

CHAPTER 7 – SUBDIVISION

SECTION 7.1 – PURPOSE

The purpose of this Chapter is to establish rules, regulations, standards and procedures for approval of subdivisions of land to promote and ensure:

- A. Conformity with the Map Filing Law (*N.J.S.A. 46:23-9.9, et seq.*);
- B. Consistency of the layout or arrangement of the subdivision with the requirements of the zoning ordinance;
- C. Streets in the subdivision of sufficient width and suitable grade and suitably located to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings and coordinated so as to compose a convenient system consistent with the official map, if any, and the circulation element of the master plan, if any, and so oriented as to permit, consistent with the reasonable utilization of land, the buildings constructed thereon to maximize solar gain; provided that no street of a width greater than 50 feet within the right-of-way lines shall be required unless said street constitutes an extension of an existing street of the greater width, or already has been shown on the master plan at the greater width, or already has been shown in greater width on the official map, subject to the New Jersey Residential Site Improvement Standards;
- D. Adequate water supply, drainage, shade trees, sewerage facilities and other utilities necessary for essential services to residents and occupants;
- E. Suitable size, shape and location for any area reserved for public use pursuant to *N.J.S.A. 40:55D-44*;
- F. Reservation pursuant to *N.J.S.A. 40:55D-43* of any open space to be set aside for use and benefit of the residents of planned development, resulting from the application of standards of density or intensity of land use, contained in this Ordinance, pursuant to *N.J.S.A. 40:55D-65(c)*;
- G. Regulation of land designated as subject to flooding, pursuant to *N.J.S.A. 40:55D-65(e)*, to avoid danger to life or property;
- H. Protection and conservation of soil from erosion by wind or water or from excavation or grading;
- I. Conformity with standards promulgated by the Commissioner of Transportation, pursuant to the "Air Safety and Hazardous Zoning Act of 1983" (*N.J.S.A. 6:1-80, et seq.*) for any airport hazard areas delineated under that act;
- J. Conformity with a municipal recycling ordinance required pursuant to *N.J.S.A. 13:1E-99.16*;
- K. Conformity with the State highway access management code adopted by the Commissioner of Transportation under section 3 of the "State Highway Access Management Act" (*N.J.S.A. 27:7-91, et seq.*) with respect to any State highways within the municipality;

- L. Conformity with any access management code adopted by the county under *N.J.S.A. 27:16-1*, with respect to any county roads within the municipality;
- M. Conformity with any municipal access management code adopted under *N.J.S.A. 27:67-1*, with respect to municipal streets;
- N. Protection of potable water supply reservoirs from pollution or other degradation of water quality resulting from the development or other uses of surrounding land areas, which provisions shall be in accordance with any siting, performance, or other standards or guidelines adopted therefor by the Department of Environmental Protection;
- O. Conformity with the public safety regulations concerning storm water detention facilities adopted pursuant to *N.J.S.A. 40:55D-95.1* and reflected in storm water management plans and storm water management ordinances adopted pursuant to *N.J.S.A. 40:55D-93 et seq.*;
- P. Conformity with the model ordinance promulgated by the Department of Environmental Protection and Department of Community Affairs pursuant to *N.J.S.A. 13:1E-99.13a* regarding the inclusion of facilities for the collection or storage of source separated recyclable materials in any new multifamily housing development;
- Q. Standards, subject to the New Jersey Residential Site Improvement Standards, as applicable, for grading, improvement and construction of streets or drives and for any required walkways, curbs, gutters, streetlights, shade trees, fire hydrants and water, and drainage and sewerage facilities and other improvements as shall be found necessary, and provisions ensuring that such facilities shall be completed either prior to or subsequent to final approval of the subdivision by allowing the posting of performance and maintenance guarantees by the developer;
- R. Standards to ensure that subdivisions shall conform to the applicable provisions of this Ordinance;
- S. Performance in substantial accordance with the final development plan; provided that the planning board may permit a deviation from the final plan, if caused by change of conditions beyond the control of the developer since the date of final approval, and the deviation would not substantially alter the character of the development or substantially impair the intent and purpose of the master plan and zoning ordinance;
- T. Off-tract water, sewer, drainage and street improvements which are necessitated by a subdivision, subject to the provisions of *N.J.S.A. 40:55D-42*.
- U. In the case of a development which proposes construction over a period of years, the protection of the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development.
- V. The submission of proof that no taxes or assessments for local improvements are due or delinquent on the property for which any subdivision, site plan, or planned development application is made.
- W. Provisions for minor subdivision approval pursuant to *N.J.S.A. 40:55D-47*; and

- X. Standards encouraging and promoting flexibility, economy and environmental soundness in layout and design in accordance with which the planning board may approve the varying, within a conventional subdivision, of lot areas and dimensions, and yards and setbacks otherwise required by municipal development regulations in such a way that the average lot areas and dimensions, yards and setbacks within the subdivision conform to the conventional norms of the municipal development regulations; provided that such standards shall be appropriate to the type of development permitted.
- Y. Promoting any other purposes or objectives of *N.J.S.A. 40:55D-1, et seq.*, the Pennsville Township Master Plan, and this Ordinance.

SECTION 7.2 – APPLICABILITY; MAP FILING LAW REQUIREMENTS

Except as otherwise provided herein, any division, subdivision, resubdivision, or reconfiguration of any lot, tract or parcel of land, whether or not for sale or development, must be made in accordance with the requirements of this Chapter and all other applicable requirements of the Municipal Land Use Law and the Pennsville Township Land Development Ordinance. All major and minor subdivision plans must conform to all applicable requirements of the Map Filing Law (*N.J.S.A. 46:23-9.9, et seq.*), including requirements relating to monuments. Applicants must confirm to the satisfaction of the Planning Board Engineer, prior to the signature of any final subdivision plat or minor subdivision deeds by any Township official, that all approved existing monuments remain in place, and that all required new or re-set monuments have been set or re-set consistent with the approved plan.

SECTION 7.3 – EXEMPTIONS.

- A. The following shall not be considered subdivisions within the meaning of this ordinance, if no new streets are created:
 - 1. Divisions of land found by the planning board to be for agricultural purposes where all resulting parcels are five (5) acres or larger in size;
 - 2. Division of property by testamentary or intestate provisions;
 - 3. Divisions of property upon court order, including but not limited to judgments of foreclosure;
 - 4. Consolidation of existing lots by deed or other recorded instrument; and
 - 5. Conveyance of one or more adjoining lots, tracts or parcels of land, owned by the same person(s) and all of which are found and certified by the administrative officer to conform to the requirements of the municipal development regulations and are shown and designated as separate lots, tracts, or parcels on the tax map or atlas of the Township.

SECTION 7.4 – WAIVERS

Waiver of specific subdivision submission and design requirements. The Planning Board, when acting upon applications for preliminary or minor subdivision approval, shall have the power to

grant such exceptions from applicable submission requirements and design standards as may be reasonable and within the general purpose and intent of the Pennsville Township Land Development Ordinance and the Municipal Land Use Law, if the literal enforcement of one or more provisions of the Ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question, and if the proposed resulting lots and the existing and proposed structures and improvements upon them will comply with all applicable zoning requirements.

SECTION 7.5 – LOT REQUIREMENTS

- A. Unsuitable lots. All lots shall be suitable for the purpose for which they are intended to be used. In order to prevent the use of lots which are not suitable because of adverse topography, flood conditions, proximity to municipal boundaries, or similar circumstances, the Planning Board may require such revisions in the layout of the subdivision as will accomplish one of the following:
1. That the area of any unsuitable lot is included in other lots by increasing the size of the remaining lots and eliminating the unsuitable lot.
 2. That the unsuitable lot is included in an area to be deeded to the Township and held in its natural state for conservation and/or recreation purposes;
 3. That the unsuitable lot be deed restricted against unsuitable uses and limited only to suitable uses subject to zoning requirements; or
 4. That some other suitable arrangement is made, such as common ownership made permanent by deed covenants running with the land.
 5. That no building or structure in a municipality other than Pennsville Township will have street access only in Pennsville Township, and that no building or structure in Pennsville Township will have street access only in another municipality.
- B. Block and Lot Numbers. Block and Lot numbers shall be assigned for each lot by the Tax Assessor.
- C. Driveways. Existing and proposed driveway locations must be depicted on all subdivision plans. Driveways must be located at safe distances from all roadway intersections when applying generally accepted engineering or other design or safety standards. Driveways must also conform to all applicable zoning regulations.
- D. Sidewalks, curbs, gutters and other improvements. Sidewalks, curbs, gutters and other improvements are required for all subdivisions, minor and major, as set forth in this Ordinance or in the Residential Site Improvement Standards (*N.J.A.C. 5:21-1.1, et seq.*), as applicable, unless waived or exempted by the Planning Board or the New Jersey Department of Community Affairs. In the case of minor subdivisions, applicants must depict all required improvements on the minor subdivision plans to the Planning Board Engineer's satisfaction, and then deliver a copy of the approved plan to the Township Engineer prior to signature of the minor subdivision deeds by the Planning Board Chair and Secretary. All required improvements at each lot must thereafter be completely installed by such lot's respective owner, and inspected and approved by the Township, prior to issuance of any Certificate of Occupancy for such lot.

- E. **Grading and Drainage.** Grading and drainage plans for all lots resulting from minor and major subdivisions must be reviewed and approved pursuant to Section 5.16 of this Ordinance.

SECTION 7.6 – MINOR SUBDIVISIONS

- A. **Classification.** A minor subdivision is a subdivision of land that does not involve the creation of more than two lots, in addition to one retained or remainder parcel; provided that such subdivision does not involve (1) a planned development, (2) any new street or (3) the extension of any off-tract improvement, the cost of which is to be prorated pursuant to *N.J.S.A. 40:55D-42*. In counting lots to determine whether or not a proposed subdivision is a minor subdivision, the following lots shall be counted:
1. All lots to be created by or resulting from the proposed subdivision, including all retained or remainder parcels;
 2. All lots created by prior subdivisions out of the original parcel of contiguous land under common ownership as it existed on September 1, 1987; and
 3. No lots shall be counted twice, and in the case of resubdivisions, lot line adjustments or lot mergers any lot eliminated shall be deducted and any lot replaced shall not be recounted.
- B. **Application Requirements.** Applications for minor subdivision approval shall include a completed Application Cover Sheet, and shall be made in accordance with the Checklist Schedule A (General Requirements), Checklist Schedule B (Approvals Requested), and Checklist Schedule E (Minor Subdivision), and shall include applicable fees and escrow deposits.
- C. **Review.** If the Planning Board determines that the application for development is complete and conforms to the above definition of “minor subdivision”, and if the applicant’s proposal complies with all applicable zoning requirements and other requirements for approval, the Board may hear and decide the application without public notice. Minor subdivision approval shall be deemed to be final approval of the subdivision by the Board, provided that the Board shall condition any minor subdivision approval that it grants upon timely receipt of a favorable report on the application by the Salem County Planning Board as may be applicable pursuant to *N.J.S.A. 40:27-6.3*, or approval by the Salem County Planning Board by its failure to report thereon within the required time period. The Board may also condition minor subdivision approval upon ensuring the provision of certain improvements pursuant to *N.J.S.A. 40:55D-38, -39, -40 and -53*, as well as provision of review and inspection escrows relating thereto, and applicable approvals from other regulatory agencies.
- D. **Time for Decision.** Minor subdivision approval shall be granted or denied within forty five (45) days after completeness is certified or deemed by law, or within such further time as may be consented to by the applicant.
- E. **Amendment.** Applicants may amend a minor subdivision approval prior to expiration of the approval or filing of the minor subdivision deed or plat. Applications for amendment must include the completed Application Cover Sheet, Checklist Schedule A (General

Requirements), Checklist Schedule F (Amendment of Minor Subdivision), and all required materials, information and fees. Any application for amendment of an approval in which publicly noticed site plan approval or variances were also granted, or which involves any new site plan approval requiring public notice or any new variance request, must be heard on public notice pursuant to *N.J.S.A. 40:55D-11* and *-12*. When approving an amendment to a previous approval in which variances or site plan approval were granted, the Planning Board may modify the nature and extent, and any terms or conditions of such variances or site plan approval. The engineer's estimate on which any posted performance or maintenance guarantees have been calculated, and the guarantees themselves, as well as any easements or restrictions that were required as part of the earlier approval, should be reviewed to determine whether any changes are necessary.

- F. Expiration. Minor subdivision shall expire 190 days from the date on which the planning board adopts the resolution of approval unless, within such period, a plat in conformity with such approval and the provisions of the Map Filing Law (*N.J.S.A. 46:23-9.9, et seq.*), or a deed clearly describing the approved minor subdivision, is filed by the developer with the county recording officer, the municipal engineer and the municipal tax assessor. Any such plat or deed accepted for such filing shall have been signed by the chair and secretary of the planning board. In reviewing the application for development for a proposed minor subdivision the planning board may be permitted by ordinance to accept a plat not in conformity with the Map Filing Law, provided that if the developer chooses to file the minor subdivision as provided herein by plat rather than deed, such plat shall conform with the provisions of said act. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision approval was granted, shall not be changed for a period of two (2) years after the date on which the resolution of minor subdivision approval is adopted, provided that the approved minor subdivision shall have been duly recorded as provided above. The recording deadline and/or approval expiration period can be extended by the planning board as provided in *N.J.S.A. 40:55D-47*, or if there have been no changes in the applicable zoning or the facts and circumstances of the application, simply reaffirmed for a new 190-day period. Any extension or reaffirmation request for an approval that also included any variance or publicly noticed site plan approval granted must be heard on public notice pursuant to *N.J.S.A. 40:55D-11* and *-12*. Applications to extend or reaffirm a minor subdivision approval must include the completed Application Cover Sheet, Checklist Schedule A (General Requirements), Checklist Schedule G (Re-Affirmation or Extension of Minor Subdivision Approval), and all required materials, information and fees. The engineer's estimate on which any posted performance or maintenance guarantees have been calculated, and the guarantees themselves, as well as any easements or restrictions that were required as part of the earlier approval, should be reviewed to determine whether any changes are necessary.

SECTION 7.7 – MAJOR SUBDIVISIONS

- A. Classification. All subdivision applications not classified as minor pursuant to Section 5, above, shall automatically be classified as major subdivisions applications. All major subdivision applications should be formally reviewed in two stages, preliminary and final.
- B. Preliminary Major Subdivision Application. Applications for preliminary major subdivision approval shall include a completed Application Cover Sheet, and must meet the filing requirements listed in Checklist Schedule A (General Requirements), Checklist Schedule B

(Approvals Requested), and Checklist Schedule H (Preliminary Major Subdivision), and must also include all required fees and escrow deposits.

- C. Review (Preliminary Application). The Planning Board shall review the Preliminary Major Subdivision Application at a public hearing on public notice as required by *N.J.S.A. 40:55D-11* through *-12.2* for the purposes of making an informed decision as to whether the requirements necessary for preliminary approval have been met. The plat and any other engineering documents to be submitted shall be required in tentative form for discussion purpose for preliminary approval. If the planning board requires any substantial amendment in the layout of improvements proposed by the developer that have been the subject of a hearing, an amended application shall be submitted and proceeded upon, as in the case of the original application for development. The planning board shall, if the proposed subdivision complies with the ordinance and the Municipal Land Use Law, grant preliminary approval to the subdivision.
- D. Time for Decision (Preliminary Application). For a subdivision of 10 or fewer lots, the planning board must grant or deny preliminary approval within 45 days following the date the application is certified or deemed complete pursuant to Section 4.1.B, or within such further time as may be consented to by the developer. For a subdivision of more than 10 lots, the planning board must grant or deny preliminary approval within 95 days following the date the application is certified or deemed complete pursuant to Section 4.1.B, or within such further time as may be consented to by the developer. Otherwise, the planning board shall be deemed to have granted preliminary approval to the subdivision.
- E. Denial. In the event the Board denies the preliminary major subdivision application, such denial must be memorialized in a written resolution containing a statement of reasons for the denial, a copy of which shall be given to the applicant.
- F. Other agency approvals. Review or approval by the Planning Board does not preclude the necessity for submission, review and approval by other reviewing authorities. These authorities may include but are not be limited to the New Jersey Department of Environmental Protection and the Salem County Planning Board.
- G. Amendment (Preliminary Approval). Applicants may amend a preliminary major subdivision approval prior to expiration of the approval or the grant of final major subdivision approval. Applications for amendment must include the completed Application Cover Sheet, Checklist Schedule A (General Requirements), Checklist Schedule I (Amendment of Preliminary Major Subdivision), and all required materials, information and fees. All applications for amended preliminary major subdivision approval must be heard on public notice pursuant to *N.J.S.A. 40:55D-11* and *-12*. When approving an amendment to a previous approval in which variances or site plan approval were granted, the Planning Board may modify the nature and extent, and any terms or conditions of such variances or site plan approval. The engineer's estimate on which any posted performance or maintenance guarantees have been calculated, and the guarantees themselves, as well as any easements or restrictions that were required as part of the earlier approval, should be reviewed to determine whether any changes are necessary.
- H. Expiration (Preliminary Approval). Preliminary major subdivision approval shall expire three (3) years following the date the initial resolution of preliminary subdivision plan approval is adopted. Except as provided in *N.J.S.A. 40:55D-49(d)*, preliminary major

subdivision approval confers upon the applicant the following rights during the aforesaid three (3) year period:

1. The general terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to use requirements; layout and design standards for streets, curbs and sidewalks; lot size; yard dimensions and off-tract improvements; except that nothing herein shall be construed to prevent the Township from modifying by ordinance such general terms and conditions of preliminary approval as relate to public health and safety;
 2. The applicant may submit for final approval on or before, but not after the expiration date of preliminary approval, the whole or a section or sections of the preliminary subdivision plat, as the case may be, provided that such section or sections were depicted on and approved with the preliminary subdivision plat; and
 3. The applicant may apply for extension(s) of preliminary major subdivision approval as provided in *N.J.S.A. 40:55D-49*. All extension requests must be heard on public notice pursuant to *N.J.S.A. 40:55D-11* and *-12*. Applications to extend or reaffirm a preliminary major subdivision approval must include the completed Application Cover Sheet, Checklist Schedule A (General Requirements), Checklist Schedule J (Extension of Preliminary Major Subdivision Approval), and all required materials, information and fees. The engineer's estimate on which any posted performance or maintenance guarantees have been calculated, and the guarantees themselves, as well as any easements or restrictions that were required as part of the earlier approval, should be reviewed to determine whether any changes are necessary.
- I. Final Major Subdivision Application. Applications for final major subdivision approval must be filed prior to the expiration of preliminary approval (that is, within three (3) years, plus any extensions, following the date the initial resolution of preliminary major subdivision approval is adopted). Applications for final major subdivision approval filed after the expiration of preliminary approval will not be accepted or reviewed. Applications for final major subdivision approval must include a completed Application Cover Sheet and meet the document filing and information requirements listed in Checklist Schedule A (General Requirements), Checklist B (Approvals Requested), and Checklist Schedule K (Final Major Subdivision), and must include all required fees and escrow deposits.
- J. Review (Final Application). The Planning Board shall review the final major subdivision application at a public hearing on public notice pursuant to *N.J.S.A. 40:55D-11* through *-12.2* and shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by this ordinance, the conditions of preliminary major subdivision approval, and the standards prescribed by the Map Filing Law (*N.J.S.A. 46:23-9.9, et seq.*). The following matters should be addressed as part of any grant of final major subdivision approval:
1. All road, sight triangle, drainage or other easements or restrictions which must be granted or imposed on behalf of the Township or any other person or entity.
 2. The installation and maintenance of proposed improvements that must be secured by performance and maintenance guarantees pursuant to *N.J.S.A. 40:55D-53*, and approval of the engineer's cost estimate.

3. The amount and terms of payment for off-tract improvements pursuant to *N.J.S.A. 40:55D-42*.
 4. The completion deadline, or schedule of deadlines to be imposed for installation of improvements that are to be secured by performance and maintenance guarantees.
- J. Time for Decision (Final Application). Final approval shall be granted or denied within 45 days after the date completeness is certified or deemed pursuant to Section 4.1.B, or within such further time as may be consented to by the applicant.
- K. Denial. In the event the Board denies the final major subdivision application, such denial must be memorialized in a written resolution containing a statement of reasons for the denial, a copy of which shall be given to the applicant.
- L. Other Agency Approvals. Whenever review or approval of the application by the Salem County Planning Board is required by *N.J.S.A. 40:27-6.3*, the Planning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the county planning board or approval by the county planning board by its failure to report thereon within the required time period. Review or approval by the Planning Board does not preclude the necessity for submission, review and approval by other reviewing authorities, including but not limited to the New Jersey Department of Environmental Protection.
- M. Amendment (Final Approval). Applicants may amend a final major subdivision approval prior to expiration of the approval or filing of the final plat. Applications for amendment must include the completed Application Cover Sheet, Checklist Schedule A (General Requirements), Checklist Schedule L (Amendment of Final Major Subdivision), and all required materials, information and fees. All applications for amended final major subdivision approval must be heard on public notice pursuant to *N.J.S.A. 40:55D-11* and *-12*. When approving an amendment to a previous approval in which variances or site plan approval were granted, the Planning Board may modify the nature and extent, and any terms or conditions of such variances or site plan approval. The engineer's estimate on which any posted performance or maintenance guarantees have been calculated, and the guarantees themselves, as well as any easements or restrictions that were required as part of the earlier approval, should be reviewed to determine whether any changes are necessary.
- N. Expiration (Final Approval). Final major subdivision approval shall expire two (2) years following the date the initial resolution of final major subdivision approval is adopted, or upon such other deadline as may be imposed by the Board pursuant to *N.J.S.A. 40:55D-52(b)*; provided that the approval shall expire within ninety-five (95) days following the signing of the final plat if the plat is not thereafter filed in the Salem County Clerk's office within that period as required by *N.J.S.A. 40:55D-54*. Additionally, the zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer pursuant to *N.J.S.A. 40:55D-49*, whether conditionally or otherwise, shall not be changed during the aforesaid two-year period. If the developer has followed the standards prescribed for final approval and has duly recorded the plat as required by *N.J.S.A. 40:55D-54*, the planning board may extend the approval period for extensions of one year but not to exceed three extensions, or as may otherwise be provided in *N.J.S.A. 40:55D-52* or *-54*. All extension requests must be heard on public notice pursuant to *N.J.S.A. 40:55D-11* and *-12*. Applications to extend a final major subdivision approval must include the completed Application Cover Sheet, Checklist Schedule A (General Requirements), Checklist Schedule M (Extension of Final Major Subdivision Approval), and all required materials, information

and fees. The engineer's estimate on which any posted performance or maintenance guarantees have been calculated, and the guarantees themselves, as well as any easements or restrictions that were required as part of the earlier approval, should be reviewed to determine whether any changes are necessary. Notwithstanding any other provisions of the Municipal Land Use Law or this ordinance, the granting of final approval terminates the time period of preliminary approval pursuant to *N.J.S.A. 40:55D-49* for the section granted final approval. No final plat will be signed for any major subdivision as to which final approval has expired. No zoning permit or building permit will be issued for any major subdivision project prior to the filing of the final plat in the Salem County Clerk's Office, or for any major subdivision as to which final approval has expired.

O. Post-Approval Requirements.

1. The final plat will not be signed by the Planning Board engineer, Chair or Secretary until all conditions of approval are satisfied, including required approvals from other agencies, posting of approved performance guarantees, maintenance guarantees, and inspection escrows, with proof satisfactory having been provided to the Township Solicitor of the Township's right to go upon the property to exercise the Township's rights under the guarantees. The applicant must provide eight (8) mylars and eight (8) paper copies of the approved plan to the Planning Board Engineer for signature.
2. No zoning or building permit can be issued until the final plat is signed and recorded in the Salem County Clerk's Office.
3. No clearing, grading or land disturbance, or the installation of site improvements, advertising or other signage for a major subdivision can commence or occur without a zoning permit.
4. No construction, installation or placement of buildings or structures of any kind whatsoever, including but not limited to sales offices, trailers, platforms or displays, can commence or occur without a zoning permit and building permit.
5. Notwithstanding the posting of any performance or maintenance guarantee or any other provision of this Ordinance, no building permit, certificate of occupancy, or other required permit for construction or occupancy of any building on any lot within the subdivision or section thereof shall be issued until the following on-tract and off-tract improvements for the subdivision or section thereof have been completed and approved by the Township Engineer:
 - a. Curbs, roadway subbase, and roadway bituminous stabilized base course on the full width of the road fronting the lot on which the permit is to be issued, and along the entire frontage of that lot and continuing from that lot to the existing improved public road system outside the subdivision. In addition, in order to provide adequate access for police, fire and rescue vehicles during emergencies for the lot on which the permit is to be issued, curbs, roadway subbase, and roadway bituminous stabilized base course must be completed on a road or combination of roads or portions thereof within the subdivision to the extent necessary to provide a second route of access from the existing improved public road system outside the subdivision to a point within 100 feet of the lot for which the permit is to be issued.

- b. Storm drainage facilities as necessary in the opinion of the Township Engineer to serve the lot on which the permit is to be issued, including but not limited to pipes, inlets, manholes, headwalls, swales, channels, detention bases, retention basins, and conduit outlet protection.
 - c. Street lights or evidence of payment to the electric utility company for installation by it of all streetlights within the subdivision or section (complete with poles and fixtures) in accordance with the approved subdivision plans.
6. Applicants may apply for field changes or minor amendments to final major subdivision approval pursuant to Section 9.11. Applicants may also make application for amended preliminary and final major subdivision approval, subject to the public notice requirements of *N.J.S.A. 40:55D-11* and *-12*.

SECTION 7.8 -- DESIGN STANDARDS FOR MAJOR SUBDIVISIONS; STREET LAYOUT

- A. RSIS. Residential major subdivisions must conform to the requirements of the Residential Site Improvement Standards (*N.J.A.C. 5:21-1.1, et seq.*). All major subdivisions that are not subject to RSIS requirements must conform to design standards as set forth in this Ordinance.
- B. Layout and Arrangement of Streets. No cul-de-sac or loop street, or any part thereof, may extend from Pennsville Township into another municipality, or from another municipality into Pennsville Township. All streets and portions thereof, including cul-de-sac streets, loop streets, and portions of all other types of streets within Pennsville Township, must provide access only to lots that meet all applicable lot area, dimension and configuration requirements.

SECTION 7.9 -- DIVISIONS OF FARMLAND (*N.J.S.A. 40:55D-7*)

- A. Classification. Divisions of land found by the Planning Board to be for agricultural purposes where all resulting parcels are five (5) acres or larger in size and no new streets are created, shall not be considered subdivisions.
- B. Application Requirements. Applications for divisions of farmland pursuant to this Section shall be made in accordance with the Application Cover Sheet, Checklist Schedule A (General Requirements), Checklist Schedule B (Approvals Requested), and Checklist Schedule N (Division of Farmland), and shall include applicable fees and escrow deposits.
- C. Hearing. After the application is certified or deemed complete, the Planning Board must conduct a hearing to determine whether the application conforms to the requirements of *N.J.S.A. 40:55D-7* and memorialize its decision by written resolution. Public notice pursuant to *N.J.S.A. 40:55D-11* through *-12.2* is not required.
- D. Deed Preparation. The applicant must prepare deeds for all divided lots, including all remainder and consolidated lots, to effectuate the division of farmland, which deeds must contain the language “This division of farmland has been found by the Pennsville Township Planning Board to be for agricultural purposes and exempt from subdivision review and approval pursuant to *N.J.S.A. 40:55D-7*.”. The foregoing language must be followed by signature lines for the Planning Board Chair and Secretary. The deeds must also, on the same page as the foregoing statement and signature lines and also on the same page as the grantors’

signatures which will effect the conveyance, contain signature lines for all grantees who are named in each of the deeds for the purpose of confirming and imposing the following restrictive covenant: "By signing this deed, the Grantors and Grantees hereby impose, for themselves and their successors and assigns, a restrictive covenant upon the lands described herein which will run with said lands for the benefit of Pennsville Township, a New Jersey municipal corporation, in perpetuity or until the recording or filing of a subdivision deed or plat as set forth in the following condition. The lands described herein must be used and occupied for agricultural purposes only, and said lands may not be transferred, developed, or used for any other purpose, unless and until said lands receive subdivision approval from the Pennsville Township Planning Board. Upon the recording or filing of properly approved minor subdivision deeds or a plat which lawfully subdivides the lands described herein as a lot or lots that can be used for non-agricultural purposes, this restrictive covenant will automatically be rendered null, void and without further effect." The original deeds must be signed by all Grantees in advance of the application filing, and the applicant must file the original deeds (along with the number of copies required in Checklist Schedule A, Item 1, for distribution to the Board) for review by the Planning Board Solicitor as to form, and for review by the Planning Board Engineer as to the legal descriptions they contain. After the deeds have been approved by the Solicitor and Engineer, and following a determination by the Planning Board that the proposed division meets all requirements for a division of farmland, the Planning Board Chair and Secretary will sign and forward the original deeds to the applicant for execution by the Grantor and recording.