Presented by
The State of New Jersey
PROPOSED

LAND SUBDIVISION ORDINANCE PROVISIONS

FOR THE

TOWN OF NEWTON, NEW JERSEY

July, 1960

Prepared by:
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State Planning Bureau
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101 Title

"An ordinance establishing rules, regulations and standards governing the subdivision of land within the Town of Newton pursuant to the authority set forth in Chapter 433 of the laws of 1953, and amendments and supplements thereto, setting forth the procedure to be followed by the Planning Board in applying and administering these rules, regulations and standards; and providing penalties for the violation thereof."

Be it Ordained by the Town Council of the Town of Newton in the County of Sussex, State of New Jersey, that:

102 Short Title

This ordinance shall be known and may be cited as: The Land Subdivision Ordinance of the Town of Newton 1960.
201 The purpose of this ordinance shall be to provide rules, regulations and standards to guide land subdivision in the Town of Newton in order to provide for the orderly growth and development of the municipality and to assure and promote the comfort, health, safety, convenience and general welfare of the municipality. It shall be administered to insure:

201.1 Conformance with the various parts of the Development Plan, the Zoning Ordinance, and the Official Map.

201.2 Recognition of a desirable relationship to the general land form, its topographic and geologic character, to natural drainage and surface water runoff, and to the ground water table.

201.3 Recognition of desirable standards of subdivision design including adequate provision for pedestrian and vehicular traffic, for surface water runoff, and for suitable building sites for the land use contemplated.

201.4 Provision for such facilities as are desirable adjunct to the contemplated use such as parks, recreation areas, school sites, fire houses, and offstreet parking.

201.5 Preservation of such natural assets as ponds, streams, shrubs and trees.

201.6 Provision of adequate utilities, services, and circulation.
Section 300  

APPROVING AGENCY

301 The provisions of this Ordinance shall be Administered by the Town of Newton Planning Board in accordance with Section 14 of the Municipal Planning Act (1953) and amendments and supplements thereto.
Section 400  DEFINITIONS

401  Agricultural Purposes - the art, or science, of cultivating the grounds, or tillage, not including the erection, alteration, enlargement, occupancy or use of any building intended, designed for or susceptible to occupancy for residential purposes.

402  Alley: (see street)

403  Crosswalk or Walkway:
A right-of-way, dedicated to public use, to facilitate pedestrian access through a subdivision.

404  Cul-de-sac: (see street)

405  Drainage Right-of-Way:
The lands required for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein so as to safeguard the public against flood damage in accordance with Chapter one of Title 58 of the Revised Statutes.

406  Easement:
A restriction established in a real estate deed to permit the use of land by the public, a corporation, or particular persons for specified uses.

407  Lot: Any parcel, plot, site, or portion of land separated or divided from other parcels or portions by description on a subdivision plat, deed, record of survey map or by metes and bounds with the intention of offering such unit for sale, lease on separate use either as an undeveloped or developed site, regardless of how it is conveyed.
Section 408 Development Plan: (Master Plan) A comprehensive plan consisting of mapped and written proposals duly adopted by the planning board for the future growth, protection and development of the Town of Newton recommending standards for the promotion of the comfort, convenience, public health, safety and general welfare of the community, and which shall have been duly adopted by the planning board.

409 Official Map - The official map as adopted by the Town of Newton in accordance with the official map and Building Permit Act (1953) (R.S. 40:55-1.30 et seq., or any other prior act authorizing such adoption. Such a map shall be deemed conclusive with respect to the location and width of streets, public parks and playgrounds, and drainage rights-of-way shown thereon.

410 Official Notice - Notification of all property owners affected by a proposed subdivision within the limits defined in this Ordinance by either a personal visit, telephone call or registered mail, and the requirement to have a notice of the public hearing published in a newspaper of general circulation within the Municipality at least 10 days prior to the hearing.

411 Owner - Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be Subdivided to commence proceedings under this ordinance to effect a subdivision of land hereunder for himself or for another.

412 Performance Guarantee - Any security which may be accepted in lieu of a requirement that certain improvements be made before the planning board approves the plat, including performance bonds, escrow agreements, or other similar collateral or surety agreements.

413 Plat: The map of a subdivision.

414 Plat, final: The final map of all or a portion of the subdivision which is presented to the planning board for final approval in accordance with the regulations of Section 504 and 603 of this Ordinance, and which if approved shall be filed with the proper County recording officer.
Section 415 Plat, preliminary: The preliminary map indicating the proposed layout of the subdivision which is submitted to the Municipal Clerk for Planning Board consideration and tentative approval and meeting the requirements of Section 502 and 602 of this Ordinance.

416 Plat, Sketch: The sketch map of a subdivision of sufficient accuracy for submission to be used for the purpose of discussion and classification and meeting the requirements of Section 501 and 601 of this ordinance.

417 Reserve Strip: That parcel of undeveloped land designated for possible dedication as a public or quasi-public use.

418 Right-of-way: The land and space required on the surface, sub-surface, and overhead for the construction and installation of materials necessary to provide passageway for vehicular traffic, pedestrians, utility lines, poles, conduits and mains, subways, signs, hydrants, trees and shrubbery and the proper amount of light and air as established by local authorities, and shall be measured from lot line to lot line.

419 Street: Any street, avenue, boulevard, road, lane, parkway, viaduct, alley, or other way which is an existing state, county or township roadway, or a street or way shown upon a plat heretofore approved pursuant to Law or approved by official action; or a street or way on a plat duly filed and recorded in the office of the County Clerk prior to the appointment of a Planning Board and the grant to such Board of the power to review plats, and includes the land between street lines, whether improved or unimproved, and may comprise pavements, shoulders, gutters, sidewalks, parking areas and other areas within the street lines. For the purpose of this ordinance, streets shall be classified as follows:

420 Street, Alley: A minor way which is used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

421 Street, Arterial (Primary): Used primarily for fast or heavy traffic and are those which vehicles normally use to proceed between major centers of development (such as commercial centers, industrial areas, and concentrated residential communities) through or around the locality of the Township.
Section 422 Street, Cul-de-sac: A short dead-end street terminating in a circular turn around area generally not used for ingress and egress by more than 20 abutting lots.

Section 423 Street, Loop: A continuous street whose entrance and exit are parallel and or nearly parallel to each other and generally not used for ingress and egress by more than 50 abutting lots.

Section 424 Street, Marginal access: Streets located parallel and adjacent to arterial streets and highways and are designed to provide access to abutting properties without interrupting highway traffic except at recognized intersections and access points.

Section 425 Street, Minor: Those other than circulation streets which need be entered only for stopping at a destination on that street, and which need not be used for general circulation or through traffic.

Section 426 Street, Secondary (Collector): Those which carry traffic from minor streets to the major system of arterial streets and are designed to have considerable continuity and traffic capacity.

Section 427 Subdivider: Any individual, association, corporation or other legal entity commencing proceedings to subdivide the land for himself or for another according to the provisions of this Ordinance.

Section 428 Subdivision: The division of a lot, tract, or parcel of land into two or more lots, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development; except that the following divisions shall not be considered subdivisions, provided, however, that no new streets or roads are involved; Divisions of land for agricultural purposes where the resulting parcels are three acres or larger in size, divisions of property by testamentary or interstate provisions, or divisions of property upon court order. Subdivision also includes re-subdivision, and where appropriate to the context relates to the process of subdividing or to the lands or territory divided.
Section 429 **Subdivision Committee:** A committee of at least three Planning Board members appointed by the Chairman of the Board for the purpose of classifying subdivisions in accordance with the provisions of this ordinance, and of performing such other duties relating to land subdivision as may be conferred on this Committee by the Board.

430 **Subdivision, Major:** All subdivisions not classified as minor subdivisions or, the last minor subdivision completing a block as shown on the Official Map and requiring all the facilities and services of a major subdivision.

431 **Subdivision, Minor:** Any subdivision containing not more than three (3) lots fronting on an existing street, or highway, not involving any new street or road or the extension of Town facilities, and not adversely affecting the development of the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Development Plan, Official Map, Zoning Ordinance, Health Code or this Ordinance.

432 **Walkway:** (See Crosswalk)
Section 500

PROCEDURES

501 Purpose for Submission of Sketch Plat: A sketch plat is required of all owners, subdividers, their agents, or engineers, prior to subdividing or re-subdividing, for the purpose of classification and preliminary discussion so that they may obtain the advice of the Planning Board, its Subdivision Committee, and other Town Officials in the formative stages of the design, and for the purpose of assuring coordination with the comprehensive plan. (Application for submission of Sketch Plat: Section 1600.1).

501.1 Submissions of Sketch Plat:

501.2 Submit to the Secretary of the Planning Board at least two (2) weeks prior to the regular meeting of the board a sketch plat of the proposed subdivision for purposes of classification and preliminary discussion.

501.3 If classified and approved as a minor subdivision by unanimous action of the Subdivision Committee and the Municipal Engineer, a notation to that effect will be made on the sketch plat and the subdivider so notified.

501.4 The sketch plat original will then be forwarded to the Chairman of the Planning Board and the Town Clerk for their signatures and also the sketch plat original plus two (2) paper prints of this shall be forwarded to the County Planning Board for its consideration and approval where they are required.

501.5 Before any approved sketch plat of a Minor Subdivision shall be returned to the subdivider, the subdivider shall supply at his expense sufficient copies to the Planning Board for distribution as follows:

(a) Municipal Clerk
(b) Municipal Engineer
(c) Building Inspector or Zoning Officer
(d) Tax Assessor
(e) Secretary of the Planning Board
(f) County Planning Board
Section 501.6 If within 20 days after receiving said sketch plat, the County Planning Board does not return all copies to the Secretary of the Newton Planning Board, said sketch plat shall be deemed to have been approved by said County Planning Board.

501.7 The plat will be returned to the subdivider within one week following the next regular meeting of the Town Planning Board. No further Planning Board approval shall be required for a Minor Subdivision.

501.8 The approval of a sketch plat of a Minor Subdivision shall expire ninety (90) days from the date of such approval unless within such period either a deed description or plat map drawn in compliance with Chapter 358 of the Laws of 1953 shall be filed by the subdivider with the County Recording Officer and also with the Secretary of the Planning Board along with the date and index reference of such filing or recording with the County Recording Officer.

501.9 If the plat is classified as a Major Subdivision, a notation to that effect shall be made on the plat and returned to the subdivider for compliance with the submission in Sections 502, 503, 504, and 505 of this Ordinance.

502. Purpose for Submission of Preliminary Plat

A preliminary plat and the supporting documents for a proposed subdivision constitute the material to be officially submitted to the Planning Board. They show the general design of the subdivision and its public improvements so that the Planning Board can indicate its approval or disapproval of the subdivision prior to the time that the final plat, including the design and detailing of the public improvements and utilities, is completed. Approval of the preliminary plat does not constitute an approval of the final plat, nor should it be considered a valid basis for the construction of site improvements or for other commitments which depend upon its design characteristics.
Section 502.1 Submission of Preliminary Plat of Major Subdivisions for Tentative Approval

502.2 A Preliminary Plat shall be submitted to the Town Clerk at least two (2) weeks prior to the Planning Board Meeting at which consideration is desired. It shall be submitted in at least six (6) black on white prints and shall be accompanied by 3 copies of the application forms for preliminary approval.

502.3 At the time of submission, a fee shall be paid to the Town Clerk of sufficient amount to cover the costs of publishing the notice and of notifying the persons concerned of the pending hearing on said subdivision. (See also: Section 505). The Town Clerk shall immediately notify the Secretary of the Planning Board upon receipt of the preliminary plat.

502.4 The Secretary of the Planning Board shall issue an official notice at least five (5) days prior to the public hearing, to all property owners within two hundred (200) feet of the extreme limits of the subdivision as their names appear on the Municipal tax record. The Secretary shall also cause notice of the hearing to be published in the official Newspaper or a Newspaper of general circulation in the Town at least ten (10) days prior to the hearing. Such notices shall state the time and place of hearing, a brief description of the subdivision and that a copy of said subdivision has been filed with the Municipal Clerk for public inspection.

502.5 If the preliminary plat lies within 500 feet of another Town boundary, a copy of the plat shall be sent by the Planning Board Secretary to the Secretary of the Planning Board of the adjoining Community. A written statement shall be requested from the adjoining Community indicating whether the proposed subdivision of the Town of Newton is in reasonable harmony with its plans for development. The Secretary of the Planning Board of the adjoining Community should be informed of the date of the public hearing and any communications received prior to this date will be considered in relation to the approval or disapproval of the plat.
The Town Clerk shall retain one complete set of the Preliminary submission for the Town records. Other copies of the preliminary plat shall be forwarded by the Town Clerk prior to the hearing to the following:

(1) County Planning Board

(2) Municipal Engineer

(3) Municipal Board of Health

(4) Such other Municipal, County or State officials as directed by the Town Planning Board.

After the public hearing the Planning Board shall take formal action either approving or disapproving the preliminary plat within 90 days after its submission to the Town Clerk, but in no case before the expiration of the 20-day period within which the County Planning Board may submit a report on said subdivision. The recommendations of the County Planning Board shall be given careful consideration in the final decision on the plat.

If the plat is disapproved, the reasons for disapproval shall be given to the subdivider within the 90 day period.

If the Planning Board acts favorably on a preliminary plat, the Chairman and Secretary shall affix their signatures to the plat with the notation that it has received tentative approval and the plat shall be returned to the subdivider for compliance with final approval requirements.

A copy of the action taken by the Town Planning Board shall be forwarded to the Town Clerk and Municipal Engineer after the public hearing and within the 90 days after filing of the preliminary plat with the Town Clerk.

Tentative approval shall confer upon the applicant the following obligations for a three (3) year period from the date of approval:
(1) That the general terms and conditions under which the tentative approval was granted will not be changed.

(2) That the said applicant may submit on or before the expiration date the whole or part or parts of said plat for final approval.

Section 503 Improvements or Guarantees Prior to Final Approval

503.1 Before consideration of a final subdivision plat, the subdivider shall have installed the improvements required under Section 700 or, at the option of the Planning Board, shall have posted adequate performance guarantees to assure the installation of the required improvements.

504. Purpose for Submission of Final Plat:

A final plat and supporting drawings and documents for a proposed subdivision constitute the complete development of the subdivision proposal and include the recommendation resulting from the Planning Board review of the preliminary plat as well as the detailed layout drawings for the public improvements and utilities. After public hearing and approval by the Planning Board, this complete submission accompanied by the performance guarantee and the provision of the liability insurance policy, as approved by the Town Council, becomes the basis for the construction of the subdivision and the inspection service by the Municipal Engineer and Planning Board. The plat itself must be recorded at the County Clerk's office to have legal status. An unrecorded plat is not a valid basis for site improvements or other commitments which depend on its design characteristics.

504.1 Submission of Final Plat

504.2 A final plat shall be submitted to the Town Clerk within 3 years from the date of tentative approval. The Town Clerk shall immediately notify the Secretary of the Planning Board and record the date of the submission. The Planning Board shall act upon the final plat within 45 days after the date of submission for final approval with the Town Clerk.
The final plat shall have all changes or modifications incorporated in it that are required by the Planning Board before it is submitted for final approval and shall include the original tracing, one translucent tracing cloth copy, two cloth prints, four black on white prints and three copies of the application form.

The final plat shall be accompanied by a statement by the Municipal Engineer that he is in receipt of a map showing all utilities in exact location and elevation identifying those portions already installed and those to be installed and that the subdivider has complied with one or both of the following:

1. Installed all improvements in accordance with the requirements of these regulations, or

2. Posted a performance guarantee with the Planning Board in sufficient amount to assure the completion of all required improvements.

The final plat shall be accompanied by letters directed to the Chairman of the Planning Board and signed by a responsible official of the lighting agency, water company, and of any other utility company, or governmental authority or district which provided accessory utility service and has jurisdiction in the area, approving each proposed installation design, and stating who will construct the facility, so that service will be available when required in conformity with the provisions of the filed rate schedule.

The final plat shall be accompanied by a letter directed to the Chairman of the Planning Board signed by a responsible official of the Board of Education, acknowledging the number of residential lots, and indicating the availability of school facilities for potential new pupils, and any needed new school sites and facilities which relate to the subdivision area.

Submission of the final plat shall include a letter directed to the Chairman of the Planning Board signed by a responsible official of the State or County Highway Department, approving proposed construction on State or County rights-of-way.
Submission of the final plat shall include Deeds of Dedication, three (3) copies each for all properties including street rights-of-way, which are offered to the Town for dedication.

The Town Clerk shall retain one complete set of the final plat submission for the records. Any plat which requires County Planning Board approval pursuant to R.S. 40:27-12 shall be forwarded to the County Planning Board for its action prior to final approval by the Town Planning Board.

The subdivider or his agent shall submit the final plat and supporting drawings and documents at the Town Clerk's office at least 15 days prior to a meeting date in order to be heard at that particular meeting. The Town Clerk shall immediately notify the Secretary of the Planning Board upon receipt of the letter of application for final plat approval.

The Planning Board shall take formal action either approving or disapproving the final plat application within 45 days of its submission to the Town Clerk. If the Planning Board approves the plat, a notation to that effect shall be made on each plat and shall be signed by the Chairman and the Secretary of the Planning Board.

Prior to obtaining the approval signatures of the Chairman and Secretary of the Planning Board, the subdivider shall carry out the following steps:

   (a) Make all required corrections to the satisfaction of the Planning Board.

   (b) Pay the required inspection fee at the Town Clerks Office.

   (c) Obtain a general liability insurance policy and a performance guarantee and submit them to the Municipal Attorney for approval as to form. (See Sections 1000 and 900 respectively for the requirements of the insurance and performance guarantee.)
Section 504.12 cont: (d) Prepare prints for distribution and filing with the following:

1. County Planning Board
2. Municipal Engineer
3. Municipal Building Inspector
4. Tax Assessor
5. Official issuing certificates for approved lots.
6. Municipal Clerk
7. Secretary of Planning Board
8. The subdivider
9. Town School Board

504.13 Failure of the Planning Board to act within the allotted time or a mutually agreed upon extension shall be deemed to be favorable approval and the Town Clerk shall issue a certificate to that effect.

504.14 The final plat, after final approval by the Planning Board, shall be filed by the Subdivider with the County Recording Officer within 90 days from the date of such approval. No plat shall be accepted for filing by the County Recording Officer unless it has been duly approved by the Town Planning Board and signed by the Chairman and Secretary of the Board. If any final plat is not filed within this period, the approval shall expire.

504.15 Upon application by the subdivider showing good cause, the Planning Board may make a reasonable extension of the time within which the subdivider must file with the County Clerk, provided however that the plat be revised according to any change in regulations or ordinance applicable to the plat subsequent to the first resolution so long as the changes are required within the time period of the original 90 days or the extended period of time granted by the Board.
Section 504.16 Expiration of approval shall mean the previous approval by the Planning Board is null and void and, in order to obtain a re-approval, a new filing fee as well as a review of all previous findings must be conducted.

504.17 If any person shall be aggrieved by the action of the Planning Board, appeal in writing to the Governing Body may be taken within 10 days after the date of the action of the Planning Board. A hearing thereon shall be had on notice to all parties in interest, who shall be afforded an opportunity to be heard. After such hearing the Governing Body may affirm or reverse the action of the Planning Board by a recorded vote of a majority of the total members thereof. The findings and reasons for the disposition of the appeal shall be stated on the records of the Governing Body, and the applying party shall be given a copy.

505. Schedule of Fees.

505.1 Submission of Sketch Plat: Each sketch plat and application for classification submitted shall be accompanied by a fee of $5.00.

505.2 Minor Subdivision: Upon classification and approval of a Minor Subdivision a fee of $5.00 for each lot shall be paid to the Municipality, less the filing fee previously paid.

505.3 Preliminary Plat of a Major Subdivision: Each application submitted for tentative approval of a Preliminary Plat of a Major Subdivision shall be accompanied by a filing fee of $10.00 plus $5.00 for each lot proposed in the subdivision. If upon tentative approval the number of lots is less than originally proposed, a refund of $5.00 for each lot eliminated will be made to the subdivider.

505.4 Final Plat of a Major Subdivision: Each application submitted for final approval of final plat shall be accompanied by a fee of $10.00 plus $10.00 for each lot shown on the final plat. An additional fee amounting to 2% of the cost of public improvements to be be built in the subdivision shall be paid upon approval of plans for improvements and cost estimates by the Municipal Engineer.
The fees collected shall be deemed to provide for the administrative and clerical costs of processing the subdivision and for the costs of plotting such proposed and final subdivisions on the base maps of the Township and recording the existence of such lots in such places as necessary. For the final plat the fees shall also cover the cost of inspection of construction work which are necessary as the work progresses.
Sketch Plat

The Sketch Plat shall be based on tax map information or some other similarly accurate base at a scale (not less than 400 feet to the inch and preferably 200 feet to the inch or larger) to enable the entire tract to be shown on one sheet and shall show or include the following information:

(a) The location of the subdivision site in relation to the owners entire tract of land and all lands surrounding the subdivision whether being subdivided or not.

(b) All existing structures and wooded areas within the portion to be subdivided and within 200 feet thereof.

(c) Special site locations (e.g., easements, power, lines, structures).

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

(e) The tax map sheet, block, and lot numbers.

(f) The proposed street, block and lot layout with reference to surrounding properties, streets or roads, and streams within 500 feet of the subdivision and in relationship to the comprehensive plan for the area.

(g) General data concerning the slope and natural drainage of the land, where pertinent, such as can be secured from N.J. or U.S.G.S. Maps, and approximate location of water and sewer mains.

(h) Proposed drainage features.

(i) Existing building zone district boundaries.
The preliminary plat shall be clearly and legibly drawn or reproduced at a scale of not less than one inch equals one hundred feet. Preliminary plats shall be designed by a licensed (N.J.) land surveyor, or a licensed professional engineer. The plat shall be designed in compliance with the provisions of Section 800 of this Ordinance and shall show or be accompanied by the following information: (When the preliminary plat forms the basis for final approval the requirements as enumerated under this section must be prepared by a licensed professional engineer and a licensed land surveyor only.)

(a) A key map showing the entire subdivision and its relation to surrounding areas whether being subdivided or not, including the following information:

1. Title Block

   (a) Name of subdivision
   (b) Name and address of subdivider
   (c) Name and address of the owner or owners of record.
   (d) Name, address and membership of the professional person who prepared the drawing.
   (e) Acreage of tract to be subdivided to nearest tenth of an acre.
   (f) Total number of proposed lots.
   (g) Scale of one inch equals 100 feet
   (h) Date of original submission and of each subsequent revised submission

2. Sufficient elevations or contours to determine the general slope and natural drainage of the land and the high and low points extending 200 feet beyond the subdivision boundary and tentative cross-sections and center line profiles for all proposed new streets.
3. True or Magnetic North.

4. Subdivision boundary line (heavy solid line) and survey data.

5. The location of existing and proposed property lines, streets, buildings, water courses, railroads, bridges, culverts, drain pipes, and any natural features such as wooded areas and rock formations to the proper scales.

6. (a) Streets rights-of-way on subdivision and within 200 feet of its boundaries.

   (1) Name
   (2) Location and width
   (3) Centerline elevation at intersections and other critical points.
   (4) Typical cross section

(b) Other rights-of-way and easements on the subdivision and within 200 feet of its boundaries.

   (1) Identification and description
   (2) Location and width
   (3) Restriction of use, if any

(c) Drainage structures on the subdivisions and within 200 feet of its boundaries

   (1) Type of structure
   (2) Location, invert elevations, gradients, and sizes of all pipe and of all other structures where applicable.
Section 602.1 cont:

(d) Other utility structures such as water and gas mains and power lines on the subdivision and within 200 feet of its boundaries

(1) Location and size or capacity

(e) Marshes, ponds, streams, and land subject to periodic or occasional flooding, or similar conditions on the subdivision and within 200 feet of its boundaries.

(1) Location and area covered indicating apparent high water level.

(2) Water line on date of survey, and survey date.

(3) Maximum depth of water at critical points.

(f) Test hole data

(1) Date, location, and graphic representation of findings for all test holes including ground water level. One test hole shall be required for each acre of land to be subdivided.

(2) Locations shall include critical conditions, and areas where drainage structures requiring seepage are to be constructed.

(g) Township or other public lands, including lands designated as parks, open spaces or for some other public use.

(h) Buildings and other structures located on the subdivision and within 200 feet of its boundaries.

(i) Trees over eight (8) inches in diameter measured at six (6) feet above the existing grade, located on the subdivision.

7. Relationship of subdivision to the primary and secondary highway system and main intersections (both existing and proposed).
Section 602.1 8. Boundary lines: building zone districts, special districts and municipal areas.

9. Boundaries of properties within and adjacent to the subdivision and the property owner's names. (Any adjacent properties which are a part of a recorded subdivision plat showing owners names may be identified by the subdivision name.)

602.2 Proposed Site Conditions (see Section 800-Design Standards).

(a) Streets

1. Location.

2. Width.

3. Proposed Street Name.

4. Tentative centerline elevations at intersections.

5. Centerline gradient shown in percent of slope.

(b) Lot Layout

1. Lot lines and dimensions to nearest foot.

2. Building set back line (dashed) and its dimensions from the street line.

3. Existing and proposed zoning and the boundaries thereof.

4. Identification of lots or parcels for land use dedication (parks, playgrounds, public uses, multi-family, shopping centers, churches, industry, or other uses).

5. Easements and restricted areas with notation as to purpose on restrictions.

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Section 602.2 cont: (c) Preliminary storm water drainage system plan

1. Drainage structures

2. Outline of watersheds tributary to drainage structures and their approximate area in acres.

(d) Existing trees located on the subdivision which are to remain standing.

603 Final Plat

603.1 The final plat shall be drawn in ink on tracing cloth at a scale of not less than 1 inch equals 100 feet and in compliance with all the requirements for filing a map with the County Recording Officer and shall be designed in compliance with the provisions of Section 800 of this Ordinance. The final plat shall show or be accompanied by the following information:

(a) Title block shall be the same as required for the preliminary plat (Section 602.1) (a) (1)

(b) North arrow

(c) Reference meridian

(d) Names of owners of adjoining unsubdivided land.

603.2 Each block shall be numbered (numbers shall be circled) and the lots within each block shall be numbered consecutively beginning with the number one.

603.3 Tract boundary lines, building zone and special district boundary lines, right-of-way lines of existing and proposed streets, street names, easements and other rights-of-way, land to be reserved or dedicated to public use, all minimum building set back lines, lot lines and other site lines; with accurate location and dimensions, lot areas to the nearest square foot, bearings or deflection angles, and radii, arcs, and central angles of all curves.

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Section 603.4 The purpose of any easement or land reserved for the public use shall be designated and the proposed use of sites other than residential shall be noted.

603.5 Location and description of monuments, lot corners, and other survey points in place.

603.6 At least one corner of a subdivision shall be tied by course and distance to a section corner, a quarter section corner, or established city or county survey monument, and the plat must include a description of the corner marker, the final plat indicating how the bearings were determined.

603.7 Cross sections and center line profile of streets approved by the Municipal Engineer.

603.8 Reference to recorded subdivision plats of adjoining platted land by record, name, date, and book and page numbers.

603.9 Contours at 5 ft. intervals for slopes averaging ten per cent or greater and 2 ft. intervals for land of lesser slope.

603.10 Certification by a licensed engineer or surveyor as to accuracy of details of plat.

603.11 Certification that the applicant is agent or owner of the land, or that the owner has given consent under an option agreement for dedication of streets, alleys, easements and other rights-of-way and any lands for public uses.

603.12 Certificate from tax collector that all taxes are paid to date.

603.13 When approval of plat is required by any officer or body of the Municipality, County or State, approval shall be certified on that plat.

603.14 When percolation tests have not been made and shown on the preliminary plat for each lot, they shall be submitted for each lot at this stage.
Section 603.15 Public Improvement and utilities plan and profiles are declared an integral part of the final plat submission and along with the final plat itself, this subdivision ordinance, and the Municipal specifications for public improvements and utilities (Section 800) shall be the basis for the performance guarantee.

603.16 Unless a specific waiver is requested in writing to the Planning Board to be considered at a meeting at which the presence of the Municipal Engineer in an advisory capacity is required, the proposed public improvements and utilities shall be considered to be required to comply specifically with these subdivision regulations and the Municipal specifications.

603.17 The basic improvements and utility plan shall include:

(a) the same area with the same scale and title block as required on the preliminary plat. (Section 602.1(a)).

(b) The outline of all rights-of-way, easements and similar conditions.

(c) Street centerline gradients in per cent indicated with arrows to establish directions of flow.

(d) Critical street center-line grade elevations

603.18 Drainage System Requirements

(a) Complete drainage system for the entire subdivision, with appropriate development stages for each of the final plat sections, shall be shown graphically with all existing drainage features which are to be incorporated properly identified as "existing".

(b) Boundaries of storm water run-off watersheds for each drainage structure, and their area in acres.

(c) All proposed surface drainage structures (e.g. valley gutters).
(d) All appropriate details and dimensions necessary to explain clearly the proposed construction including type of construction, material, size, pitch and invert elevations among other things, in accordance with good engineering practice.

(e) Location of all test pits and description of soil conditions and water table.

Section 603.19 Utility systems requirements:

(a) Water and gas supply distribution:

(1) Location of source on property or, where piped in the size of the supply main.

(2) Location and size of all distribution mains.

(3) Location of fire hydrants in the case of water supply.

(4) Location of all control valves.

(b) Electric and telephone systems:

(1) Location of all service routes, for both aerial and underground cables, and of all poles.

(2) Location of all special facilities.

(c) Sanitary waste disposal system:

(1) Sanitary sewer system design shall be indicated in all cases where public sewer connections exist or are proposed.

(2) Typical lot layout indicating location of system with reference to house and water supply; and detailed drawing of proposed sanitary waste disposal unit.
Section 603.20 Profile drawing requirements:

(a) Drawings shall be made on standard profile paper.

(b) All profiles shall show the existing natural grades, the typical cross section of existing or proposed roadways, the centerlines of intersecting roadways and a system of survey stations.

(c) The centerline profile of all proposed roadways with dimensioning on vertical curves, and notation as to gradient and critical elevations.

(d) The invert profile and location of all drainage structures in street rights-of-way and in drainage easements.
Prior to the granting of final approval, the subdivider shall have installed or, at the option of the Planning Board, shall have furnished performance guarantees for the ultimate installation or protection of the following:

(a) Streets: All new streets shall be graded and provided with an all weather base and pavement with an adequate crown in keeping with specifications and standards approved by the Town Council and on file in the office of the Municipal Engineer.

(b) Street Signs: Appropriate street signs meeting the Town specifications and approved by the Municipal Engineer as to size and location shall be installed at the intersection of all streets.

(c) Curbs and gutters: Curbing along all streets shall be required and shall be installed with adequate gutter and drainage facilities to handle the maximum volume of "run-off" from the tributary lands.

(d) Sidewalks: Sidewalks shall be required along all streets in accordance with the standards of this Ordinance.

(e) Street Lighting: Street lighting shall be required along all street lines appropriately spaced and directed to give maximum lighting with minimum nuisance.

(f) Shade Trees: To be located on the street so as not to interfere with utilities or sidewalks and shall be of a type specified by the Municipal Shade Tree Committee.

(g) Top Soil Protection: No top soil shall be removed from the site or used as spoil. Top soil moved during the course of construction shall be redistributed so as to provide at least 6 inches of cover to all areas of the subdivision and shall be stabilized by seeding or planting.
Section 701.1

(h) **Monuments:** To be of size and shape required by Section 4 of Chapter 358 of the Laws of 1953, and shall be placed in accordance with said statute.

(i) **Water mains, fire hydrants, culverts, gutters, storm sewers, septic tanks, and sanitary sewers:** all such installations shall be properly connected with an approved system and shall be adequate to handle all present and probable future development.

(j) **Utilities:** Gas, telephone, electric and water facilities shall be installed in accordance with the specifications of the utility companies involved, the governmental authority, and the Municipal Engineer.

(k) **Natural Features:** Natural areas, streams and vistas enhancing the aesthetic value of a Community shall be encouraged.

701.2 All of the above listed methods for improvement and protection shall be subject to inspection and approval by the Municipal Engineer who shall be notified by the developer at least 24 hours prior to the start of any construction. No underground installation shall be covered until inspected and approved by the Municipal Engineer or, in the case where County and/or State approval is needed, State and County approval is given.

701.3 No final plat shall be approved by the Planning Board until the completion of all such required improvements has been certified to the Planning Board by the Municipal Engineer, unless the subdivision owner shall have filed with the Municipality a performance guarantee sufficient in amount to cover the cost of all such improvements on uncompleted portions thereof as estimated by the Municipal Engineer; and assuring the installation of such uncompleted improvements on or before an agreed date. Such performance guarantee may be in the form of a performance bond which shall be issued by a bonding or surety company approved by the governing body; a certified check, returnable to the subdivider after full compliance; or any other type of surety approved by the Municipal Attorney.
The performance guarantee shall be approved by the Municipal Attorney as to form, sufficiency and execution. Such performance guarantee shall run for a period to be fixed by the Planning Board but, in no case for a term of more than three years. However, with the consent of the owner and the surety, if there be one, the governing body may by resolution extend the term of such performance guarantee for an additional period not to exceed three years. The amount of the performance guarantee may be reduced by the governing body by resolution when portions of the required improvements have been installed.

If the required improvements have not been installed in accordance with the performance guarantee, the obligor and surety shall be liable thereon to the Municipality for the reasonable cost of the improvements not installed together with legal costs included and upon receipt of the proceeds thereof the Town shall install such improvements.
SECTION 800

DESIGN STANDARDS

This Section should be prepared by the Township Engineer.
900.1 A Performance Guarantee Estimate shall be prepared by the Municipal Engineer. The Planning Board shall pass a resolution either approving or adjusting this Performance Guarantee Estimate, and shall provide four (4) copies signed by the Chairman of the Planning Board for the use of the subdivider in obtaining and posting a Performance Guarantee.

900.2 The subdivider shall present his Performance Guarantee executed on the standard Performance Guarantee form, (see Section 1600.4) established by the Municipal Attorney, with signed copies of the Performance Guarantee Estimate attached, to the Municipal Attorney. This shall be done at least one week prior to any Planning Board Meeting at which approval as to form and sufficiency is desired by the subdivider.

900.3 The Municipal Attorney shall notify the Secretary of the Planning Board prior to the Planning Board meeting that the performance guarantee can be added to the agenda.

900.4 The Planning Board shall approve or disapprove the performance guarantee as presented by the Municipal Attorney. If the performance guarantee is approved, one copy will be forwarded to the Town Clerk for his records.

900.5 After completing the construction of the public improvements covered by the Performance Guarantee, the subdivider shall prepare a set of the approved Public Improvement and Utility Plan and the Profiles amended to read "as constructed" and apply to the Municipal Engineer for final inspection of the work. The Municipal Engineer shall report to the Planning Board on the condition of the work and recommend that the Performance Guarantee be released, extended, or declared in default. The Municipal Engineer shall also report on the desirability of the Town accepting offers of cession for streets and other lands to be dedicated for public use.

900.6 The Town Council shall by resolution release, or declare in default, each performance guarantee. The Town Council can act to extend the term of the guarantee in appropriate cases where such action would not be contrary to the intent of this ordinance.
1000.1 Procedure

The subdivider shall file with the Municipal Attorney a general liability insurance policy at the same time as he files his performance guarantee. The Town Council shall approve the policy for form. The policy shall be of the same term as the performance guarantee and shall be extended in conformance with any extension of the performance guarantee.

1000.2 Coverage

The policy shall insure the Town of Newton and the subdivider, and shall cover all operations in the development involving existence and maintenance of property and buildings, and contracting operations of every nature including all public improvements. Said policy shall have limits of liability of $100,000.00 for bodily injury to each person and $300,000.00 liability on the aggregate for each accident, and property damage liability of $5,000.00 for each accident and $25,000.00 aggregate property damage liability.
1100.1 If, before final approval has been obtained, any person transfers or sells, or agrees to sell, as owner or agent, any land which forms a part of a subdivision on which, by ordinance, the Planning Board is required to act, such person shall be subject to a fine not to exceed two hundred dollars ($200.00) or to imprisonment for not more than thirty days, and each parcel, plot or lot so disposed of shall be deemed a separate violation.

1100.2 In addition to the foregoing, if the streets in the subdivision are not such that a structure on said land in the subdivision would meet requirements for a building permit under Section Ten (R.S. 40:55-1.39) of the Official Map and Building Permit Act (Chapter 434 of the Laws of 1953), as amended, the Town may institute and maintain a civil action:

(a) For injunctive relief

(b) To set aside and invalidate any conveyance made pursuant to such a contract or sale if a certificate of compliance has not been issued in accordance with section twenty-four (R.S. 40:55-1.24) of the Municipal Planning Enabling Act (Chapter 433 of the Laws of 1953), but only if the Municipality has a Planning Board or a Committee thereof with power to act and which:

1. Meets regularly on a monthly or more frequent basis, and

2. Whose governing body has adopted standards and procedures in accordance with Section 20 of Chapter 433 of the Laws of 1953.
In any such action the transferee, purchaser of grantee shall be entitled to a lien upon a portion of the land from which the subdivision was made that remains in the possession of the subdivider or his assigns or successors, to secure the return of any deposit made or purchase price paid, and also, a reasonable search fee, survey expense, and title closing expense if any. Any such action must be brought within two years after the date of the recording of the instrument or transfer, sale or conveyance of said land, or within six years if unrecorded.
These rules, regulations and standards shall be considered the minimum requirements for the protection of the public health, safety and welfare of the citizens of the Town of Newton. Any action taken by the Planning Board under the terms of this ordinance shall give primary consideration to the above mentioned matters and to the welfare of the entire community. However, if the subdivider or his agent can clearly demonstrate that, because of peculiar conditions pertaining to his land, the literal enforcement of one or more of these regulations is impracticable or will exact undue hardship, the Planning Board may permit such variance or variances as may be reasonable and within the general purpose and intent of the rules, regulations and standards established by this ordinance.
Section 1300  VALIDITY AND SEVERABILITY

1300.1 If any section, subsection, paragraph, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decision shall not affect the remaining portions of this Ordinance.

Section 1400  REPEALER

1400.1 All Ordinances or parts of Ordinances other than the Zoning Ordinance of the Town which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 1500  WHEN EFFECTIVE

1500.1 This ordinance shall take effect immediately upon its final passage and publication as provided by law.
Blumenthal, H. J.

Soul and the structure of being in late neoplatonism... 1982.

Sheppard -- Procession and division in Proclus / A.C. Lloyd -- La doctrine de Simplicius sur l'âme raisonnable humaine dans le Commentaire sur le manuel d'Epictète / I. Hadot -- The psychology of (?) Simplicius' Commentary on the De anima / H.J. Blumenthal.
