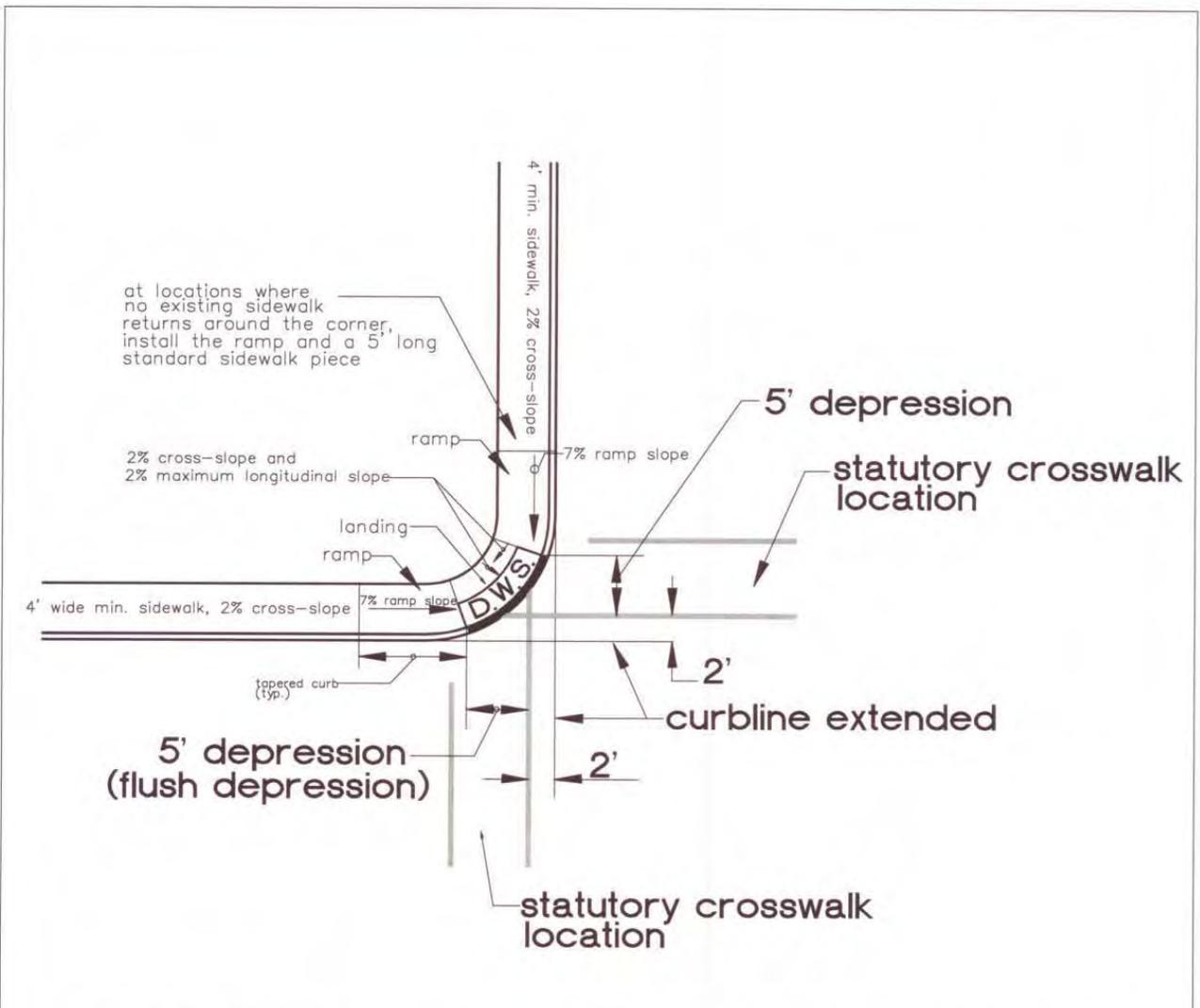
NTS



TYPICAL CONCRETE SIDEWALK  
WITH PLANTER STRIP

NTS

Fig. - 6



**MODIFIED TYPE 7- EXTENDED LANDING**

**CURB RAMP DETAILS  
FIGURE 7**



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County planning board

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