

SENATE, No. 196

STATE OF NEW JERSEY
214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

SYNOPSIS

Revises filing requirements for minor subdivisions.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



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1 AN ACT concerning minor subdivisions and amending P.L.1960,
2 c.141 and P.L.1975, c.291.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 3 of P.L.1960, c.141 (C.46:23-9.11) is amended to
8 read as follows:

9 3. Requirements for Approval.

10 All subdivision plats, **both major and where required minor,**
11 and right of way parcel maps of the State, county or municipality,
12 shall be filed in accordance with the provisions of P.L.1960, c.141
13 (C.46:23-9.9 et seq.). Right of way parcel maps shall meet the
14 requirements of subsections a. through d., subsections f. through i.,
15 subsection m. and paragraph 12 of subsection r. of this section.
16 Minor subdivision maps shall meet the requirements of subsections
17 a. through i., and k. through q., and subsection j. except for the
18 **outside tract line monuments, and paragraph 13 of subsection r. of**
19 **this section** outbound corner markers.

20 A condominium plan shall be filed in accordance with the
21 requirements of subsections a. through c., subsections f. through i.,
22 and subsection m. of this section.

23 No map requiring approval by law or that is to be approved for
24 filing with a county recording officer, shall be approved by the
25 proper authority unless it shall conform to the following
26 requirements:

27 a. It shall be clearly and legibly drawn, and where required
28 endorsed and presented either as an original drawing in black ink on
29 translucent tracing cloth, translucent mylars at least 4 mils thick or
30 its equivalent, of good quality, with signatures in ink, or as an
31 equivalent reproduction on photographic fixed line mylar 4 mils
32 thick with signatures in black ink or its equivalent and shall be
33 accompanied by a cloth print or photographic fixed line mylar 4
34 mils thick duplicate thereof.

35 b. It shall be one of six standard sizes namely, 8 1/2" x 13", 30"
36 x 42", 24" x 36", 11" x 17", 18" x 24" or 15" x 21" as measured
37 from cutting edges. If one sheet is not of sufficient size to contain
38 the entire territory, the map may be divided into sections to be
39 shown on separate sheets of equal sizes, with references on each
40 sheet to the adjoining sheets.

41 c. It shall show the scale, which shall be inches to feet and be
42 large enough to contain legibly written data on the dimensions,
43 bearings and all other details of the boundaries, and it shall also
44 show the graphic scale.

45 d. It shall show the dimensions, square footage of each lot to the

EXPLANATION – Matter enclosed in bold-faced brackets **thus in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

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- 1 nearest square foot or nearest one hundredth of an acre, bearings
2 and curve data to include the radius, delta angle, length of arc,
3 chord distance and chord bearing sufficient to enable the definite
4 location of all lines and boundaries shown thereon, including public
5 easements and areas dedicated for public use. Non-tangent curves
6 and non-radial lines shall be labeled. Right of way parcel maps
7 shall show bearings, distances and curve data for the right of way or
8 the center line or base line and ties to right of way lines if from a
9 base line.
- 10 e. Where lots are shown thereon, those in each block shall be
11 numbered consecutively. In municipalities where tax maps exist,
12 block and lot designations shall conform therewith, if the municipal
13 regulations so require. In counties which have adopted or shall
14 adopt the local or block system of indices pursuant to **[sections]**
15 **R.S.** 46:24-1 to **R.S.**46:24-22 **[of the Revised Statutes]**, it shall
16 have delineated and shown thereon the block boundary or
17 boundaries and designations established by the board of
18 commissioners of land records of such counties respecting the
19 territory intended to be shown on such map.
- 20 f. The reference meridian used for bearings on the map shall be
21 shown graphically. The coordinate base, either assumed or based
22 on the New Jersey Plane Coordinate System, shall be shown on the
23 plat.
- 24 g. All municipal boundary lines crossing or adjacent to the
25 territory intended to be shown shall be shown and designated.
- 26 h. All natural and artificial watercourses, streams, shorelines and
27 water boundaries and encroachment lines shall be shown. On right
28 of way parcel maps all easements that affect the right of way shall
29 be shown and dimensioned, including but not limited to slope
30 easements and drainage.
- 31 i. All permanent easements shall be shown and dimensioned
32 including but not limited to sight right easements and utility
33 easements.
- 34 j. The map shall clearly show all monumentation as required by
35 this act, including monuments found, monuments set, and
36 monuments to be set. An indication shall be made where
37 monumentation found has been reset. For purposes of this
38 subsection "found corners" shall be considered monuments. A
39 minimum of three corners distributed around the tract shall indicate
40 the coordinate values. The outbound corner markers shall be set
41 pursuant to regulations promulgated by the State Board of
42 Professional Engineers and Land Surveyors.
- 43 k. It shall conform to such other technical design controls as
44 may be required by the provisions of local ordinances, including but
45 not limited to minimum street widths, minimum lot areas and
46 minimum yard dimensions and should be shown as a chart on the
47 plat.

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1 1. The name of the subdivision, name of the last property owner
2 or owners, municipality and county shall be shown.

3 m. The date of the survey shall be shown and the map shall be in
4 accordance with the minimum survey detail requirements as
5 promulgated by the State Board of Professional Engineers and Land
6 Surveyors.

7 n. There shall be endorsed thereon a certificate of a land
8 surveyor or surveyors, as follows:

9 (1) I hereby certify that to the best of my knowledge and belief
10 this map and land survey dated meets
11 the minimum survey detail requirements, with outbound corners
12 marked, as promulgated by the State Board of Professional
13 Engineers and Land Surveyors and has been made under my
14 supervision, and complies with the provisions of "the map filing
15 law" and that the outbound corner markers as shown have been
16 found, or set.

17 (Include the following, if applicable)

18 I do further certify that the monuments as designated and shown
19 hereon have been set.

20

21 Licensed Professional Land Surveyor and No.

22 (Affix Seal)

23 (2) If the land surveyor who prepares the map is different than
24 the land surveyor who prepared the outbound survey, the following
25 two certificates shall be added in lieu of the certificate above.

26 I hereby certify to the best of my knowledge information and
27 belief that this land survey dated has been made under my
28 supervision and meets the minimum survey detail requirements,
29 with outbound corners marked, promulgated by the State Board of
30 Professional Engineers and Land Surveyors and that the outbound
31 corner markers as shown have been found, or set

32

33 Licensed Professional Land Surveyor and No.

34 (Affix seal)

35 I hereby certify that this map has been made under my
36 supervision and complies with the provisions of the "map filing
37 law."

38 (Including the following if applicable)

39 I do further certify that the monuments as designated and shown
40 hereon have been set.

41

42 Licensed Professional Land Surveyor and No.

43 (Affix seal)

44 (3) If monuments are to be set at a later date, the following
45 requirements and endorsement shall be shown on the map.

46 The monuments shown on this map shall be set within an
47 appropriate time limit as provided for in the "Municipal Land Use
48 Law," P.L.1975, c.291 (C.40:55D-1 et seq.) or local ordinance.

1 I certify that a bond has been given to the municipality,
2 guaranteeing the future setting of the monuments shown on this
3 map and so designated.

4

5 Municipal Clerk

6 (4) If the map is a right of way parcel map the project surveyor
7 need only to certify that the monuments have been set or will be set.

8 o. There shall be endorsed thereon a certificate of the municipal
9 engineer as follows:

10 I have carefully examined this map and to the best of my
11 knowledge and belief find it conforms with the provisions of "the
12 map filing law" resolution of approval and the municipal
13 ordinances and requirements applicable thereto.

14

15 Municipal Engineer

16 (Affix Seal)

17 p. There shall be submitted to the proper authority an affidavit
18 setting forth the names and addresses of all the record title owners
19 of the lands subdivided by said map and the consent in writing of
20 all such owners to the approval of such map shall be required.

21 q. If the map shows streets, avenues, roads, lanes or alleys, there
22 shall be endorsed thereon a certificate by the municipal clerk that
23 the municipal body has approved such streets, avenues, roads, lanes
24 or alleys, except where such map is prepared and presented for
25 filing by the State of New Jersey or any of its agencies. The map
26 shall show all of the street names as approved by the municipality.

27 r. Monuments are required on one side of the right of way only
28 and shall be of metal detectable durable material at least 30 inches
29 long. The top and bottom shall be a minimum of 4 inches square; if
30 concrete, however it may be made of other durable metal detectable
31 material specifically designed to be permanent, as approved by the
32 State Board of Professional Engineers and Land Surveyors. All
33 monuments shall include the identification of the professional land
34 surveyor or firm. They shall be firmly set in the ground so as to be
35 visible at the following control points; provided that in lieu of
36 installation of the monuments, the municipality may accept bond
37 with sufficient surety in form and amount to be determined by the
38 governing body, conditioned upon the proper installation of said
39 monuments upon the completion of the grading of the streets and
40 roads shown on the map.

41 (1) At each intersection of the outside boundary of the whole
42 tract, with the right-of-way line of any side of an existing street.

43 (2) At the intersection of the outside boundary of the whole tract
44 with the right-of-way line on one side of a street being established
45 by the map under consideration.

46 (3) At one corner formed by the intersection of the right-of-way
47 lines of any 2 streets at a T-type intersection.

48 (4) At any two corners formed by the right-of-way lines of any

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1 two streets in an "X" or "Y" type intersection.

2 (5) If the right-of-way lines of two streets are connected by a
3 curve at an intersection, monuments shall be as stipulated in (3) and
4 (4) of this subsection at one of the following control points:

5 (a) The point of intersection of the prolongation of said lines.

6 (b) The point of curvature of the connecting curve or,

7 (c) The point of tangency of the connecting curve.

8 (6) At the beginning and ending of all tangents on one side of
9 any street.

10 (7) At the point of compound curvature or point of reversed
11 curvature where either curve has a radius equal to or greater than
12 100 feet. Complete curve data as indicated in subsection d. of this
13 section shall be shown on both sides.

14 (8) At intermediate points in the sidelines of a street between
15 two adjacent street intersections in cases where the street deflects
16 from a straight line or the line of sight between the adjacent
17 intersections is obscured by a summit or other obstructions which
18 are impractical to remove. This requirement may necessitate the
19 setting of additional monuments at points not mentioned above.
20 Bearings and distances between the monuments or coordinate
21 values shall be indicated.

22 (9) In cases where it is impossible to set a monument at any of
23 the above designated points, a nearby reference monument shall be
24 set and its relation to the designated point shall be clearly
25 designated on the map; or the plate on the reference monument shall
26 be stamped with the word "offset" and its relation to the monument
27 shown on the filed map.

28 (10) In areas where permanency of monuments may be better
29 insured by off-setting the monuments from the property line, the
30 municipal engineer may authorize such procedure; provided, that
31 proper instrument sights may be obtained and complete off-set data
32 is recorded on the map.

33 (11) By the filing of a map in accordance with the provisions of
34 "the map filing law," reasonable survey access to the monuments is
35 granted, which shall not restrict in any way the use of the property
36 by the landowner.

37 (12) On right of way parcel maps, the monuments shall be set at
38 the points of curvature, points of tangency, points of reverse
39 curvature and points of compound curvature or the control base line
40 or center line, if used, and be intervisible with a second monument.

41 (13) **【On minor subdivisions a monument shall be set at each**
42 **intersection of an outside boundary of the newly created lot(s) with**
43 **the right of way line of any side of an existing street.】** (Deleted by
44 amendment, P.L. , c.).

45 (cf: P.L.1999, c.258, s.1)

46

47 2. Section 35 of P.L.1975, c.291 (C.40:55D-47) is amended to

1 read as follows:

2 35. a. Minor subdivision. An ordinance requiring approval of
3 subdivisions by the planning board may authorize the planning
4 board to waive notice and public hearing for an application for
5 development if the planning board or subdivision committee of the
6 board appointed by the chairman find that the application for
7 development conforms to the definition of "minor subdivision" in
8 section 3.2 of P.L.1975, c.291 (C.40:55D-5). Minor subdivision
9 approval shall be deemed to be final approval of the subdivision by
10 the board; provided that the board or said subcommittee may
11 condition such approval on terms ensuring the provision of
12 improvements pursuant to sections 29, 29.1, 29.2 and 41 of
13 P.L.1975, c.291 (C.40:55D-38, C.40:55D-39, C.40:55D-40, and
14 C.40:55D-53).

15 b. Minor subdivision approval shall be granted or denied within
16 45 days of the date of submission of a complete application to the
17 administrative officer, or within such further time as may be
18 consented to by the applicant. Failure of the planning board to act
19 within the period prescribed shall constitute minor subdivision
20 approval and a certificate of the administrative officer as to the
21 failure of the planning board to act shall be issued on request of the
22 applicant; and it shall be sufficient in lieu of the written
23 endorsement or other evidence of approval, herein required, and
24 shall be so accepted by the county recording officer for purposes of
25 filing subdivision plats.

26 c. Whenever review or approval of the application by the county
27 planning board is required by section 5 of P.L.1968, c.285
28 (C.40:27-6.3), the municipal planning board shall condition any
29 approval that it grants upon timely receipt of a favorable report on
30 the application by the county planning board or approval by the
31 county planning board by its failure to report thereon within the
32 required time period.

33 d. Except as provided in subsection f. of this section, approval
34 of a minor subdivision shall expire 190 days from the date on which
35 the resolution of municipal approval is adopted unless within such
36 period a plat in conformity with such approval and the provisions of
37 **["the "Map Filing Law,"] "the map filing law," P.L.1960, c.141**
38 **(C.46:23-9.9 et seq.)** **],** or a deed clearly describing the approved
39 minor subdivision**]** is filed by the developer with the county
40 recording officer, the municipal engineer and the municipal tax
41 assessor. Any such plat **[or deed]** accepted for such filing shall
42 have been signed by the chairman and secretary of the planning
43 board. **[**In reviewing the application for development for a
44 proposed minor subdivision the planning board may be permitted by
45 ordinance to accept a plat not in conformity with the "Map Filing
46 Law," P.L.1960, c.141 (C.46:23-9.9 et seq.); provided that if the
47 developer chooses to file the minor subdivision as provided herein

1 by plat rather than deed such plat shall conform with the provisions
2 of said act.】

3 e. The zoning requirements and general terms and conditions,
4 whether conditional or otherwise, upon which minor subdivision
5 approval was granted, shall not be changed for a period of two years
6 after the date on which the resolution of minor subdivision approval
7 is adopted; provided that the approved minor subdivision shall have
8 been duly recorded as provided in this section.

9 f. The planning board may extend the 190-day period for filing a
10 minor subdivision plat 【or deed】 pursuant to subsection d. of this
11 section if the developer proves to the reasonable satisfaction of the
12 planning board (1) that the developer was barred or prevented,
13 directly or indirectly, from filing because of delays in obtaining
14 legally required approvals from other governmental or quasi-
15 governmental entities and (2) that the developer applied promptly
16 for and diligently pursued the required approvals. The length of the
17 extension shall be equal to the period of delay caused by the wait
18 for the required approvals, as determined by the planning board.
19 The developer may apply for the extension either before or after
20 what would otherwise be the expiration date.

21 g. The planning board shall grant an extension of minor
22 subdivision approval for a period determined by the board but not
23 exceeding one year from what would otherwise be the expiration
24 date, if the developer proves to the reasonable satisfaction of the
25 board that the developer was barred or prevented, directly or
26 indirectly, from proceeding with the development because of delays
27 in obtaining legally required approvals from other governmental
28 entities and that the developer applied promptly for and diligently
29 pursued the required approvals. A developer shall apply for the
30 extension before (1) what would otherwise be the expiration date of
31 minor subdivision approval or (2) the 91st day after the developer
32 receives the last legally required approval from other governmental
33 entities, whichever occurs later.
34 (cf: P.L.1991, c.256, s.9)

35
36 3. This act shall take effect immediately.
37
38

39 STATEMENT
40

41 This bill subjects the filing of minor subdivisions to the
42 provisions of "the map filing law," P.L.1960, c.141 (C.46:23-9.9 et
43 seq.).

44 Under current law, a minor subdivision may be filed in one of
45 two ways, at the discretion of the subdivider: (1) by map pursuant
46 to "the map filing law"; or (2) by deed clearly describing the
47 approved minor subdivision. This bill amends the "Municipal Land

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1 Use Law" to require that these subdividers file by map and comply
2 with the provisions of "the map filing law." The purpose of these
3 amendments is to streamline the filing process and provide for a
4 more accurate record.

5 The bill also amends the Requirements for Approval section of
6 "the map filing law" by removing the requirement that on minor
7 subdivisions a monument shall be set at each intersection of an
8 outside boundary of the newly created lot or lots with the right of
9 way line of any side of an existing street.