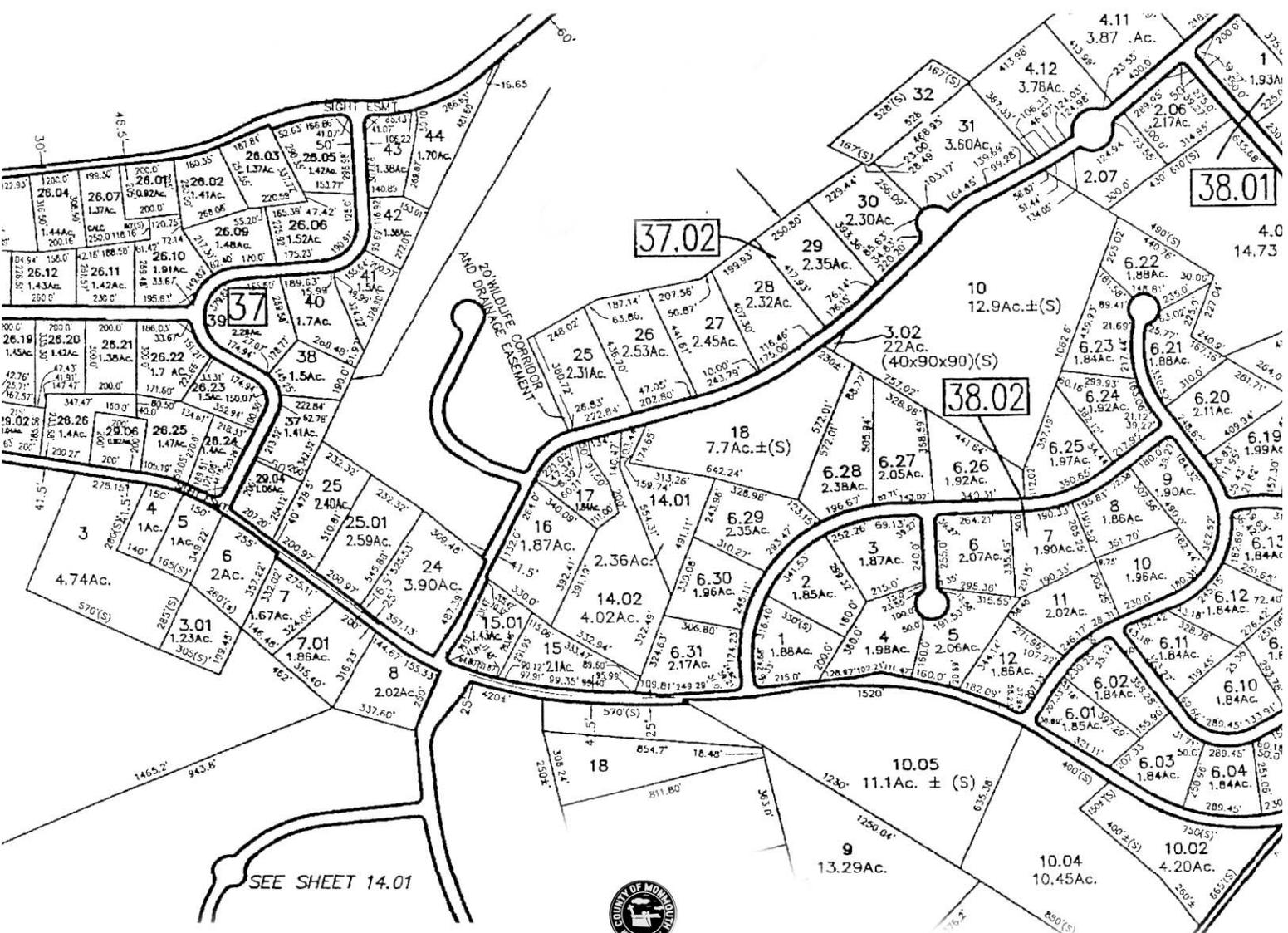


DEVELOPMENT REGULATIONS

Volume I

APPLICATION REVIEW and APPROVAL PROCEDURES



Adopted by the Board of Chosen Freeholders

Prepared and Administered by the Monmouth County Planning Board

County of Monmouth

DEVELOPMENT REGULATIONS

Volume I

APPLICATION REVIEW and APPROVAL PROCEDURES

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FOREWARD

The Monmouth County Development Regulations, which are administered by the Monmouth County Development Review Committee, establish procedures and standards for the review and approval of subdivisions and site plans in accordance with New Jersey Statutes Annotated 40:27-6.2 et. seq. and 40:27-6.6 et. seq. The New Jersey statutes referred to and these Monmouth County Development Regulations provide the Monmouth County Development Review Committee with the authority to review all subdivisions located within Monmouth County and to review and approve subdivisions and site plans that affect Monmouth County roads, Monmouth County drainage facilities and buildings and lands owned and maintained by the county and to require mitigation of adverse impacts to Monmouth County roads, Monmouth County drainage facilities and buildings and lands owned and maintained by the county that are anticipated to be caused by proposed development. The type of land use and the intensity of development are controlled by municipal zoning. The primary responsibility for the review and approval of the internal design of subdivisions and site plans rests with the municipality.

The Monmouth County Development Regulations consist of Volume I, entitled “Application Review and Approval Procedures,” Volume II, entitled “Design Standards” and associated supporting documents.

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**MONMOUTH COUNTY DEVELOPMENT REGULATIONS
APPLICATION, REVIEW, AND APPROVAL PROCEDURES
VOLUME I**

1.00 INTRODUCTION

1.01 TITLE

This document, consisting of Volume I – “Application, Review and Approval Procedures” and Volume II – “Design Standards” shall be officially entitled, cited and referred to as the “Monmouth County Development Regulations.”

1.02 PURPOSE

These regulations provide procedures, rules, and design standards for the following purposes: for Monmouth County Development Review Committee review and action on subdivisions and site plans that affect county roads, county drainage structures and facilities and buildings and lands owned or maintained by the county in accordance with N.J.S.A. 40:27-6.2 et seq. and 40:27-6.6 et seq.; to mitigate adverse traffic and drainage impacts from proposed development on roads, drainage facilities, buildings and lands owned and/or maintained by the county; to facilitate pedestrian and/or bicycle traffic along county roads; to create and/or maintain aesthetically pleasing landscapes along county roads; to achieve maximum coordination between the applicants’ professionals and the county development review staff; for the thorough and expeditious processing of development applications, and to promote the public health, safety, convenience and general welfare of the citizens of the County of Monmouth.

This purpose statement is not to be construed to limit the power of the Monmouth County Board of Chosen Freeholders or the Monmouth County Planning Board authorized by state law(s) not specifically referred to in these regulations, court decision(s) and/or court order(s) or applicable state law amendments.

1.03 APPLICABLE LAWS

The authority to review and approve development applications as contained in these regulations is provided by the New Jersey County Planning Act 40:27-6.2 et.seq. and 40:27-6.6 et. seq.

The state laws listed below and amendments thereto which govern county and other jurisdictions contain provisions for implementing the New Jersey County Planning Law.

- New Jersey Municipal Land Use Law - 40:55D-37 et. seq.
- New Jersey Map Filing Law - 46:23 - 9.8
- New Jersey Uniform Construction Code - 5:23-2.15

1.04 ADOPTION AND ADMINISTRATION

These regulations shall be adopted by the Monmouth County Board of Chosen Freeholders and shall be administered by the Monmouth County Development Review Committee in accordance with N.J.S.A. 40:27-6.2 et seq. and 40:27-6.6 et seq.

These regulations shall take effect ninety (90) days after adoption by the Monmouth County Board of Chosen Freeholders. A copy of the resolution adopting these regulations can be found on page i of this document.

These regulations shall apply to all development applications which have not received conditional, preliminary or final approval prior to the effective date of these regulations.

1.04-1 Monmouth County Development Review Committee

The Monmouth County Planning Board shall vest its authority to take action on development applications with a committee of said board to be known as the "Monmouth County Development Review Committee" (the committee). The committee shall consist of the Monmouth County Planning Director, the Monmouth County Engineer and at least two (2) members of the Monmouth County Planning Board appointed by the chairman of the board.

The chairman of the planning board shall appoint two (2) members of the board other than the county engineer, to serve in place of any member of the committee other than the county engineer or county planning director. The chairman shall appoint the Assistant Monmouth County Engineer to serve in place of the Monmouth County Engineer, and shall appoint the Assistant Monmouth County Planning Director to serve in place of the Monmouth County Planning Director.

A quorum of the committee will consist of any three (3) members or their alternates. The terms of all regular members and alternate members shall be for one (1) year.

At the first meeting of the Monmouth County Development Review Committee following the annual reorganization meeting of the Monmouth County Planning Board, the Monmouth County Development Review Committee shall conduct a reorganization meeting to establish an annual meeting schedule designating the date, time and place for each committee meeting and to elect a chairperson. The meeting schedule shall be advertised and/or published in accordance with applicable law. All meetings of the committee shall be held in compliance with the "Open Public Meetings Act."

The committee may take action on a development application with an affirmative vote of two (2) of the members present.

The action taken at each meeting of the committee shall be recorded and adopted by resolution of the committee.

1.04-2 Municipal approvals

The municipal approving authority shall not issue final approval to a subdivision or site plan requiring Monmouth County Development Review Committee approval until said subdivision or site plan has received final Monmouth County Development Review Committee approval.

The municipal agency or official authorized to issue building permits shall not issue such permits for structures resulting from a subdivision or site plan requiring Monmouth County Development Review Committee approval until said subdivision or site plan has received final Monmouth County Development Review Committee approval.

1.05 APPLICABILITY

1.05-1 Subdivisions that require Monmouth County Development Review Committee review

The following subdivisions of land shall be submitted to the Monmouth County Development Review Committee for review:

- All subdivisions within Monmouth County and within 200 feet of the county boundary
- Major subdivisions within municipalities contiguous to Monmouth County which would adversely affect Monmouth County roads, Monmouth County drainage facilities and structures and buildings and/or lands owned or maintained by Monmouth County

1.05-2 Subdivisions that require Monmouth County Development Review Committee approval

Monmouth County Development Review Committee approval is required for the following subdivisions:

- Subdivisions that abut a county road
- Subdivisions that abut a county drainage structure
- Subdivisions that do not abut a county road or county drainage structure but affect the safety and efficiency of a county road or county drainage structure through an increase in traffic
- Subdivisions that do not abut a county road or county drainage structure which affect buildings and/or lands owned or maintained by Monmouth County through an increase in traffic or stormwater drainage
- Subdivisions that do not abut a county road but where stormwater drainage from the subdivision flows to a county drainage structure or county drainage facility

1.05-3 Site Plans That Require Monmouth County Development Review Committee review

The following site plans shall be submitted to the Monmouth County Development Review Committee for review:

- Site plans that abut a county road or county drainage structure or contain one (1) acre or more of impervious surfaces for proposed commercial or retail use
- Site plans that abut a county road or county drainage structure or contain one (1) acre or more of impervious surfaces for proposed industrial or warehouse use
- Site plans that abut a county road or county drainage structure or contain one (1) acre or more of impervious surfaces for proposed office use
- Site plans that abut a county road or county drainage structure or contain one (1) acre or more of impervious surfaces for proposed public or quasi-public use
- Site plans that abut a county road or county drainage structure or contain one (1) acre or more of impervious surfaces for proposed multi-family use containing three (3) or more residential units or creating off-street parking space for five (5) or more vehicles
- Site plans that abut a county road for a change of use or building addition, expansion or alteration which results in a significant increase in traffic or that modifies or changes any driveway that connects to the county road
- Site plans that abut a county road that create impervious surfaces in excess of two thousand (2,000) square feet that will cause additional stormwater from the site to drain toward a county road
- Site plans that do not abut a county road or county drainage structure which contain one (1) or more acres of impervious surfaces
- Site plans that do not abut a county road or county drainage structure that contain less than one (1) acre of impervious surfaces which will affect the safety and efficiency of a county road or drainage structure
- Site plans within municipalities contiguous to Monmouth County which would adversely affect Monmouth County roads, Monmouth County drainage structures and facilities and buildings and/or lands owned or maintained by Monmouth County

1.05-4 Site Plans That Do Not Require Monmouth County Development Review Committee review

The following site plans are exempt from Monmouth County Development Review Committee review:

- Site plans for one (1) or two (2) family residential units and appurtenances thereto
- Site plans for aesthetic alterations to an existing building where the existing use will not be changed or expanded

1.05-5 Site Plans That Require Monmouth County Development Review Committee approval

Monmouth County Development Review Committee approval is required for the following site plans:

- Site plans that abut a county road
- Site plans that abut a county drainage structure
- Site plans that do not abut a county road or county drainage structure but affect the safety and efficiency of a county road or county drainage structure through an increase in traffic
- Site plans that do not abut a county road or county drainage structure but affect buildings and/or lands owned or maintained by Monmouth County through an increase in traffic or stormwater drainage
- Site plans that do not abut a county road or county drainage structure but where stormwater drainage from the site is directed to a county drainage structure or drainage facility
- Site plans that are located on the site of a proposed Monmouth County facility

Monmouth County Development Review Committee approval shall be based on planning and engineering standards contained in Volume II - "Design Standards."

MONMOUTH COUNTY DEVELOPMENT REGULATIONS APPLICATION, REVIEW AND APPROVAL PROCEDURES

2.00 APPLICATION PROCEDURES

2.01 PRE - APPLICATION CONFERENCE

In order to expedite application processing and development plan review, the applicant or the applicant's representatives may request a conference with staff of the Monmouth County Development Review Committee prior to submitting a formal application and detailed plans. Pre-application conferences will be scheduled only when the county development review planner determines that a conference is warranted.

The purpose of a pre-application conference is to:

- Advise the applicant of the administrative and procedural requirements;
- Determine the type and scale of the proposed development;
- Advise the applicant of any detailed analyses and information that may be necessary for a formal review;
- Advise the applicant of applicable design standards and potential requirements pertaining to traffic and drainage improvements to county roads, county drainage facilities and county owned or maintained buildings and lands;
- Review development plans on file that are located in the vicinity of the proposed development to coordinate roads, driveways and drainage systems design;
- Advise the applicant of pending capital improvements that may affect the project;
- Review and discuss the general design of the project;
- Exchange information regarding project design constraints;
- Coordinate requirements with local and state officials where applicable, and advise applicant of concerns regarding development impacts on unique and environmentally sensitive areas.

Items and information that should be provided prior to or on the day of the pre-application meeting should include but is not be limited to the following:

- Name of the applicant
- Name of the development
- Schematic plan of the proposed development
- Site location indicating municipality, block and lot number, county road name and number and/or county drainage structure number
- Size and type of the existing and proposed land use
- Volume and type of traffic generated by the development and distribution at streets and driveways
- Drainage area map
- Volume and rate of stormwater flow from the development
- Anticipated date of first occupancy and construction phasing

- Year of full build-out

The Monmouth County Development Review Committee shall not be bound by any recommendations and/or advisory comments made by the staff of the Monmouth County Planning Board and Monmouth County Engineering Department at the pre-application conference.

2.02 SUBMISSION OF THE APPLICATION PACKAGE

2.02-1 Contents of the application package for determination of administrative completeness

The application package for determination of administrative completeness shall include but is not limited to the following:

a completed Monmouth County subdivision and/or site plan application form signed by the owner of the property in question, or his/her authorized agent, the contract purchaser or other persons, corporations, partnerships or legal entities or authorized agents having proprietary interest or legal title to the property in question;

three (3) subdivision plats, complete sets of subdivision plans or complete sets of site plans as applicable, signed and sealed by a professional land surveyor, professional engineer and/or architect, as applicable, licensed to practice in the State of New Jersey;

the appropriate application review fee in accordance with Application Fee Schedule "A" which is adopted as a part of these regulations, and

a completed Monmouth County Planning Board development review checklist for subdivisions and site plans that affect a Monmouth County road or Monmouth County drainage facility.

2.02-2 Revised subdivision plans or plats and revised site plans

Revised subdivision plans or plats and revised site plans that have been revised as a result of conditions of approval established by the Monmouth County Development Review Committee, must be submitted in triplicate together with the proper review fee in accordance with Application Fee Schedule "A" which is adopted as a part of these regulations. One (1) set of revised subdivision plans or plats and one (1) set of revised site plans must be submitted if the subject subdivision or site plan does not affect a county road, county drainage structure or facility or buildings and lands owned or maintained by the county, together with the proper review fee in accordance with Application Fee Schedule "A" which is adopted as a part of these regulations.

2.02-3 Submission of major subdivision final plats

Two (2) sets of final plats of a major subdivision drawn in accordance with the New

Jersey Map Filing Law (46:23-9.8) and an AutoCad drawing of the final subdivision plat on a standard compact disc must be submitted together with the proper review fee in accordance with Application Fee schedule "A" which is adopted as a part of these regulations.

Text appearing on the CAD drawing of the final subdivision plat shall appear on separate layers of the drawing as appropriate. The plat must be drawn on New Jersey Plane Coordinates NAD83 or the most current New Jersey Plane Coordinate System (NJPCS) position and the view must be unrotated so that the NJPCS North points orthographically up (vertical) on the screen. The drawing shall identify at least the minimum number of survey markers distributed around the tract as required by the New Jersey Map Filing Law.

2.02-4 Review Fees

Fees shall be charged for the review of subdivisions and site plans in accordance with Fee Schedule "A" which is a part of these regulations. Fee Schedule "A" may be amended periodically by resolution of the Monmouth County Development Review Committee. The Monmouth County Development Review Committee may waive or adjust the review fee for plan revisions at the request of the applicant if the committee determines that the revisions are minor in nature.

2.02-5 Classification of the development application

Upon submission of development plans the development application will be classified as a minor subdivision if it is for a subdivision that contains three (3) or fewer lots including the remainder and contains no new streets. Upon submission of development plans, the development application will be classified as a major subdivision if it is for a subdivision that contains more than three lots and/or contains new streets. Upon submission of development plans, the development application will be classified as a site plan if it is for commercial or retail use, industrial or warehouse use, public or quasi-public use, office use, or multi-family residential use containing three (3) or more residential units.

If, within five (5) years of final Monmouth County Development Review Committee approval of a minor subdivision, a parcel of land is submitted to the Monmouth County Planning Board for further subdivision of the original lot that was the subject of said minor subdivision that would result in more than three (3) lots in total, the Monmouth County Development Review Committee may classify the subdivision as a creeping major subdivision and review the cumulative total subdivided area as a major subdivision application.

NOTE: The definition of Minor Subdivision, Major Subdivision and Site Plan contained in these regulations may not be consistent with the definitions contained in individual municipal ordinances.

2.02-6 Specified time to review for administrative completeness

Within ten (10) business days of receipt of a development application staff of the Monmouth County Development Review Committee must notify the applicant, its representative or agent of any items that must be submitted to qualify the application for administrative completeness as defined in this section. If staff of the Monmouth County Development Review Committee fails to notify the applicant, the applicant's attorney or the applicant's representative or agent of the items that must be submitted to qualify the application for administrative completeness within the ten (10) business day period, the application is deemed to be administratively complete and review for technical completeness will begin.

2.02-7 Failure to submit items required for administrative completeness

If the applicant or his/her agent or representative fails to submit the items required for administrative completeness within 90 days from the date of notification of the items that must be submitted, the incomplete application package will be voided and discarded.

2.02-8 Contents of the application package for determination of technical completeness

Any or all of the following items may be required for determination of technical completeness as applicable:

- Three (3) subdivision plats or complete sets of subdivision plans or site plans containing the plat details described in Volume II of these regulations
- A traffic analysis
- A drainage analysis/stormwater management report
- Soil boring results
- Pavement core results
- Information describing the nature of the development
- Information concerning application to other agencies
- Resolutions and permits by other agencies and approving authorities
- An environmental impact analysis
- A market analysis

Additional studies, information, analyses and documents not contained in the foregoing list, may be required as is reasonably necessary to make a thorough and complete review and determination of the development's impacts on county roads, county drainage structures and facilities and county-owned or county-maintained buildings and lands.

The Monmouth County Development Review Committee may require correction of any information found to be in error or any revisions to and/or additional information to be added to the accompanying studies, analyses and documents, as is reasonably necessary to make an informed decision on the application for development.

The Monmouth County Development Review Committee may exempt an applicant from providing any analysis, certain items in an analysis or certain plan details contained in these regulations provided that, based on the determination of the Monmouth County Development Review Committee, upon advice of the development review staff and the county engineer, sufficient information is provided and the plans contain sufficient detail to allow for a proper review. Upon submission of the development application, the project engineer must identify the information in any required analysis or plan details that is believed by the project engineer to be unnecessary for review by the Monmouth County Development Review Committee.

Required contents of a traffic analysis and drainage analysis are contained in Volume II of these regulations.

2.02-9 Specified time to review for technical completeness

Within thirty (30) days of receipt of a complete application based upon recommendation of the development review staff and the county engineer, the Monmouth County Development Review Committee or the development review staff must advise the applicant, its representative or agent of any items that must be submitted to qualify the application for technical completeness as defined in this section. If the Monmouth County Development Review Committee fails to notify the applicant, its representatives or agents of the items that must be submitted to qualify the application for technical completeness within the thirty (30) day period, the application is deemed to be technically complete and the Monmouth County Development Review Committee must take action on the application within this 30 day period.

2.02-10 Mailing address and location of county review and approval authority

Items contained in the application package are to be submitted to:

The Monmouth County Planning Board
Development Review Section
One East Main Street (Hall of Records Annex, 2nd floor)
Freehold, N.J. 07728

3.00 REVIEW, APPROVAL AND RECORDING PROCEDURES

3.01 MINOR SUBDIVISION REVIEW AND APPROVAL PROCEDURES

A minor subdivision plat shall contain the plat details set forth in these regulations and shall be accompanied by the information that is necessary to properly assess impacts on county roads, county drainage structures and facilities and buildings and lands owned or maintained by the county. The Monmouth County Development Review Committee will not take formal action on a minor subdivision application that does not contain sufficient plan details or is not accompanied by the information that is necessary for the Monmouth County Development Review Committee to determine impacts on county roads, county drainage structures and facilities and

buildings and lands owned or maintained by the county.

After review of the application and supporting documents and information and upon advise of the Monmouth County Development Review staff and Monmouth County Engineer, the Monmouth County Development Review Committee shall take action on applications for minor subdivisions as indicated below:

3.01-1 Minor subdivisions that do not abut a county road or county drainage structure and are not designated as locations for proposed county facilities.

- Exempt from Approval

Exemption from approval may be determined and issued by the Monmouth County Planning Director or designated staff member without prior submission to the Monmouth County Development Review Committee.

Exemption from approval shall be indicated in a report issued by the Monmouth County Planning Director or designated staff member and forwarded to the municipal approving authority, the applicant, the applicant's attorney or the applicant's representative or agent and the person or firm that prepared the subdivision.

The Monmouth County Development Review Committee or development review staff may make advisory comments and recommendations relative to goals, objectives and policies contained in the Monmouth County Master Plan and to promote sound planning practices.

3.01-2 Minor subdivisions that abut a county road or county drainage structure or are designated as locations for proposed county facilities.

- Require additional information

Information not submitted with the application package but determined to be necessary to make an informed decision may be required prior to a formal review and action. Additional information may include but is not limited to: survey data, physical features, plat details and/or design constraints.

The additional information that is required for review shall be indicated in a report issued by the Monmouth County Planning Director or designated staff member and forwarded to the municipal approving authority, the applicant, the applicant's attorney or the applicant's representative or agent and the person or firm that prepared the subdivision.

- Disapproval

Reasons for disapproval of a minor subdivision may include but are not limited to the following:

- The subdivision is substantially inconsistent with the provisions of these regulations

- The safety and efficiency of traffic traveling on a county road or on a county drainage structure would be adversely affected or access to buildings and lands owned or maintained by the county would be adversely affected as a result of the subdivision
- Driveways are not shown to maximize sight distance along the county road or to limit or eliminate conflicts at the county road and do not meet the sight distance standards contained in Volume II of these regulations
- An adverse drainage condition would be created on a county road, county drainage structure or facility or on buildings and lands owned or maintained by the county
- Information contained on the subdivision plat, application form, or contained in the accompanying studies, analyses or other supportive documents is found to be erroneous
- The plans contain inconsistent or confusing details or information

The reasons for disapproval shall be stated in a report issued by the Monmouth County Planning Director or designated staff member and shall be forwarded by certified mail to the municipal approving authority and the applicant, the applicant's attorney or the applicant's representative or agent.

A resolution indicating the vote of each member of the Monmouth County Development Review Committee shall be prepared by the Monmouth County Planning Board attorney and executed by the chairman of the committee.

- Conditional final approval

Conditions of final approval may include but are not limited to the following:

- Revision of the subdivision plat to show an easement for roadway use or the dedication of additional right-of-way along the county road in accordance with the Monmouth County Master Plan
- Revision of the subdivision plat to show an easement for maintenance and reconstruction of a county drainage structure or to show a drainage easement for a county drainage system
- Revision of the subdivision plat to show a sight triangle easement at county road intersections
- Revision of the subdivision plat to show improvements to a county road or drainage structure
- Revision of the subdivision plat to show the proposed driveway including common driveways and access easements as required, located to maximize sight distance along county roads and to meet the sight distance standards contained in Volume II of these regulations
- Revision of the subdivision plat to show shared driveway(s) on county roads
- Revision of the subdivision plat to show removal of sight obstructions along county roads
- Revision of the subdivision plat to show the proposed driveway(s) designed to allow vehicles to turn around on-site so that vehicles are not forced to back out onto the county road

- Revision of the subdivision plat to show the removal of encroachments on the county road right-of-way, drainage easement, easement for reconstruction of a county drainage structure or sight triangle easement
- Revision of the subdivision plat to show that any new corner lot will have access from the municipal road intersecting the county road
- Revision of the subdivision plat to show driveway(s) located a specified distance from a county drainage structure
- Revision of the subdivision plat to show paving of the driveway(s) at its approach to the county road if the subdivision plan shows the driveway is to be composed of gravel, stone or other similarly loose material
- Revision of the subdivision plat to show curb, driveway, apron and pavement repair details and installation of topsoil and seeding of the county road right-of-way in accordance with county standards
- Revision of the subdivision plat to show the reservation of land for proposed county facilities
- Revision of the subdivision plat to add, delete or modify notes on the plat
- Revision of the subdivision plat to show farmland preservation easements
- Submission of a deed to the County of Monmouth for the dedication of road right-of-way or for an easement for roadway use in accordance with the Monmouth County Master Plan
- Submission of a deed of easement to the County of Monmouth for maintenance and reconstruction of a county drainage structure
- Submission of a deed of drainage easement to the County of Monmouth
- Submission of a deed of easement to the County of Monmouth for a sight triangle
- Posting of a performance guarantee to ensure the satisfactory installation of improvements to a county road and or county drainage structure

Sample form deeds and performance guarantees may be found on the Monmouth County Planning Board web site @ WWW.MONMOUTHPLANNING.COM.

The conditions of final approval shall be stated in a report issued by the Monmouth County Planning Director or designated staff member and forwarded to the municipal approving authority, the applicant, the applicant's attorney, or the applicant's representative or agent and the person or firm that prepared the subdivision.

A resolution indicating the vote of each member of the Monmouth County Development Review Committee shall be prepared by the Monmouth County Planning Board attorney, executed by the chairman of the committee.

The Monmouth County Development Review Committee or development review staff may make advisory comments and recommendations relative to goals, objectives and policies contained in the Monmouth County Master Plan, and to promote sound planning practices.

- Final Approval

Final Approval shall be granted for minor subdivisions:

- When all conditions of final approval of the Monmouth County Development Review Committee have been complied with
- When the width of the right-of-way of the adjacent county road meets or exceeds the planned right-of-way in accordance with the Monmouth County Road Plan
- When an easement for maintenance and reconstruction of the adjacent county drainage structure was previously acquired
- When the subdivision is to adjust lot lines between lots without creating any new building lots or driveway access to a county road
- When the Monmouth County Development Review has waived requirements

Final approval of a minor subdivision application may be granted by the Monmouth County Planning Director or designated staff member provided the Monmouth County Development Review Committee has granted prior conditional final approval and all conditions have been met.

Final approval shall be indicated in a report issued by the Monmouth County Planning Director or designated staff member and forwarded to the municipal approving authority, the applicant, the applicant's attorney or the applicant's representative or agent and the person or firm that prepared the subdivision plat.

If the subdivision application has not received prior conditional final approval, a resolution indicating the vote of each member of the Monmouth County Development Review Committee shall be prepared by the Monmouth County Planning Board attorney and executed by the chairman of the committee.

3.02 MAJOR SUBDIVISION REVIEW AND APPROVAL PROCEDURES

Sketch plats or schematic plans, preliminary plans and final plats of a major subdivision shall contain the plan and plat details as set forth in these regulations. The Monmouth County Development Review Committee will not take formal action on a major subdivision application that does not contain sufficient plan or plat details and is not accompanied by the information and analyses that are necessary for the Monmouth County Development Review Committee to properly assess the development's impacts on county roads, county drainage structures and facilities and buildings and lands owned or maintained by the county.

After review of the application and supporting documents and information and upon advise of the Monmouth County Development Review staff and Monmouth County Engineer, the Monmouth County Development Review Committee shall take action on an applications for major subdivisions as indicated below:

3.02-1 Major Subdivision Sketch Plats/Schematic Plans

No formal action will be taken by the Monmouth County Development Review Committee on a sketch plat or schematic plan

Sketch plats or schematic plans shall contain the plat details set forth in these regulations and may be accompanied by any studies, analyses and information that would be useful to the Monmouth County Development Review Committee in making recommendations for the formal submission of a preliminary plan.

The Monmouth County Development Review Committee may review a sketch plat or schematic plan and may make recommendations regarding items such as road design, layout and location, drainage improvements, right-of-way and easement requirements, off-site improvements, design constraints, reservations for public lands and required information and analyses that must be submitted with the preliminary plan. The Monmouth County Development Review Committee or development review staff may make advisory comments and recommendations relative to goals, objectives and policies contained in the Monmouth County Master Plan, and to promote sound planning practices.

No fees will be charged for the review of sketch plats or schematic plans.

The Monmouth County Development Review Committee shall not be bound by any of the recommendations or comments resulting from review of a sketch plat or schematic plan.

3.02-2 Preliminary major subdivision plans

Preliminary plans shall contain the plat details set forth in these regulations and shall be accompanied by the studies, analyses and information that is necessary for the Monmouth County Development Review Committee to properly assess the development's impacts on county roads, county drainage structures and facilities, and buildings and lands owned or maintained by the county.

3.02-2A Preliminary plans of a major subdivision that does not affect a county road, county drainage structure, or county drainage facility, that does not affect buildings and lands owned or maintained by the county or that is not located on the site of a proposed county facility.

- Preliminary approval

Preliminary approval shall be indicated in a report issued by the Monmouth County Planning Director or designated staff member and forwarded to the municipal approving authority, the applicant, the applicant's attorney or the applicant's representative or agent, and the person or firm that prepared the subdivision.

A resolution for preliminary approval of a major subdivision that does not adversely affect a county road, county drainage structure or facility or buildings or lands

owned or maintained by the county, indicating the vote of each member of the Monmouth County Development Review Committee, shall be prepared by the Monmouth County Planning Board attorney and executed by the chairman of the committee.

The Monmouth County Development Review Committee, or development review staff may make advisory comments and recommendations relative to goals, objectives and policies contained in the Monmouth County Master Plan and to promote sound planning practices.

3.02-2B The preliminary plans of a major subdivision that affects a county road, county drainage structure or county drainage facility, that affects buildings and lands owned or maintained by the county, or that is located on the site of a proposed county facility.

- Disapproval

Reasons for disapproval of a major subdivision may include but are not limited to the following:

- The subdivision does not provide reverse frontage on the county road
- The subdivision does not provide a service road or marginal access road along the county road
- The width of the county road right-of-way shown on the subdivision plan is not consistent with the Monmouth County Master Plan
- Roads or driveways that intersect a county road are not designed or aligned in accordance with Monmouth County design criteria and standards
- The subdivision is substantially inconsistent with the provisions, design criteria and design standards of these regulations
- The safety and efficiency of traffic traveling on a county road or on a county drainage structure would be adversely affected or access to buildings or lands owned or maintained by the County would be adversely affected as a result of the subdivision
- Driveways are not shown to maximize sight distance along the county road or to limit or eliminate conflicts at the county road and do not meet the sight distance standards contained in Volume II of these regulations
- Stormwater drainage from the subdivision would adversely affect a county road or county drainage structure or facility or on buildings and lands owned or maintained by the county
- Information contained on the subdivision plans, application form or contained in the accompanying studies, analyses or other supportive documents is found to be erroneous
- The plans contain inconsistent or confusing details or information

The reasons for disapproval shall be stated in a report issued by the Monmouth County Planning Director or designated staff member and shall be forwarded by certified mail to the municipal approving authority and the applicant or his/her agent. A resolution indicating the vote of each member of the Monmouth County

Development Review Committee shall be prepared by the Monmouth County Planning Board attorney, executed by the chairman of the committee and forwarded to the applicant.

- Conditional preliminary approval

Conditions of preliminary approval may include but are not limited to the following:

- Revision of the plans to provide reverse frontage for lots along the county road with no direct access to the county road
- Revision of the plans to provide marginal access roads or service roads to limit direct access to the county road
- Revision of the plans to show shared driveways
- Revision of the plans to provide improvements to county roads and drainage systems and to county drainage structures and drainage facilities in accordance with county design criteria and design standards or as required by the Monmouth County Development Review Committee
- Revision of the plans to show roads and driveways located and designed in accordance with county design standards or as required by the Monmouth County Development Review Committee
- Revision of the plans to show roads and driveways located to maximize sight distance and to meet the sight distance standards contained in Volume II of these regulations
- Revision of the plans to show the new subdivision roads connected only to an adjacent municipal road, not to the county road
- Revision of the plans to limit turning movements at the proposed subdivision road intersections at county roads
- Revision of the plans to show one-way circulation for streets that intersect county roads
- Revision of the plans to show clearing of sight lines along a county road
- Revision of the plans to provide improvements to roads and drainage systems not owned or maintained by the county to mitigate development impacts on county owned and maintained buildings and lands
- Revision of the plans to show driveways designed to allow vehicles to turn around on-site so that vehicles are not forced to back out onto a county road
- Revision of the plans to show the removal of encroachments from within a county road right-of-way or county easement
- Revision of the plans to show that corner lots along a county road will have access only to the adjacent municipal road, not to the county road
- Revision of the plans to show the relocation of utility poles and/or equipment
- Revision of the plans to show landscaping along the county road
- Revision of the plans to show the county road right-of-way located in accordance with the Monmouth County Master Plan and rights-of-way and easements as required to accommodate improvements necessitated by the development or as required to accommodate improvements contained in the Monmouth County Capital Improvement Program
- Revision of the plans to show easements for maintenance and reconstruction of county drainage structures and facilities
- Revision of the plans to show easements for county road drainage systems

- Revision of the plans to show sight triangle easements to the County of Monmouth in accordance with county design standards
- Revision of the plans to show easements for maintenance and reconstruction of county traffic facilities
- Revision of the plans to show the reservation of land for proposed county facilities
- Revision of the plans to add, delete or modify notes on the plan
- Revision of the plans to show farmland preservation easements
- Submission of construction plans and details for off-site/off-tract county road and/or county drainage structure improvements.

Conditions of preliminary approval shall be indicated in a report issued by the Monmouth County Planning Director or designated staff member and forwarded to the municipal approving authority, the applicant, the applicant's attorney or the applicant's representative or agent and the person or firm that prepared the subdivision.

A resolution indicating the vote of each member of the Monmouth County Development Review Committee shall be prepared by the County Planning Board Attorney and executed by the chairman of the committee.

The Monmouth County Development Review Committee or development review staff may make advisory comments and recommendations relative to goals, objectives and policies contained in the Monmouth County Master Plan and to promote sound planning practices.

- Preliminary approval

Preliminary approval of a major subdivision that affects a county road, county drainage structure or facility, or buildings or lands owned or maintained by the county shall be granted if the subdivision plan has been revised to comply with all conditions of preliminary approval established by the Monmouth County Development Review Committee.

Preliminary approval of a major subdivision may be granted by the Monmouth County Planning Director or designated staff member provided the Monmouth County Development Review Committee has granted prior conditional preliminary approval and all conditions of preliminary approval have been met.

Preliminary approval shall be indicated in a report issued by the Monmouth County Planning Director or designated staff member and forwarded to the municipal approving authority, the applicant, the applicant's attorney or the applicant's representative or agent and the person or firm that prepared the subdivision plans.

If the subdivision application has not received prior conditional preliminary approval, a resolution indicating the vote of each member of the Monmouth County Development Review Committee shall be prepared by the Monmouth County Planning Board attorney, and executed by the chairman of the committee.

For the purpose of approval under these regulations, final subdivision construction plans will be reviewed and acted on as preliminary plans.

3.02-3 Final major subdivision plat

The final plat shall contain the plat details as set forth in these regulations.

3.02-3A The final plat of a major subdivision that does not affect a county road, county drainage structure or county drainage facility, that does not affect buildings and lands owned or maintained by the county or that is not located on the site of a proposed county facility.

- Final approval

Final approval shall be indicated in a report issued by the Monmouth County Planning Director or designated staff member and forwarded to the municipal approving authority, the applicant or the applicant's attorney and the person or firm that prepared the subdivision.

A resolution for final approval of a major subdivision that does not affect a county road, county drainage structure or facility or buildings or lands owned or maintained by the county, indicating the vote of each member of the Monmouth County Development Review Committee, shall be prepared by the Monmouth County Planning Board attorney and executed by the chairman of the committee.

3.02-3B The final plat of a major subdivision that affects a county road, county drainage structure or county drainage facility, that affects buildings and lands owned or maintained by the county or that is located on the site of a proposed county facility.

- Conditional final approval

Final approval of the final subdivision plat may be subject to compliance with one or more of the following conditions:

- Revision of the final subdivision plat to show the dedication of additional right-of-way along a county road in accordance with the Monmouth County Master Plan and easements as required to accommodate improvements necessitated by the development or as required to accommodate improvements contained in the Monmouth County Capital Improvement Program
- Revision of the final subdivision plat to show easements for maintenance and reconstruction of county drainage structures
- Revision of the final subdivision plat to show easements for county drainage systems including maintenance easements for drainage systems which carry stormwater to or from a county drainage system
- Revision of the final subdivision plat to show sight triangle easements to the County of Monmouth

- Revision of the final subdivision plat to show reservations of land for a proposed county facility
- Revision of the final plat to add, delete or modify notes on the plat
- Revision of the final plat to show farmland preservation easements
- Submission of permits and/or approvals from other government agencies or authorities that pertain to county review, approval or the installation of improvements affecting a county road or county drainage structure
- Submission of a letter(s) from affected utilities stating that poles will be relocated in accordance with approved plans
- Submission of a copy of a municipal ordinance restricting turning movements at the county road(s) in accordance with approved plans
- Submission of monies in lieu of the installation of improvements when, as determined by Monmouth County Development Review Committee upon advice of the development review staff and the county engineer, the installation of improvements would create an adverse impact on a county road, drainage structure or facility, when the county has planned or scheduled improvement of the adjacent county road or county drainage facility, when the installation of the improvement by the developer would be impractical or when the subdivision is located on a scenic county road
- Contribution toward construction of county drainage structures or facilities where drainage from the development would flow to a county drainage structure or facility or where traffic from the development would cross over a county drainage structure or facility
- Contribution of a pro-rata share of the cost of off-tract/off-site county road improvements
- Execution by the developer of a county/developer agreement to provide for the construction of off-tract/off-site county road, county drainage structure or county drainage facility improvements, to require that the developer contributes toward the construction of off-tract/off-site county road, county drainage structure or county drainage facility improvements and/or to require that the developer contributes to or implements traffic reduction measures or a traffic management program
- Submission of deeds for county road rights-of-way, construction easements, sight triangle easements, drainage easements, easements for maintenance and reconstruction of county drainage structures or facilities and easements for the installation and maintenance of guiderail along a county road or county drainage structure
- Submission of a performance guarantee for design and construction of a traffic signal and related improvements if it is determined that a traffic signal may be warranted within five (5) years from the date of full build-out of the development. The performance guarantee shall be separate from other performance guarantees posted and shall remain in effect for five (5) years from the date of build-out of the development
- Submission of performance guarantees to ensure the satisfactory installation of improvements to county roads, county drainage systems, county drainage structures or facilities, to ensure future payment of a contribution toward off-tract/off-site county road, county drainage system, county drainage structure

or facility improvements, to ensure the submission of construction plans for improvements to county roads, county drainage structures or county drainage facilities and to ensure the submission of parcel maps for acquisition of rights-of-way or easements

- Submission of maintenance guarantees not to exceed two (2) years in duration, to ensure the maintenance and/or repair of any required improvement that has been damaged by the developer's forces or that exhibits abnormal deterioration

Sample form deeds and performance guarantees may be found on the Monmouth County Planning Board web site @ WWW.MONMOUTHPLANNING.COM.

Conditions of final approval shall be indicated in a report issued by the Monmouth County Planning Director or designated staff member and forwarded to the municipal approving authority, the applicant, applicant's attorney, or the applicant's representative or agent, and the person or firm that prepared the subdivision.

A resolution indicating the vote of each member of the Monmouth County Development Review Committee shall be prepared by the Monmouth County Planning Board attorney and executed by the chairman of the committee.

- Final approval

Final approval of a major subdivision that affects a county road, county drainage structure or facility, or buildings or lands owned or maintained by the county shall be granted when all conditions of preliminary approval established by the Monmouth County Development Review Committee have been met.

Final approval of a major subdivision may be granted by the Monmouth County Planning Director or designated staff member provided the Monmouth County Development Review Committee has granted prior conditional preliminary approval and all conditions of preliminary approval have been met and the subdivision was granted prior conditional final approval and all conditions of final approval have been met.

Final approval may be granted for each section or phase of a subdivision. Approval of sections or phases of a subdivision that involve county road or county drainage improvements may be granted only if the development review staff and engineering staff determine that the incremental installation of the improvements to county facilities resulting from approval by section does not adversely affect the county road, county drainage structure or facility or buildings or lands owned or maintained by the county.

Final approval shall be indicated in a report issued by the Monmouth County Planning Director or designated staff member and forwarded to the municipal approving authority, the applicant, the applicant's attorney or the applicant's representative or agent and the person or firm that prepared the subdivision.

3.03 SITE PLAN REVIEW AND APPROVAL PROCEDURES

Site plans shall contain the plan details as set forth in these regulations and shall be accompanied by the analyses and information that are necessary to properly assess the development's impacts on county roads, county drainage structures and facilities and buildings and lands owned or maintained by the county.

The Monmouth County Development Review Committee will not take any formal action on a site plan that does not contain sufficient plan details or is not accompanied by the information and analyses that are necessary for the Monmouth Development Review Committee to determine impacts on county roads, county drainage structures and facilities and county owned or maintained building and lands.

After review of the application and supporting documents and information and upon advise of the Monmouth County Development Review staff and the Monmouth County Engineer, the Monmouth County Development Review Committee shall take action on a site plan application as indicated below:

3.03-1 **Site Plans that do not affect a county road, county drainage structure or county drainage facility, that do not affect buildings and lands owned or maintained by the county, that are not located on the site of a proposed county facility or that do not contain one or more acres of impervious surfaces.**

- Exempt From Approval

The Monmouth County Planning Director or designated staff member shall issue a report indicating that approval of the Monmouth County Development Review Committee is not required for a site plan when the site plan has been reviewed by development review and engineering staff and based on criteria contained in these regulations, it is determined that approval of the Monmouth County Development Review Committee is not required.

The Monmouth County Development Review Committee or development review staff may make advisory comments and recommendations relative to goals, objectives and policies contained in the Monmouth County Master Plan, and to promote sound planning practices.

3.03-2 **Site Plans that do not affect a county road, county drainage structure or County drainage facility, that do not affect buildings and lands owned or maintained by the county, that are not located on the site of a proposed County facility that contain one or more acres of impervious surfaces.**

- Final approval

Final approval shall be indicated in a report issued by the Monmouth County Planning Director or designated staff member and forwarded to the municipal

approving authority, the applicant, the applicant's attorney or the applicant's representative or agent and the person or firm that prepared the subdivision.

A resolution for final approval of a site plan that does not affect a county road, county drainage structure or facility or buildings or lands owned or maintained by the county, that is not located on the site of a proposed county facility that contain one or more acres of impervious surfaces, indicating the vote of each member of the Monmouth County Development Review Committee, shall be prepared by the Monmouth County Planning Board attorney and executed by the chairman of the committee.

3.03-3 Site Plans that affect a county road, county drainage structure or county drainage facility, that affect buildings and lands owned or maintained by the county, that are located on the site of a proposed county facility or that contain one or more acres of impervious surfaces.

- Disapproval

Reasons for disapproval of a site plan may include but are not limited to the following:

- The site plan does not provide a service road or marginal access road along the county road
- Driveways that intersect a county road are not designed or aligned in accordance with county design criteria or standards
- Driveways are connected to the county road and not to an adjacent municipal road only
- The width of the county road right-of-way shown on the site plan is not consistent with the Monmouth County Master Plan
- Driveways that intersect the county road are not designed or aligned in accordance with county design criteria and standards
- The site plan is substantially inconsistent with the provisions, design criteria and design standards of these regulations
- The safety and efficiency of traffic traveling on a county road or on a county drainage structure would be adversely affected or access to buildings and lands owned or maintained by the county would be adversely affected as a result of the site plan
- Driveways are not shown to maximize sight distance along the county road, to limit or eliminate conflicts at the county road or to meet the sight distance standards contained in Volume II of these regulations
- Stormwater from the site would adversely affect a county road, county drainage structure or county drainage facility or on buildings and lands owned or maintained by the county
- Information contained on the subdivision plans, application form or contained in the accompanying studies, analyses or other supportive documents is found to be erroneous
- The plans contain inconsistent or confusing details or information

The reasons for disapproval shall be stated in a report issued by the Monmouth County Planning Director or designated staff member and shall be forwarded by certified mail to the municipal approving authority and the applicant or his/her agent. A resolution indicating the vote of each member of the Monmouth County Development Review Committee shall be prepared by the Monmouth County Planning Board attorney and executed by the chairman of the committee.

- Conditional approval

Conditions of approval may include but are not limited to the following:

- Revision of the plans to include a marginal access road or service road
- Revision of the plans to show improvements to county roads and drainage systems and to county drainage structures and drainage facilities in accordance with county design standards or as required by the Monmouth County Development Review Committee
- Revision of the plans to show roads and driveways located and designed in accordance with county design standards or as required by the Monmouth County Development Review Committee
- Revision of the plans to show access through a shared driveway
- Revision of the plans to limit turning movements from driveways along the county road
- Revision of the plans to show one-way traffic circulation for driveways that intersect county roads
- Revision of the plans to show access only to the adjacent municipal road, not the county road
- Revision of the plans to show clearing of sight lines along the county road
- Revision of the plans to show driveways and parking areas designed so that vehicles do not back out onto the county road or maneuver in the path of vehicles entering or exiting the site
- Revision of the plans to show the removal of encroachments from within the county road right-of-way or county easements
- Revision of the plans to show improvements to roads and drainage systems not owned or maintained by the county to mitigate development impacts on county owned and maintained buildings and lands
- Revision of the plans to show the relocation of utility poles and/or equipment
- Revision of the plans to show landscaping along the county road
- Revision of the plans to show the county road right-of-way located in accordance with the Monmouth County Master Plan and rights-of-way and easements as required to accommodate improvements necessitated by the development or as required to accommodate improvements contained in the Monmouth County Capital Improvement Program
- Revision of the plans to show easements for maintenance and reconstruction of county drainage structures and facilities
- Revision of the plans to show easements for county road drainage systems
- Revision of the plans to show sight triangle easements to the County of Monmouth in accordance with county design standards

- Revision of the plans to show easements for maintenance and reconstruction of county traffic facilities
- Revision of the plans to show the reservation of land for proposed county facilities
- Revision of the plans to add, delete or modify notes on the plans
- Revision of the plans to show farmland preservation easements
- Submission of permits and/or approvals from other government agencies or authorities that pertain to county review, approval or the installation of improvements affecting a county road or drainage structure
- Submission of a letter(s) from affected utilities stating that poles will be relocated in accordance with approved plans
- Submission of a copy of a municipal ordinance restricting turning movements at the county road(s) in accordance with approved plans
- Submission of construction plans and details for off-site/off-tract county road and/or county drainage structure improvements
- Submission of monies in lieu of the installation of improvements when, as determined by Monmouth County Development Review Committee upon advice of the development review staff and the county engineer, the installation of improvements would create an adverse impact on a county road, county drainage structure or facility, if the county has planned or scheduled improvement of the adjacent county road or drainage facility, when the installation of the improvement by the developer would be impractical or when the subdivision is located on a scenic county road.
- Contribution toward construction of a county drainage structure or facility where drainage from the development drains to a county drainage structure or facility or where traffic from the development will cross over a county drainage structure or facility
- Contribution of a pro-rata share of the cost of off-tract/off-site county road improvements
- Execution by the developer of county/developer agreement to provide for the construction of off-tract/off-site county road, county drainage structure or county drainage facility improvements, to require that the developer contributes toward the construction of off-tract/off-site county road, county drainage structure or county drainage facility improvements and/or to require that the developer contributes to or implements traffic reduction measures or a traffic management program
- Submission of deeds for county road rights-of-way, construction easements, sight triangle easements, easements for installation and maintenance of guiderail along a county road or a county drainage structure, and easements for maintenance and reconstruction of county drainage structures or facilities
- Submission of a performance guarantee for design and construction of a traffic signal and related improvements if it is determined that a traffic signal may be warranted within five (5) years from the date of full build-out of the development; the performance guarantee shall be separate from other performance guarantees posted and shall remain in effect for five (5) years from the date of build-out of the development

- Submission of performance guarantees to ensure the satisfactory installation of improvements to county roads, drainage systems, structures or facilities, and to ensure future payment of a contribution toward off-tract/off-site road, drainage system, structure or facility improvements
- Submission of maintenance guarantees not to exceed two (2) years in duration to ensure the maintenance and repair of any improvement that has been damaged by the developer's forces or that exhibits abnormal deterioration.

Sample form deeds and performance guarantees may be found on the Monmouth County Planning Board web site @ WWW.MONMOUTHPLANNING.COM.

Conditions of approval shall be indicated in a report issued by the Monmouth County Planning Director or designated staff member and forwarded to the municipal approving authority, the applicant, the applicant's attorney or the applicant's representative or agent and the person or firm that prepared the subdivision plan.

A resolution indicating the vote of each member of the Monmouth County Development Review Committee shall be prepared by the Monmouth County Planning Board Attorney and executed by the chairman of the committee.

The Monmouth County Development Review Committee or development review staff may make advisory comments and recommendations relative to goals, objectives and policies contained in the Monmouth County Master Plan and to promote sound planning practices.

- Final Approval

Final approval of a site plan that affects a county road county drainage structure or facility or buildings or lands owned or maintained by the county shall be granted when all conditions of site plan approval established by the Monmouth County Development Review Committee have been met.

Final approval of a site plan may be granted by the Monmouth County Planning director or designated staff member provided the Monmouth County Development Review Committee has granted prior conditional approval and all conditions of approval have been met.

Final approval shall be indicated in a report issued by the Monmouth County Planning Director or designated staff member and forwarded to the municipal approving authority, the applicant, the applicant's attorney or the applicant's representative or agent and the person or firm that prepared the site plan.

3.04 WAIVERS AND EXCEPTIONS

- 3.04-1** When acting upon development applications, the Monmouth County Development Review Committee shall have the power to grant waivers and exceptions from the

strict application of the requirements and standards of these regulations as may be reasonable and within the general purposes and intent of these regulations and the Monmouth County Master Plan and if the literal enforcement of one or more of the provisions of these regulations is impractical or will exact undue hardship because of peculiar or unusual conditions pertaining to the land in question.

- 3.04-2** The requirement for the dedication of additional right-of-way may be waived by the Monmouth County Development Review Committee for subdivisions which adjust boundaries between two (2) or more existing lots which do not result in the creation of any new building lots.

- 3.04-3** The requirement for the dedication of additional right-of-way may be waived or adjusted by the Monmouth County Development Review Committee where the new right-of-way line would be located within ten (10) feet of an existing structure that is in a condition to permit use and occupancy and the existing structure is not proposed to be removed or relocated.

- 3.04-4** The Monmouth County Development Review Committee may waive the requirement for additional right-of-way in accordance with the Monmouth County Master Plan for the remaining portion of a subdivision that is not scheduled to be developed where the remaining parcel contains sufficient land to be further subdivided under the zoning ordinance of the municipality in which it is located.

- 3.04-5** The Monmouth County Development Review Committee may waive or adjust the right-of-way width requirements where, in such areas as developed commercial districts or heavily built up residential neighborhoods, buildings, walls or other structures have been constructed within the proposed right-of-way prior to the enactment of these regulations to a point where their alteration or removal would be impractical.

- 3.04-6** When the Monmouth County Development Review Committee determines that the installation of standard road and or drainage improvements in connection with a development application, would impractical or ineffective, or if the development is located along a scenic county road as designated on the Monmouth County Scenic Road Plan, applicant may be required to provide a cash payment to the county in lieu of the installation of the improvements.

- 3.04-7** In cases where the Monmouth County Development Review Committee finds that a county road is scheduled for improvement under the Monmouth County Capital Improvement Program and the improvement would result in a change in alignment or profile of the road that would render the improvements to be undertaken in connection with the subdivision or site plan application as obsolete, the applicant may be required to contribute monies in lieu of installing all or part of the standard improvements required under these regulations.

3.05 REVIEW PERIOD

The Monmouth County Development Review Committee shall request information or take action on a development application within thirty (30) days of receipt of a complete application. The review period may be extended with the approval of the applicant, the applicant's attorney or the applicant's representative or agent.

In the event that the Monmouth County Development Review Committee fails to take action on a development application within the required review period or agreed upon extension thereof, upon the written request of the applicant, the secretary of the Monmouth County Planning Board shall certify approval of the development application through lack of action in accordance with N.J.S.A. 40:27-6.2 et seq. and 40:27-6.6 et. seq.

3.06 NOTIFICATION OF ACTION

The Monmouth County Planning Director or designated staff member shall notify the municipal approving authority in writing of actions taken by the Monmouth County Development Review Committee on development applications. Said written report shall indicate the information that must be submitted to the Monmouth County Development Review Committee to allow a formal review, conditions of approval or reasons for disapproval. A copy of the report of action shall be forwarded to the applicant or the applicant's agent, the person or firm that prepared the development plan, the municipal construction code official and if the development will require a county road permit, a copy shall be forwarded to the Monmouth County Highway Department.

In the event that a development application is disapproved, copies of the report disapproving the application shall be forwarded by certified mail to the municipal approving authority and to the applicant.

A resolution indicating the vote of each member of the Monmouth County Development Review Committee on applications that are disapproved, issued conditional approval or on certain applications that are issued final approval shall be prepared by the Monmouth County Planning Board attorney and executed by the chairman of the committee.

On behalf of the Monmouth County Development Review Committee, the Monmouth County Planning Director or designated staff member shall take administrative action in granting preliminary and/or final approval of a development application when all conditions of approval have been satisfied.

3.07 DURATION OF APPROVAL

Approval by the Monmouth County Development Review Committee or Monmouth County Planning Board shall be valid for the same time period as that of the municipal planning board or zoning board of adjustment as applicable.

3.08 RECORDING OF MINOR OR FINAL MAJOR SUBDIVISION PLATS

No subdivision plat or minor subdivision deed, if the minor subdivision is to be recorded by deed only, shall be recorded with the Monmouth County Clerk unless it bears the certification of approval or exemption of the Monmouth County Development Review Committee. This certification shall be signed by the Monmouth County Planning Director or staff member authorized by the Monmouth County Planning Board to sign such subdivision plats or deeds of minor subdivisions.

All minor or final major subdivision plats submitted to the Monmouth County Planning Board for signing must be prepared in accordance with the New Jersey Map Filing Law (46:23-9). Subdivision plats or minor subdivision deeds which are to be signed by the Monmouth County Planning Director or authorized staff member must be hand delivered to the Monmouth County Planning Board offices. One paper copy of the subdivision plat or minor subdivision deed acceptable for recording with the Monmouth County Clerk must be provided for the Monmouth County Planning Board records at the time the documents are submitted for signing, unless such subdivision plat was previously submitted to the Monmouth County Planning Board.

The Monmouth County Planning Director or authorized staff member may certify and sign a minor subdivision plat as exempt from approval without formal review by the Monmouth County Development Review Committee provided the Monmouth County Planning Board application form and review fee are submitted and the subdivision meets the requirements of an exempt minor subdivision in accordance with these regulations.

The Monmouth County Planning Director or authorized staff member may certify approval of individual sections of a major subdivision as appropriate.

The Monmouth County Planning Director or authorized staff member shall not sign any subdivision plat or minor subdivision deed unless all requirements for Monmouth County Planning Board approval have been complied with or unless the development is exempt from Monmouth County Development Review Committee or has been granted final approval by the Monmouth County Development Review Committee.

The subdivision plat shall indicate all required easements and rights-of-way of record as required by the Monmouth County Development Review Committee.

4.00 APPEALS

4.01 REQUEST FOR RECONSIDERATION OF ACTION TAKEN BY THE MONMOUTH COUNTY DEVELOPMENT REVIEW COMMITTEE.

Within thirty (30) days of action taken by the Monmouth County Development Review Committee, the applicant or his/her representative may request, in writing,

that the committee reconsider or modify its action. The applicant must provide any information that was not available at the time the committee initially reviewed the application, at least five (5) days prior to the committee reconsidering the application. The application shall be reviewed by the Monmouth County Development Review Committee at a regularly scheduled meeting. The applicant does not relinquish the right to appeal the committee's action to the Monmouth County Planning Board by requesting that the Monmouth County Development Review Committee reconsider its action. If requested by the applicant, the applicant's attorney or the applicant's representative, the time period within which the applicant must appeal action of the development review committee to the Monmouth County Planning Board will not commence until the committee reconsiders the application.

4.02 APPEALS TO THE MONMOUTH COUNTY PLANNING BOARD

The applicant or any party alleging to be adversely affected by a decision of the Monmouth County Development Review Committee may file an appeal, in writing, with the Monmouth County Planning Board within thirty (30) days of the committee's decision. The appeal to the Monmouth County Planning Board shall be made by serving the county planning board secretary, by certified mail, with a notice of appeal specifying the grounds for the appeal, the name and address of the appellant and attorney if the appellant is represented by an attorney, the project name, the municipality in which the project is located and the tax map block and lot numbers. The appeal shall be decided by the county planning board within forty five (45) days of the date of its filing unless the appellant consents, in writing, to the extension of said time period. The county planning board secretary shall advise the appellant and the development review committee of the date, time and place of the hearing at least ten (10) days prior to hearing the appeal. The appellant shall provide a certified court stenographer to take and transcribe minutes of the appeal hearing. The appellant shall have prepared and shall deliver to the secretary of the county planning board at least two (2) copies of the transcript of the hearing of appeal within ten (10) days of the date of the hearing before the county planning board. The county planning board shall issue a written decision containing its conclusions and findings of fact. A copy of the board's decision shall be transmitted to the appellant or the appellant's attorney by certified mail or personal service.

4.03 APPEALS TO THE MONMOUTH COUNTY BOARD OF CHOSEN FREEHOLDERS

The applicant or any party alleging to be adversely affected by a decision of the Monmouth County Planning Board may file an appeal, in writing, with the Monmouth County Board of Chosen Freeholders within thirty (30) days of the Board's decision. The appeal to the Board of Chosen Freeholders shall be made by serving the clerk of the Board of Chosen Freeholders and the county planning board secretary, in person or by certified mail, with a notice of appeal specifying the grounds for the appeal, the name and address of the appellant and attorney if the appellant is represented by an attorney, the project name, the municipality the project is located in and the tax map block and lot numbers. The appeal shall be decided within forty five (45) days of the date of its filing unless the appellant consents,

in writing, to an extension of such period. The Clerk of the Board of Chosen Freeholders shall advise the appellant of the date, time and place of the hearing at least ten (10) days prior to hearing the appeal. The applicant shall provide the Clerk of the Board of Chosen Freeholders with at least six (6) copies of the transcript of the hearing of appeal before the Monmouth County Planning Board upon filing the appeal with the Clerk of the Board of Chosen Freeholders. The appellant shall provide a certified court stenographer to take and transcribe minutes of the appeal hearing before the Board of Chosen Freeholders. The appellant shall have prepared and shall deliver three (3) copies of the transcript of the hearing of appeal before the Board of Chosen Freeholders within ten (10) days after the hearing. The Board of Chosen Freeholders shall issue a written decision containing its conclusions and findings of fact. A copy of the Board of Chosen Freeholders' decision shall be transmitted to the appellant or the appellant's attorney and the Monmouth County Planning Board by certified mail or personal service.

5.00 PERFORMANCE GUARANTEES, MAINTENANCE GUARANTEES, PAYMENT IN LIEU OF IMPROVEMENTS AND ASSESSMENTS

5.01 PERFORMANCE GUARANTEES

5.01-1 Purpose, form, cost estimates and 10% cash payment

Prior to final Monmouth County Development Review Committee approval of a development application, a performance guarantee in a form acceptable to Monmouth County counsel or Monmouth County Planning Board counsel shall be submitted to the Monmouth County Planning Board to assure the satisfactory installation of improvements to county roads and county drainage facilities, to assure the preparation of property parcel maps and/or to assure the preparation of construction plans required as a condition of approval of the Monmouth County Development Review Committee. Performance guarantees may be in the form of a surety bond, irrevocable letter of credit, certified check or bank check made payable to the County of Monmouth. The performance guarantee shall specify the name of the development project and the plans or the improvements which it is intended to cover or other purpose as specified by a developer/county agreement. The amount of the performance guarantee shall be estimated by the county planning board engineer and/or the county engineer. The estimate for improvements shall be an itemized listing of quantities, materials, unit prices including labor and materials and the total cost of each item. The county engineer shall provide the county planning board engineer and development review staff with a list of unit prices for various items routinely included in road and drainage improvements required by the Monmouth County Development Review Committee. The county engineer shall periodically revise this list as necessary to reflect the most current unit prices and construction costs. The total amount of the performance guarantee shall include ten (10) percent for contingencies. A cash payment in the form of a certified check made payable to the County of Monmouth in an amount equal to ten (10) percent of the total amount of the performance guarantee shall be submitted to the Monmouth County Planning Board at the time the performance guarantee is posted for all performance guarantees in the amount of \$10,000 or greater.

5.01-2 Timing of improvements

Required county improvements are expected to be constructed prior to or simultaneously with construction of the development project unless the county development review staff and/or the county engineer determines that certain sections or segments of the development can be constructed without adversely affecting the safety and/or efficiency of the county road or drainage facility or county owned building or land affected by the development.

5.01-3 Posting of performance guarantees by development project section or phase

At the request of the applicant, performance guarantees may be established by sections or phases of a subdivision or site plan, if the Monmouth County Development Review Committee determines that the incremental development of the subdivision or site plan will not adversely affect a county road, county drainage facility or a county owned building or county owned land.

5.01-4 Municipal/county performance guarantees

In cases where improvements to county roads or drainage facilities are included in performance guarantees in favor of and posted with a municipality, the county will not require the submission of additional performance guarantees with the exception of the required ten (10) percent cash payment in the form of a certified check, provided the County of Monmouth is named as co-obligee on the performance guarantee. The performance guarantee shall include an itemized listing of the improvements covered and clearly indicate the improvements required by the county.

5.01-5 Recalculation of estimated cost of improvements to reflect increases in construction costs

If a performance guarantee has not been posted with the Monmouth County Planning Board within two (2) years from the date of the action which establishes the amount of the guarantee or if the installation of the required improvements has not commenced within two (2) years of the date the performance guarantee is received by the county planning board, the amount of the performance guarantee may be recalculated by the county engineer or the county planning board engineer to reflect changes in construction costs. The Monmouth County Development Review Committee will take action to amend the amount of the required performance guarantee. In cases where a performance guarantee has been posted, a new or amended performance guarantee may be required by the development review committee.

5.01-6 Release of performance guarantees

5.01-6A Inspection fees

Fees shall be charged for the inspection of required improvements in accordance with Fee Schedule "A" which is a part of these regulations. Fee Schedule "A" may

be amended periodically by resolution of the Monmouth County Development Review Committee. The inspection fee shall be submitted prior to inspection of any work covered by a performance guarantee.

5.01-6B Inspection of improvements and release of performance guarantees

The applicant or the applicant's representative shall submit written notification together with the required inspection fee if said fee was not previously submitted, to the Monmouth County Planning Board office when all improvements required by the Monmouth County Development Review Committee are completed. Within thirty (30) days of receipt of the written notification and payment of the inspection fee if the inspection fee was not previously received, the county planning board engineer, county engineer or his/her representative shall inspect the improvements required by the county development review committee for which a performance guarantee has been posted. The county planning board engineer or county engineer or his/her representative shall notify the applicant or his/her agent or representative in writing of any required work that has not been completed or that is unacceptable. A follow-up inspection shall be made by the county planning board engineer or the county engineer or his/her representative within thirty (30) days of the written notice from the applicant that all work is completed or deficiencies have been corrected unless the applicant has submitted a schedule that is acceptable to the county planning board engineer or the county engineer, to complete the improvements or correct any deficiencies. Upon acceptance of the required improvements, the county engineer shall issue a report to the county planning board certifying that all improvements have been satisfactorily completed. Staff of the county planning board shall transmit the county engineer's certified report to the Monmouth County Board of Chosen Freeholders via the Monmouth County Finance Department, with a recommendation for release of the performance guarantee. The Monmouth County Board of Chosen Freeholders shall take action on the recommendation for release of the performance guarantee within thirty days (30) of receipt of the recommendation.

The submission of as-built construction plans may be required prior to inspection of required improvements when determined to be necessary by the county engineer.

5.02 MAINTENANCE GUARANTEES

Based upon the advice of the county planning board engineer, the county engineer or his/her representative, the county development review committee may require that the applicant post a maintenance guarantee prior to release of any performance guarantee posted with the county. Any maintenance guarantee posted with the county shall be in favor of the County of Monmouth, for a period of two (2) years and in an amount not to exceed twenty (20) percent of the amount of the performance guarantee.

5.02-1 Release of maintenance guarantees

The county planning board engineer, the county engineer or his/her representative shall inspect the improvements for which a maintenance guarantee has been

posted at least sixty (60) days prior to the expiration date of the maintenance guarantee. The county planning board engineer, the county engineer or his/her representative shall advise the applicant of any improvements that must be reconstructed or replaced. Upon determining that the improvements are in satisfactory condition, the county engineer shall issue a report to the Monmouth County Planning Board certifying that the improvements are in satisfactory condition. Staff of the Monmouth County Development Review Committee shall transmit the county engineer's certified report to the Monmouth County Board of Chosen Freeholders via the Monmouth County Finance Department, with a recommendation for release of the maintenance guarantee. The Board of Chosen Freeholders shall take action on the recommendation for release of the performance guarantee within thirty days (30) after receipt of the recommendation.

5.03 PAYMENT IN LIEU OF IMPROVEMENTS

Where a proposed development affects a county road or drainage facility that is planned to be improved or reconstructed under the Monmouth County's capital budget or Capital Improvement Program, the Monmouth County Development Review Committee may require that the applicant make a payment in lieu of all or part of the improvements that would normally be required to be constructed by the applicant. The amount of the payment shall be calculated by the county planning board engineer or the county engineer and shall be based on design standards contained in these regulations.

Where a proposed development affects a county road or drainage facility but the installation of standard improvements would be impractical, or if the development is located on a scenic county road, the Monmouth County Development Review Committee may require that the applicant make a payment in lieu of installing all or certain designated improvements. The amount of the payment shall be calculated by the county planning board engineer or the county engineer and shall be based on design standards contained in these regulations. The payment must be in the form of a certified check or bank check made payable to the County of Monmouth.

5.04 FAIR SHARE CONTRIBUTIONS/ASSESSMENTS FOR OFF-TRACT IMPROVEMENTS

Where traffic or stormwater drainage from a proposed development contributes to, creates or accelerates the need for the improvement or reconstruction of a county road, county drainage structure or county drainage facility, the Monmouth County Development Review Committee may require that the applicant make a fair share contribution toward the improvement or reconstruction of the affected county road or county drainage structures or county drainage facilities. The amount of the contribution shall be calculated by the county planning board engineer or the county engineer in accordance with criteria contained in these regulations and shall be approved by the county development review committee. The calculations shall be based upon analyses provided by the applicant's consultants and accepted by the county engineer.

Where traffic from a proposed development will travel over a county road or drainage facility or where stormwater from a proposed development will flow through a county drainage structure or county drainage facility that has been improved or reconstructed by the county within the three (3) years prior to receipt of the development application, the Monmouth County Development Review Committee may require that the applicant contribute toward the improvement. The amount of the contribution shall be calculated by the county engineer and approved by the county development review committee. The contribution shall be based on analyses provided by the applicant's consultants and accepted by the county engineer and where applicable shall be calculated in accordance with criteria contained in these regulations.

Where an applicant agrees to use the services of the Monmouth County Transportation Department to reduce the number of vehicles that would be generated by the proposed development, the Monmouth County Development Review Committee may require that the applicant make a fair share contribution toward the cost of such services. The amount of the contribution may cover the cost of implementation of transportation management plans to reduce the use of single-occupant vehicles and may include a contribution for vehicles that will serve the employees, clients, customers or residents of the proposed development.

All payments of fair share contributions and/or assessments shall be made in the form of a certified check or bank check made payable to the County of Monmouth.

5.05 DEPOSITORY FOR PERFORMANCE GUARANTEES, MAINTENANCE GUARANTEES AND MONIES RECEIVED

The Monmouth County Treasurer shall provide a suitable depository for all performance guarantees, maintenance guarantees, payments in lieu of improvements and monies received as contribution toward construction of county roads or county drainage facilities, the provision of county transportation services and equipment and any escrows received for acquisition of rights-of-way and easements. Such guarantees and monies shall be used only for the purposes for which they are deposited, unless such projects or services are not initiated for a period of ten (10) years from the time the guarantees or monies are deposited, or unless the return or dispersion of monies received is specified in a developer/county agreement. After such ten (10) year period has elapsed, the monies shall be transferred to the county general fund into accounts established for county roads and county drainage facilities, and/or county transportation services and equipment.

6.00 DEEDS OF DEDICATION, DEEDS OF RIGHTS-OF-WAY AND DEEDS OF EASEMENT

All deeds for county road right-of-way, deeds of easement for maintenance and reconstruction of county drainage structures and facilities, deeds of easement for construction and maintenance of a county drainage system, deeds of easement for sight triangles, deeds for installation and maintenance of guiderail along a county

road or county drainage structure and deeds of easement for construction shall be in a form approved by Monmouth County counsel or Monmouth County Planning Board counsel. The applicant shall provide a survey or the survey information (metes and bounds) on the subdivision or site plan showing the easement or right-of-way area to be deeded to the County of Monmouth. The deed shall contain a metes and bounds description of the easement or right-of-way area. The applicant or the applicant's attorney shall submit to the Monmouth County Planning Board any deeds required as conditions of final approval. The deeds shall be fully executed and in a form acceptable to the county recording officer. If the applicant, the applicant's attorney or the applicant's representative or agent records a required deed directly with the county recording officer, a copy of the recorded deed, with deed book and page number affixed, shall be submitted to the Monmouth County Planning Board by the applicant or the applicant's attorney.

Sample form deeds and performance guarantees may be found on the Monmouth County Planning Board web site @ WWW.MONMOUTHPLANNING.COM.

When an executed deed is transmitted to the Monmouth County Clerk's office for recording by staff of the Monmouth County Planning Board, the county recording officer shall transmit a copy of the recorded deed, with deed book and page number affixed, to the Monmouth County Planning Board.

7.00 DEVELOPER/COUNTY AGREEMENT PROCEDURES

7.01 PREPARATION OF DEVELOPER/COUNTY AGREEMENTS

When necessary to meet a condition or conditions of approval established by the Monmouth County Development Review Committee, developer/county agreements shall be prepared by the county planning board attorney upon consultation with staff of the county development review section and the county engineer.

7.01-1 Contents

Developer/county agreements shall contain but are not limited to the following:

- The date the agreement is executed
- The names and addresses of the parties to the agreement and/or owners of the property
- Name of the project
- A legal description of the property on which the development is located such as lot numbers, block numbers, street and municipality
- A description of the proposed use and size of the buildings or number of dwelling units
- The date the agreement takes effect if other than the date that the agreement is executed
- A statement that the agreement shall not be signed by the county until all monies, performance guarantees, escrows and/or required documentation have been received.

- Obligations, objectives and responsibilities of the parties including but not limited to the following:
 - The developer must attempt to acquire rights-of-way and/or easements necessary to accommodate county road and/or drainage improvements and/or other necessary easements through negotiations with property owners. Negotiations by the developer must be documented and copies transmitted to the Monmouth County Planning Board. The properties to be acquired must be identified by block and lot numbers.
 - Submission of property parcel maps and descriptions of required rights-of-way or easements drawn in accordance county requirements.
 - Submission of value findings or certified appraisals of the rights-of-way and/or easements to be acquired.
 - Acquisition of rights-of-way and/or easements by the county through its powers of eminent domain, for county road improvements, county drainage improvements or other improvements for public safety.
 - Submission of escrow monies to the Monmouth County Planning Board to reimburse the county for all costs associated with the required right-of-way or easement acquisitions by the county. Any monies received by the Monmouth County Planning Board for this purpose shall be transmitted to the Monmouth County Finance Department. The county finance department will release all or part of the monies as directed by the county planning board attorney, as necessary to acquire the rights-of-way and/or easements.
 - Submission of construction plans signed and sealed by a New Jersey licensed professional engineer, for improvements to a county road and/or drainage facility.
 - Submission of signed and sealed original mylars of the construction plans for improvements to a county road and/or drainage facility together with six (6) prints of same.
 - Submission of a performance guarantee to assure the preparation of property parcel maps.
 - Submission of a performance guarantee to assure the preparation of construction plans for required county road and/or county drainage improvements.
 - Submission of easements, rights-of-way and/or rights of entry to the county.
 - Submission of a performance guarantee to assure the installation of required county road and/or county drainage improvements.
 - Submission of maintenance guarantees for required county road and drainage improvements.
 - Submission of inspection fees for the required county road and county drainage improvements.
 - Construction of county road and/or county drainage improvements.
 - Implementation of a traffic management program which includes periodic monitoring of the program.
 - Contribution of a pro-rata share of the cost of county road and/or county drainage improvements.

- Contribution in lieu of the installation of county road and/or county drainage improvements.
- Acquisition of any permits and approvals.
- Relocation of utilities.
- Inspection of the required county road and county drainage improvements.
- Submission of a traffic detour plan for detouring traffic during construction.
- Control of traffic and maintenance of roadways during construction.
- Construction required during off-peak traffic hours.
- Maintenance of uninterrupted flow of traffic during construction.
- Payment for electric service for operation of traffic signal.
- Maintenance of pavement, traffic signs, traffic line striping and pavement markings.

7.01-1A Inflation cost adjustment

If, in accordance with the agreement, a developer is required to make a contribution toward county road or county drainage improvements at some point in time after execution of the agreement, the county engineer may review the estimated cost of the improvements every two (2) years from the date of execution of the agreement and may recommend to the Monmouth County Development Review Committee an increase in the amount of the developer's contribution based on increases in the construction cost index.

7.01-1B Indemnification

Statement to indemnify and hold the county harmless, protect and defend the county and its agents and employees from any injury, death, property damage or other claim arising from any work to be performed under the agreement.

7.01-1C Successors and assigns

Statement that the agreement is binding upon the parties, their successors and assigns and that the agreement runs with the development approval.

7.01-1D Sale or transfer

Statement that all parties to the agreement shall be notified of a proposed sale or transfer of interest in the proposed development that is the subject of the agreement at least ten (10) days prior to the transaction.

7.01-1E Addenda, amendments and revisions

Statement that any changes or amendments to the agreement shall be reviewed and approved by the Monmouth County Development Review Committee and all parties to the agreement.

7.01-1F Signatures

Signature blocks for the developer and witness.

Signature blocks for the Director of the Board of Chosen Freeholders, the clerk of the Board of Chosen Freeholders, the county engineer and the county finance director.

7.01-2 Review and Approval Procedures

Upon preparing a developer/county agreement that contains the conditions established by the Monmouth County Development Review Committee, the Monmouth County Planning Board attorney shall submit copies of the agreement to staff of the county development review section and the county engineer for review.

After receiving comments from staff of the county development review section and county engineer, the county planning board attorney shall revise the agreement and thereafter, transmit copies of the revised draft agreement to the staff of the development review committee and to the county engineer.

Upon approval of the agreement by the staff of the county development review committee and county engineer, the county planning board attorney shall transmit a copy of the agreement to the Monmouth County counsel for review and comment.

Upon approval of the agreement by Monmouth County counsel, the county planning board attorney shall transmit at least four (4) copies of the agreement to the developer for signing. If the developer is a corporation, the appropriate corporate officers must sign the agreement and affix the corporate seal.

Upon receipt of the signed agreements, the county planning board attorney shall transmit the signed agreements to the county engineer.

Within thirty (30) days of receipt of the final agreements signed by the developer, the county engineer shall present the agreement to the Monmouth County Board of Chosen Freeholders for review, consideration and/or action.

Upon review and approval of the agreement, the Monmouth County Board of Chosen Freeholders shall pass a resolution authorizing the director of the Board of Chosen Freeholders and clerk of the board to execute the agreement on behalf of the board. The clerk of the board shall forward a certified copy of the resolution to the developer, the director of the Monmouth County Planning Board, the Monmouth County engineer, the Monmouth County Planning Board attorney and the Monmouth County finance director.

7.01-3 Performance Guarantees, Escrows and Required Documents

Any performance guarantees, escrow monies or documents that are required to be submitted to the county under the terms of the agreement must be submitted prior

to execution of the agreement by the director and clerk of the Board of Chosen Freeholders unless otherwise specified in the agreement.

7.01-4 Distribution

The clerk of the Board of Chosen Freeholders shall forward an executed copy of the agreement to the developer or the developer's representative and the director of the Monmouth County Planning Board, the Monmouth County Planning Board attorney, the Monmouth County engineer and the Monmouth County director of finance.

8.00 PRE-CONSTRUCTION REQUIREMENTS

8.01 COUNTY ROAD/BRIDGE PERMIT

A permit must be obtained from the Monmouth County Highway Department before any work begins in, on or along a county road, county signalized intersection or county bridge or culvert. This work includes but is not limited to the installation, removal, mark-out or relocation of the following as applicable:

Water	Curb	Traffic signal equipment
Sanitary sewer	Pavement	Traffic lines
Electric	Road	Traffic signs
Gas	Driveway	Guiderail
Cable T.V.	Curb Cut	Topsoil
Telephone	Trees (removal or planting)	
Construction entrance	Grading	Excavation
Storm sewer	Utility poles	Fill dirt

8.02 PRE-CONSTRUCTION MEETING

The developer is responsible for arranging a pre-construction meeting as determined to be necessary by the county highway inspector assigned to the project.

The developer will be responsible for providing a schedule to the county highway inspector of all utility installations and/or relocations. No permits will be issued for roadwork and no road or lane closures will be approved until an acceptable work schedule has been submitted to the county highway inspector. Every effort must be made by the developer to limit the time period within which a lane or the road must be closed.

8.03 START-WORK NOTIFICATION

In accordance with Monmouth County Highway Department permit regulations, the Monmouth County Highway Department is to be notified prior to beginning any work in, on or along a county road, county signalized intersection or county bridge or culvert.

8.04 DETOUR PLAN

If any lane or road closing is necessary to allow the installation of improvements, a detour plan must be submitted to and approved by the Monmouth County Traffic Engineer.

The Monmouth County Highway Department may require a pre-construction meeting prior to approving any work in, on or along a county road, county signalized intersection or county bridge or culvert.

9.00 LIABILITY DURING CONSTRUCTION

The applicant will be held liable for any damages or accidents that occur within the work area on the county right-of-way or easement during construction of improvements to a county road, county drainage structure or county drainage facility, and until the improvements have been accepted by the Monmouth County Board of Chosen Freeholders by its action to release the performance guarantee.

10.00 ENFORCEMENT

No project which is the subject of a development application submitted to the Monmouth County Planning Board shall be constructed without receiving final approval or exemption from approval of the Monmouth County Development Review Committee. In the event that work begins prior to receiving final approval or exemption from approval of the Monmouth County Development Review Committee, or if the applicant fails to comply with any of the conditions of approval, one of the following actions may be taken:

- A county highway permit will not be issued
- The applicant will be subject to fines as provided in the Monmouth County Regulations to Protect County Roadways and Related Facilities
- The municipal construction code official may be requested to withhold or rescind any building permits or certificates of occupancy issued or applied for
- Any or all of any performance or maintenance guarantees posted with the county may be forfeited
- Court action may be initiated by the county to stop work on the project and force compliance with conditions of Monmouth County Development Review Committee approval

11.00 DEFINITIONS

AASHTO - American Association of State Highway and Transportation Officials (AASHTO design guidelines are found in A Policy on Geometric Design of Highways and Streets).

Acceleration Lane - An auxiliary speed-change lane on a road for use by vehicles entering the adjacent through lane.

Affect – When vehicle traffic and/or stormwater drainage from a development will travel or flow to, through, over, on, or along a county road, county drainage easement, county drainage structure, county drainage facility or buildings and lands owned or maintained by Monmouth County.

Adverse Affect - When vehicle traffic and/or stormwater drainage from a development that will travel or flow to, through, over, on, or along a county road, county drainage easement, county drainage structure, county drainage facility or buildings and lands owned or maintained by Monmouth County, will cause the carrying capacity and/or safety of the county road, county drainage easement, county drainage structure, county drainage facility or buildings and lands owned or maintained by Monmouth County to be diminished beyond the standards established in Volume II of these development regulations entitled “Design Standards.”

Applicant - The owner or any other person acting on behalf of the owner, or a contract purchaser with permission of the owner to submit an application for a subdivision or site plan, who initiates proceedings for site plan or subdivision review pursuant to these regulations.

Application Form - The form provided by the county planning board to an applicant seeking site plan or subdivision review that is to identify the name, address and telephone number of the applicant, the owner, the firm or individual that has prepared the subdivision or site plan, the applicant’s attorney, the location of the development by lot, block and municipality and other pertinent information relating to the application.

As-Built Plans – Survey accurate plans that reflect the exact horizontal and vertical location of improvements after the improvements have been completed.

Berm – A mound of soil, either natural or man-made that is sometimes used as a portion of a visual buffer or to contain storm water.

Bridge – A structure having a clear span of 20 feet or more that conveys vehicles and/or pedestrians over a watercourse, waterway, public right-of-way, railroad, or other man-made or natural feature.

Buffer – An area within or along a property or site consisting of natural vegetation or created by planting of trees, shrubs, fences, and/or berms designed to limit the view from or to the site.

Capital Improvement Program – A list of proposed county road and drainage improvement projects that are planned by the county engineer over the next six (6) years. The program contains a schedule for implementing the improvements and estimated costs of right-of-way and easement acquisitions, preparation of plans and construction.

Cartway – The road surface between the edges of road pavement which may include travel lanes, parking lanes, shoulders, deceleration and acceleration lanes,

Centerline of right-of-way – A line that is located in the exact center of the original road right-of-way as laid out by road return. The centerline of the right-of-way is often not consistent with the painted centerline of the roadway.

Completeness – A determination made by the staff of the Monmouth County Planning Board in cooperation with the Monmouth County Engineering Department that an application and the associated plans, studies, materials and documents submitted with the application form satisfies the criteria contained in these regulations to commence review.

Concept Plan – A plan of a subdivision or site plan that has the minimum concept plan details contained these regulations that is of sufficient accuracy for the county planning and engineering staff to formulate recommendations pertaining to the general location and design of site access and county road and drainage improvements.

County Drainage Facility - Any, bridge, culvert, pipe, swale, ditch, drainage structure, detention or retention facility or component of a drainage system intended to convey or control storm water drainage that is owned or maintained by the County.

County Drainage Structure – Any pipe, culvert, bridge, arch, swale, ditch, catch basin, manhole, chamber, man-made channel, etc., used for the purpose of conveying storm water drainage.

County Facility – Any road, right-of-way, easement, bridge, culvert, pipe, drainage facility, traffic signal and equipment, land or building owned or maintained by the County of Monmouth.

County Governing Body - The Monmouth County Board of Chosen Freeholders.

County Master Plan – A composite of goals and objectives and written elements with supporting documents and maps adopted by the Monmouth County Planning Board designed to guide the development and redevelopment of the county.

County Planning Board - A board established by the county governing body pursuant to N.J.S.A. 40:27-1 et. seq.

County Road - A public road for which the County of Monmouth has the right-of-way and or owns in fee, that is maintained by the county.

County Road Plan – A plan that depicts the existing roads that are maintained by the County of Monmouth and potential county roads. The plan designates the planned right-of-way width of each existing and potential county road and includes desirable typical sections for various county road configurations.

Culvert - A structure having a clear span of less than 20 feet designed to convey water under a road, pedestrian walk, driveway or railroad, and which is not incorporated in a closed drainage system.

Curb Return - Curb along the curved or flared radius of a road or driveway opening which extends from a point tangent to the adjacent traveled lane, paved shoulder or deceleration lane to a point tangent to the intersecting road or driveway.

Deceleration Lane - The auxiliary speed-change lane of a road for use by vehicles leaving the adjacent through roadway and entering an intersecting lane, road or driveway.

Development - Any activity involving the subdivision of land or installation of a structure, or a change in the use of land, including, without limitation thereto, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation of land, paving and any use or change in the use of any building or other structure, or of any land or expansion or extension of use of land, which requires review and approval under the provisions of these regulations or the County Planning Act (N.J.S.A. 40:27-6.2 and 40:27-6.6 et. seq.).

Developer - The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

Developer/County Agreement - means a written agreement between the County of Monmouth and a developer setting forth those rights, duties and obligations of the parties which are related to, and consistent with, the development approval granted by the Monmouth County Development Review Committee.

Development Regulations - The rules, submission requirements, procedures, design criteria, and standards contained in this document adopted by the Monmouth County Board of Chosen Freeholders.

Development Review Committee (DRC) - A committee of the Monmouth County Planning Board consisting of four (4) full members including the planning director and the county engineer and four (4) alternate members. The alternates are two citizen members of the planning board who serve in place of the other citizen members of the committee, the assistant county planning director who serves in place of the county planning director and the assistant county engineer who serves in place of the county engineer. The DRC is vested with the power to review and approve subdivisions and site plans pursuant to the County Planning Act (Title 40, Chapter 40:27-6.8).

Easement and Right-of-way for County Road Purposes – Provides the county with the right to go on the easement area as described in a deed, with necessary labor, equipment, vehicles and material at any and all times for the purposes of constructing, maintaining, repairing, renewing, enlarging or replacing the designated county road. The easement and right-of-way also grants the county the right to construct and/or relocate ditches, clear, construct slope, grade, fill, install topsoil and seed, plant and maintain trees and shrubs, stabilize soil, prevent erosion and allow the relocation and maintenance of utilities.

Final Subdivision Plat - A plat, map, or a survey of lands drawn in accordance with the requirements of “The New Jersey Map Filing Law” Chapter 141, P.L. 1960, for filing in the office of the Monmouth County Clerk. The final plat must contain all easements and rights-of-way of record.

Impervious Surface - A surface which has been compacted or covered with a layer of pavement, concrete, cement or other building materials so that it is highly resistant to infiltration by water.

Institute of Transportation Engineers (ITE) – Trip generation rates for various land uses are found in the Institute of Transportation Engineers Trip Generation Manual.

Loading Area - A designated area, where automobile parking is prohibited, for the purpose of loading and unloading vehicles that deliver and/or retrieve goods and items to and from the site.

Maintenance Bond or Guarantee - Any security that is in a form acceptable to the County Counsel to assure the maintenance of required improvements installed by a developer for a period of two years after the completion and acceptance of such improvements or after the release of the developer's performance guarantee which was posted to assure the satisfactory installation of the improvement.

Major Subdivision – For the purposes of these regulations a major subdivision is a subdivision that creates three (3) lots or more excluding the remainder or contains a new street(s).

Manual on Uniform Traffic Control Devices (MUTCD)- A manual published by the National Committee on Uniform Traffic Control Devices and approved through official rulings by the Federal Highway Administration.

Marginal Access Road/Service Road - An internal street running along the edge of a development, generally parallel to a major public road, which provides access to more than one lot so that the individual lots do not have direct access to the major roadway but rather have joint access to the major roadway via a common access point.

Minor Subdivision - A subdivision of land that creates two (2) lots or less excluding the remainder, and does not contain any new streets.

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

Off-Tract improvements – The widening, extension, expansion, re-alignment, enhancement, construction or reconstruction of a road and/or drainage structure or facility including but not limited to: additional lanes, pavement width, medians, barriers, curb, drainage systems, structures and facilities, traffic signals and equipment, traffic control devices, guiderail, shade trees and other landscaping, etc.

Off-Street Parking – A temporary storage area for a motor vehicle that is directly accessible to a drive isle and that is not located along a public street.

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

Performance Guarantee - A security such as a surety bond, letter of credit, certified check or Bank cashier's check in a form approved by the County Counsel that is posted by the developer to assure the satisfactory installation of county road and drainage improvements

and/or to assure the preparation of plans, parcel maps and permits for the installation of county road and drainage improvements. Sample form performance guarantees may be found on the Monmouth County Planning Board web site @ WWW.MONMOUTHPLANNING.COM

Pre-Application Meeting – A meeting attended by the applicant and/or the applicant’s representatives and staff of the county planning and engineering departments which affords the developer the opportunity to informally present a development proposal to obtain recommendations from the county staff relative to county road access, county drainage improvements and information that should be submitted with the formal application. The recommendations made by the county planning and engineering staff on a development proposal are not binding on the Monmouth County Development Review Committee.

Preliminary Plan - The preliminary map that includes construction details depicting the proposed layout of the development and all associated improvements including but not limited to existing and proposed water and sewer facilities, roads, topography, vegetation, grading and drainage improvements, flood plains, wetlands and waterways, demolition, landscaping, the location of existing and proposed buildings, driveways, parking lots, walkways, signs and lighting, phasing of construction, easements and rights-of-way, drawn in accordance with the plan detail requirements contained in these regulations.

Right-of-Way - a strip of land partially occupied by a cartway to convey vehicles, pedestrians and utilities. The right-of-way is a demarcation of the physical area controlled by a designated entity, authority or political body. The right-of-way generally extends outside the edge of the roadway and is generally consistent with the adjacent property lines.

Road – Any existing or proposed street, avenue boulevard, lane, parkway, or freeway that is approved by law and accepted by the authority that maintains jurisdiction of the right-of-way that includes the land between the right-of-way lines, whether improved or unimproved, over which the public has the right to travel and may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking lanes.

Road Opening Permit - A permit issued by an authorized representative of the Monmouth County Road Department pursuant to resolution of the Board of Chosen Freeholders, approving the construction or reconstruction of curbs, gutters, pavement, guiderail, traffic signals and equipment, other traffic control devices, utility trenches and installations, planting or cutting of shade trees, excavation within the county right-of-way or any similar operation involving tearing up, opening, excavating or connecting to any portion of a County road right-of-way or a county drainage structure or facility.

Sight Triangle Easement - The rights and restrictions to the area established at street or driveway intersections in accordance with the requirements of these regulations, in which nothing shall be erected, placed, planted or allowed to grow in such a manner as to obstruct the view of a driver exiting a street or driveway that intersects a county road, between a height of two feet and ten feet above the center line grade of either intersecting street or road. The County shall have the right to enter the easement area and remove any obstruction to vision within the sight easement area not conforming to these standards.

Site Plan - A development plan of one or more existing lots, plots, partitions or a subdivided lot or lots, that shows all the information required by and drawn to the specifications contained in these regulations and that shows the existing and proposed conditions on the site including but not limited to topography, vegetation, drainage, flood plains, wetlands and waterways, the location of existing and proposed buildings, driveways, parking lots, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures, signs and lighting, phasing of construction, easements and rights-of-way.

Sketch Plat/Plan – A schematic plan of a subdivision or site plan of sufficient accuracy that contains the plan details required in these regulations to be used for the purpose of discussion and formulation of recommendations by the county planning and engineering staff.

Streetscape - The natural and manmade features that are perceived within and along a street or road which may include but is not limited to trees, plantings, ornaments, fences, pathways, walls, building facades, road surfaces and signs.

Subdivision - The division of a lot, tract, or parcel of land into two (2) or more lots, tracts, parcels, the adjustment of boundaries between two or more lots, or other divisions of land for sale or development. The following shall not be considered subdivisions within the meaning of these regulations if no new streets are created:

1. Divisions of land for agricultural purposes where all resulting parcels are five (5) acres or larger in size;
2. Divisions of land 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;
5. Conveyance of one or more adjoining lots, tracts or parcels of land, owned by the same person or persons.

The term “subdivision” also includes the term “re-subdivision” as defined by C.40:55D

Traffic Control Devices – All traffic signs, signals, markings, and devices placed on, over, or adjacent to a street, road or highway that comply with the Manual of Uniform Traffic Control Devices, requirements of the New Jersey Department of Transportation and/or the Monmouth County Traffic Safety Engineering Division as applicable.

Traveled Way - The portion of the roadway provides for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

Utility - Any sewerage authority created pursuant to the “sewerage authorities law,” P.L.1946, c.138 (C.40:14A-1 et seq.); any utilities authority created pursuant to the “municipal and county utilities authorities law,” P.L.1957, c.183 (C.40:14B-1 et seq.); or any utility, authority, commission, special district or other corporate entity not regulated by the Board of Regulatory Commissioners under Title 48 of the Revised Statutes that provides gas, electricity, heat, power, water or sewer service.

12.00 VALIDITY / SEPARABILITY

If any part or provision of these regulations is adjudged to be invalid by a court of competent jurisdiction, such adjudication shall not affect the validity of the remaining portions of these regulations. All resolutions or regulations or parts thereof which are inconsistent with the provisions of these regulations are hereby repealed to the extent of such inconsistency.

13.00 REPEAL OF CONFLICTING RESOLUTIONS AND REGULATIONS

All resolutions or regulations or parts thereof which are inconsistent with the provisions of these regulations are hereby repealed to to the extent of such inconsistency.

PROCEDURES FOR PROCESSING SUBDIVISION APPLICATIONS

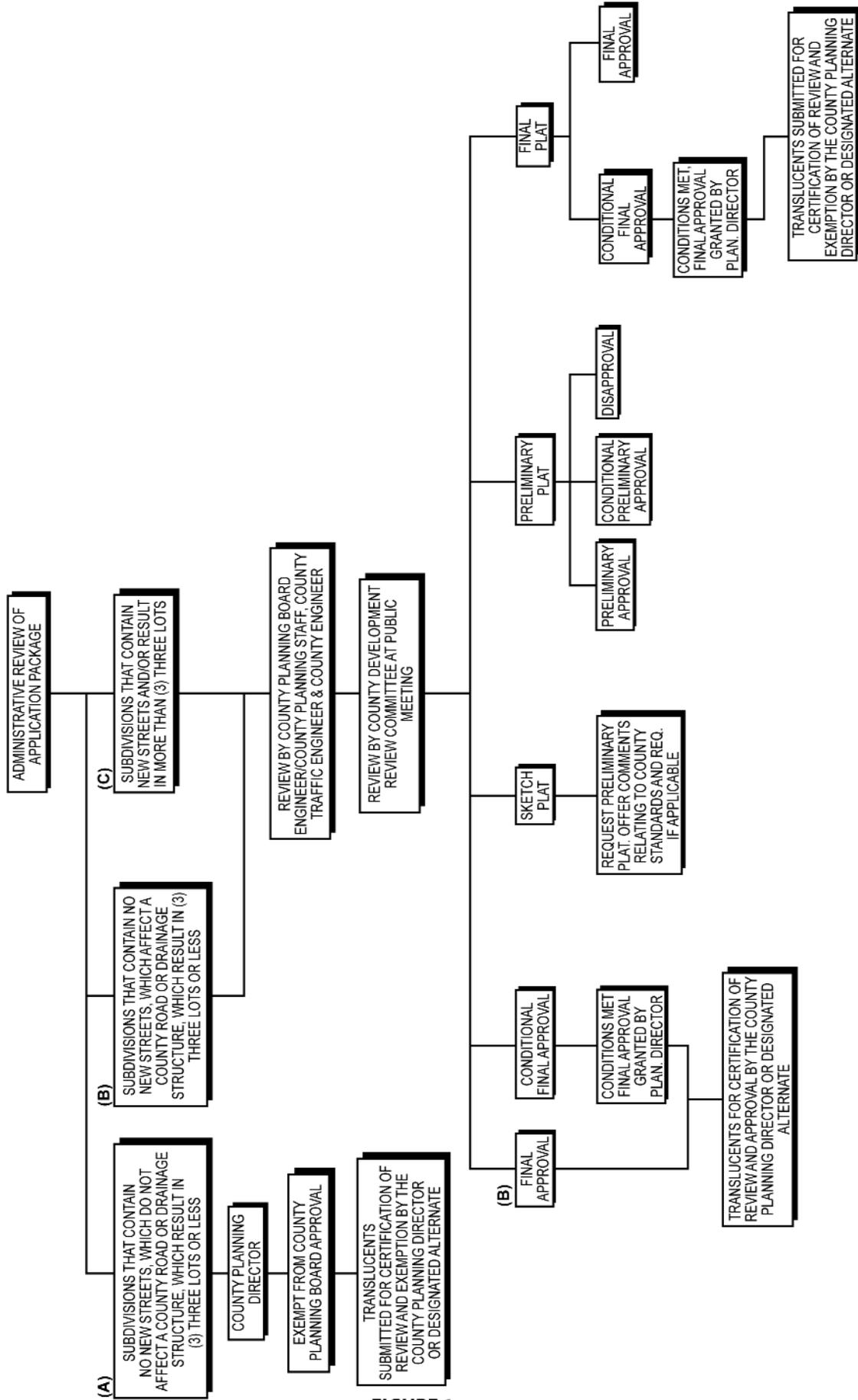


FIGURE 1

PROCEDURES FOR PROCESSING SITE PLAN APPLICATIONS

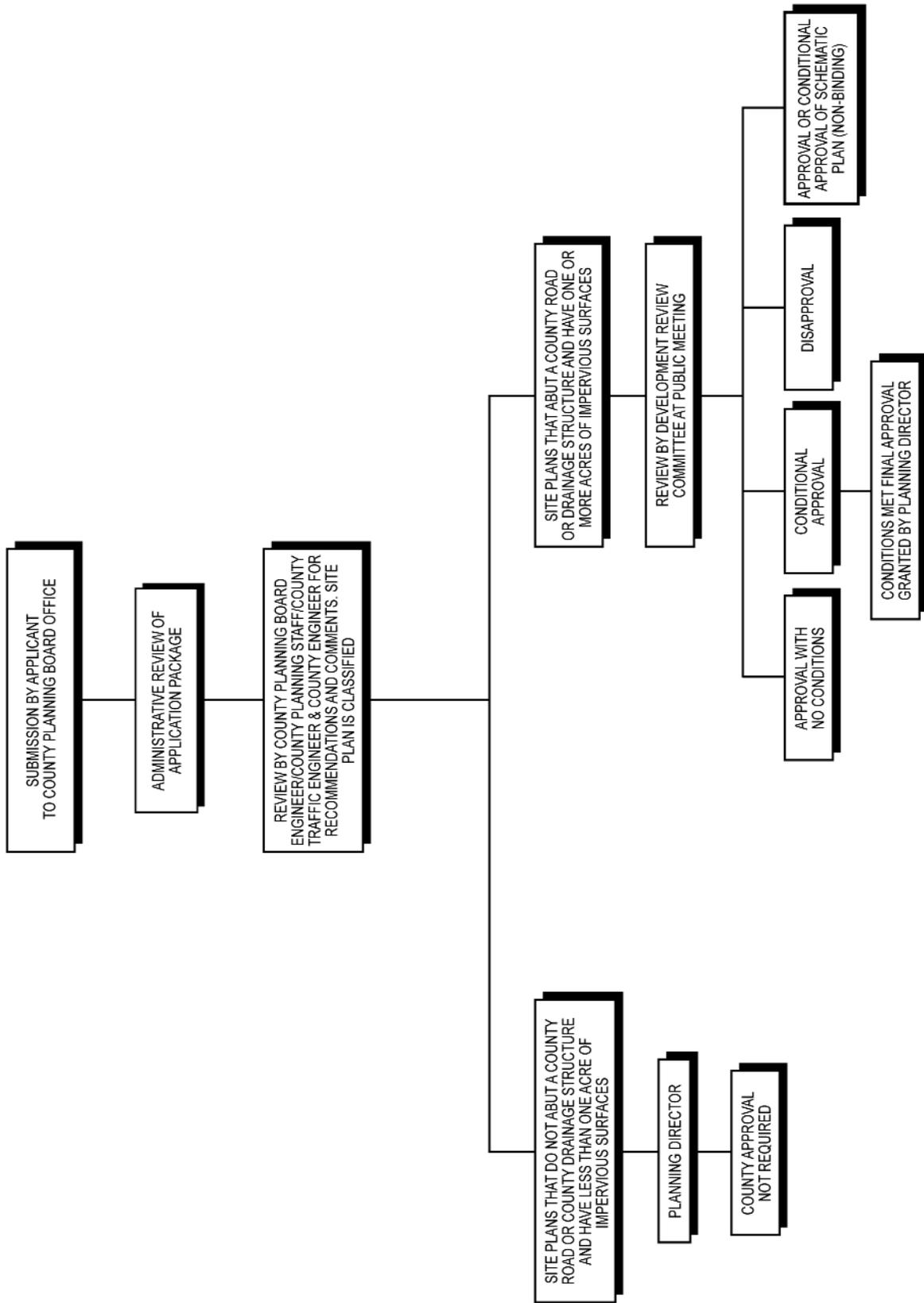


FIGURE 2

BOARD OF CHOSEN FREEHOLDERS

Harry Larrison, Jr., Director
Thomas J. Powers, Deputy Director
Theodore J. Narozanick
Amy H. Handlin
Edward J. Stominski

MONMOUTH COUNTY PLANNING BOARD

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Frederick Storz, Vice-Chairman
James Giannell
George Illmensee
Paul Kiernan, Jr.
William D. Warters
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Thomas J. Powers, Freeholder Deputy Director
Theodore Giannechini, PE/PLS/PP, County Engineer

Alternates

Mollie Giamanco
Sam P. Alfano
Amy H. Handlin, Freeholder
Joseph Ettore, PE, Deputy County Engineer

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Bonnie Goldschlag, AICP/PP, Assistant Director of Planning
Geri Elias, Secretary to the Board
Mark Aikins, Esq., Counsel to the Board

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Geri Elias, Administrative Secretary

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Owen Redmond, Assistant Section Supervisor
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Research and Special Studies

Richard Mount, Section Supervisor
Yen-Quen Chen

Solid Waste & Recycling

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Jim Brown
Kevin Ganson
Fran Metzger
John C. Minton

Transportation

Jeffrey Vernick, AICP/PP, Section Supervisor
Hadassah Davids
Matt Shipkey, AICP

