

**SUBDIVISION REVIEW RESOLUTION
BERGEN COUNTY, NEW JERSEY**

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I. DEFINITIONS FOR SUBDIVISION RESOLUTION:

A. Definitions:

1. Abutting County Road -- Any existing or proposed County Road shown on the adopted County Master Plan or official map which adjoins a lot or parcel of land submitted for approval under this resolution.
2. Adverse Drainage Condition - Exists when due to the absence of drainage facilities or drainage easements of such size, design, location, construction, or condition, in a drainage-way leading to, along, or through a County Road or County Drainage structure, within or exterior to a proposed subdivision, that could result in one or more of the following adverse drainage conditions:

flooding, erosion, silting or other damaging effects to a County Road or County Drainage structure and/or damage to private property.
3. Agricultural Purposes - Farming and related pursuits not including the erection, alteration, enlargement, occupancy or use of any building designed for or suitable for residential occupancy.
4. Bridge -- A structure having a clear span in excess of twenty (20) feet designed to convey vehicles and/or pedestrians over a water course, railroad, or highway.
5. County Master Plan -- or "Master Plan" -- A composite of the Master Plan for the physical development of the County, with the accompanying maps, plats, charts and descriptive and explanatory matter adopted by the County Planning Board pursuant to Revised Statute 40:27-2.
6. Culvert -- A structure designed to convey a water course under a road or pedestrian walk not incorporated in a closed drainage system having a clear span of twenty (20) feet or less.
7. Drainage Right-of-Way -- or Drainage Easement -- The land required for the installation of storm water sewers or drainage ditches, or required along a natural stream or water course in order to preserve the channel and provide for the flow therein to safeguard the public against flood damage. (See 40:55-1.2)
8. Easement for County Road Purposes -- An easement to the County for the purpose of installation of utilities, construction, reconstruction, widening, or improving a County Road including the repair and maintenance of the County Road and the construction, reconstruction or alteration of facilities related to the safety, convenience or carrying capacity of the County Road including drainage facilities and traffic control devices.
9. Final Plat -- The final map of all or a portion of a subdivision meeting all of the standards and regulations of this resolution and meeting all of the conditions established by the County Planning Board.
10. Lot -- A parcel or portion of land legally separated from other parcels or

portions by description as on a subdivision or record of survey map or by metes and bounds for the purpose of sale, lease or separate use.

11. Flood Plain -- That area of land adjacent to a brook, stream, river or other waterway that becomes covered with water when the flow of the waterway over tops its banks.
12. Maintenance Bond -- Any security that is acceptable to the County Counsel to assure the maintenance of improvements installed by developers for a period of two (2) years after release of subdivider's performance guarantee with respect to such improvements.
13. New Building Lot -- Any lot being created by a subdivision upon which one or more principal buildings or structures could be erected under the provisions of the Municipal Zoning Ordinance in the municipality in which said lot is located.
14. Official County Map -- The map, with changes and additions thereto, adopted and established, from time to time, by resolution of the Board of Chosen Freeholders of the County pursuant to Revised Statute 40:27-5.
15. Owner -- Any individual, firm, association, syndicate, co-partnership or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under a Municipal Subdivision Ordinance and this resolution.
16. Performance Guarantee -- Any security approved by the County Counsel which may be accepted in lieu of a requirement that certain improvements be made before the County Planning Board grant Final Approval to a subdivision.
17. Preliminary Plat -- The preliminary map indicating the proposed layout of the subdivision showing or being accompanied by all of the information required under Plat Details for Preliminary Plats.
18. Reporting Period -- The County Planning Board shall have 30 days in which to submit a report on a subdivision to the municipality involved, commencing with the receipt of all required information contained in this resolution. A letter to the municipal approving authority from the County Planning Board, indicating a need for additional information, plan changes or compliance with standards shall be considered as notice to municipal authorities and fulfill the reporting requirement. In the event that additional information or clarification is required an additional 30 day review period will commence upon the receipt of the required information, response to inquiry or revised plat.
19. Siltation Basin -- A temporary facility, designed in accordance with the standards of this resolution, to collect silt and eroded soil resulting from grading the area of a subdivision, for the purpose of limiting the deposit of silt and eroded soil in streams and brooks.
20. Sketch Plat -- The sketch map of a subdivision of sufficient accuracy to be

used for the purpose of discussion and meeting the requirements for Plat Details under this resolution.

21. Street - Any street, avenue, boulevard, road, lane, parkway or freeway which is an existing State, County or Municipal Roadway, or a street or way showing upon a plat heretofore approved pursuant to law. This includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the street lines.
22. Subdivider -- Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings, under the provisions of a Municipal Subdivision Ordinance and this resolution to effect a subdivision of land for himself or for another.
23. Subdivision -- The division of a lot, tract or parcel of land into two (2) or more lots, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development; except that where no new streets or roads are involved, the following divisions shall not be considered subdivisions: Divisions of land for agricultural purposes where the resulting parcels are three (3) acres or larger in size. Divisions of land by testamentary or intestate provisions, or divisions of land upon court order. "Subdivision" also includes resubdivision, and where appropriate to the context, relates to the process subdividing or to the lands or territory divided.
24. Subdivision, Major or Minor -- Subdivision classified as major or minor by the appropriate municipal authority pursuant to the applicable municipal ordinance.
25. Subdivision Application -- The County of Bergen's application for review and/or approval of Real Estate Subdivision. This application, available at the County Planning Board office, states the requirements needed before review can begin, time limit of application and related fees.
26. Subdivision Review Team -- A team of County specialists which meets weekly to review submitted subdivisions in accordance with the standards and criteria established in this resolution. This team is comprised of members from the County Department of Public Works, County Shade Tree Commission, and County Planning Board, and other County specialists where needed.
27. Water Course - Any natural swale, stream, brook or river which is the natural course of storm or running water through which water flows ordinarily and frequently but not necessarily continuously. This definition includes water courses which have been artificially realigned or improved.

II. PROCEDURE

A. General Regulations:

1. All subdivision of land within Bergen County shall be submitted to the

County Planning Board for review.

2. All subdivision of land within Bergen County that affects County roads or drainage facilities as set forth herein shall be submitted to the County Planning Board for review and approval.
3. A subdivision of land within Bergen County that has been classified as a minor subdivision or is exempt from municipal approval - pursuant to 40:55-1.14 - and does not abut or affect County roads or drainage facilities shall be deemed to have been reviewed by the County Planning Board upon receipt of a copy of the sketch plat of said subdivision and shall not require response from the County Planning Board to the municipal agency, however the County Planning Board reserves the right to issue comments thereon. Subdivisions in this category need not submit a copy of the County Application for Review and/or Approval of Real Estate Subdivision or County application fee.
4. Applications for review and/or approval of proposed subdivisions shall be submitted to the County Planning Board with copies of the plat by the applicant who shall be required to sign a statement to the effect that the sketch plat has been duly filed with the appropriate local official, or they may be submitted by the Municipal Official designated to receive such applications on behalf of the local planning board.
5. The action taken by the County Planning Board on all subdivisions requiring approval shall be duly set forth in writing with a copy of said report to be submitted to the local planning board and the applicant. Said report and all additional reports as needed shall set forth all conditions required for County approval and if disapproved, all reasons for said disapproval.
6. If the County Planning Board fails to report to the municipal authority within the thirty (30) day reporting period, said subdivision application shall be deemed to have been approved by the County Planning Board unless an extension is granted under the terms of this resolution.

B. Submission of Sketch Plat

1. Within thirty (30) days of the receipt of three (3) copies of the sketch plat, which shall conform to section IIIA of this resolution, and three (3) copies of the County Application for Review and/or Approval of Real Estate Subdivision, along with the necessary application fee, the County Planning Board shall take one of the following actions:
 - a. Review the subdivision if it has been classified as a major subdivision or is not exempt from municipal approval - pursuant to 40:55-1.14 - and offer comments relating to County standards and requirements or suggestions for modifications or changes to be incorporated on the preliminary plat. A review of the preliminary plat by the County Planning Board shall also be required.
 - b. Review the subdivision if it has been classified as a minor

subdivision or is exempt from municipal approval - pursuant to 40:55-1.14 - and abuts a County road or creates an adverse drainage condition or affects a County road or drainage facilities and provide comments relating to County standards and requirements in accordance with this resolution.

- (1) If no performance guarantee is required by the County, the Planning Director shall be authorized to approve the subdivision and waive right to further review.
- (2) If performance guarantees are required by the County, further processing of the subdivision will follow the procedures set forth in Section C-4 of this resolution. Upon completion of these steps the County Planning Director shall be authorized to approve the subdivision and waive any further right to review.

c. Disapprove the subdivision.

2. The submittal of the sketch plat and County subdivision application form shall be accompanied by the required initial investigation fee as set forth in the Board of Chosen Freeholders resolution dated April 7, 1965, and as amended.

C. Submission of Preliminary Plat

1. Five (5) legible prints of the preliminary plat, which shall conform to Section IIIB of this resolution, shall be submitted to the County Planning Board for those subdivisions where the submittal of a preliminary plat is required.
2. Copies of the preliminary plat and County subdivision application form shall be distributed by the County Planning Board to the members of the County Subdivision Review Team for an evaluation of the subdivision in accordance with the standards and criteria established in this resolution.
3. Within the thirty (30) day reporting period the County Planning Board shall take one of the following actions:
 - a. Send a letter to the municipal planning board stating the recommendations, comments or requirements of the Subdivision Review Team regarding the subdivision or;
 - b. Prepare a Joint Report if all requirements of this resolution have been met. the joint Report will contain the recommendations of the Subdivision Review Team and list County requirements and amount of performance guarantees, payments in lieu of improvements and proportionate share of future installation of drainage facilities. If any, as determined by the County Engineer.
4. If performance guarantees are necessary the Report will be forwarded to the County Counsel's office with a copy of the plat. Copies of the Report will also be sent to the County Engineer, Board of Chosen Freeholders and

municipal planning board. The County Counsel's office will prepare a form of agreement and transit it to the developer for execution.

- a. Upon the receipt of executed agreement, necessary bond, inspection fees and payments, the County Counsel will prepare the necessary resolution for adoption by the Board of Chosen Freeholders.
 - b. Before the County Planning Board may sign the original map for filing, the Planning Board must be in receipt of a copy of the resolution approved by the Board of Chosen Freeholders indicating that an agreement between the County and developer has been executed, necessary bond provided and all fees and payments made, if required.
5. If no bond is necessary the Joint Report will be forwarded to the Board of Chosen Freeholders with a copy of the plat and application. Copies of the report will also be sent to the County Engineer's office, Road Department and municipal planning board.
- a. Before the County Planning Board may sign the original map for filing, the Planning Board must be in receipt of notice from the Clerk to the Board of Chosen Freeholders indicating that no bond is required.

D. Submission of Final Plat

1. Upon receipt of action of the Board of Chosen Freeholders, the County Planning Board will notify the municipality that the subdivision meets with the requirements of this resolution and that the original final plat may be submitted to the Planning Board for final approval.
2. The final original map must be submitted to the County Planning Board at least five (5) working days prior to a regularly scheduled Planning Board meeting.
 - a. The final plat shall conform to Section IIIC of this resolution.
 - b. If substantial revisions are incorporated on the final plat, a revised preliminary plat shall be submitted to the County Planning Board for processing as a revised preliminary plat.
3. At the next regular County Planning Board meeting, the Subdivision and Zoning Committee will submit the subdivision to the Board, which will take one of the following actions:
 - a. Approve the subdivision if all preliminary plat conditions and requirements have been met and the map does not contain substantial revisions.
 - b. Disapprove the subdivision.
4. Upon the approval of the County Planning Board, the Chairman of the Board, or in his absence an alternate representative designated by the Planning Board, shall sign the original tracing to be filed with the County

Clerk recording the action taken by the County Planning Board.

E. Other Regulations

1. In instances where performance guarantees are required the County Public Works Department and County Engineer's office will provide the necessary inspection follow-up for the work and will submit to the Board of Chosen Freeholders a completion report when the work has been completed. (If, for any reason, the work cannot be completed, the Public Works Department and County Engineer's Office will submit a report setting forth the reasons therefore, for consideration by the Board of Chosen Freeholders, with a copy to the County Counsel.)
 - a. Where the work has been completed, the Board of Chosen Freeholders will then adopt a resolution and authorize a release of the bond. Copies of this resolution will be sent to the County Counsel and County Treasurer, the applicant, the bonding company, the Public Work Department, the Planning Board and the County Engineer's Office.

III. PLAT DETAILS:

A. Sketch Plat -- Minimum plat details required for review by County Planning Board.

1. A key map showing the entire subdivision and the proposed street pattern in the area to be subdivided and the relationship of the tract to the surrounding area.
2. The sketch plat shall be based on tax map information or some other similarly accurate base at a scale not less than 200 feet to the inch to enable the entire tract to be shown on one sheet and shall show or include the following information:
 - a. The name of the subdivision, the Municipal tax map sheet, block and lot number, date, reference meridian and scale.
 - b. Name and address of owner, subdivider and person preparing plat.
 - c. The location of that portion which is to be subdivided in relation to the entire tract.
 - d. Acreage of the entire tract and of the area being subdivided to the nearest tenth of an acre.
 - e. The location of all existing structures within the tract to be subdivided with an indication of intended retention or removal of same.
 - f. Name of owner of all adjoining property.
 - g. All existing and proposed streets or roads within or adjoining the proposed subdivision with the right-of-way widths clearly indicated.
 - h. The location of existing and proposed property lines with proposed lot dimensions and size in square feet.

- i. The number of new lots created.
 - j. Building set back lines, location of proposed driveways and structures.
 - k. The locations, size and direction of flow of all streams, brooks, and other drainage facilities in the area to be subdivided or properties adjoining the subdivision.
 - l. The location and width of all existing and proposed drainage and utility easements in the area to be subdivided.
 - m. Municipal boundaries.
 - n. North arrow.
 - o. Scale of the plat.
- B. Preliminary Plat -- Minimum plat details required for acceptance. All preliminary plats and accompanying drawings shall be of a size to conform with the specifications of the Map Filing Act. In addition to the information required on the sketch plat, the following data is also required for review of the Preliminary Plat.
- 1. The Plat shall show or be accompanied by profiles and cross-sections of proposed streets within the subdivision and existing streets and highways abutting the subdivision. The typical cross-section of streets shall clearly indicate the type of width of pavement and location of curb, location of sidewalks and shade tree planting strips. At intersections with County Roads the radius of curblines shall be clearly indicated.
 - 2. Contours, existing and proposed, shall be provided at two (2) foot intervals for all slopes of a 10% grade or less, five (5) foot intervals may be used for all slopes greater than a 10% grade. All contour lines shall be referenced to the "New Jersey Geodetic Control Survey Datum".
 - 3. All existing water courses shall be shown and accompanied by the following information or data:
 - a. When a brook or stream is proposed for alteration, improvement, or relocation, or when a drainage structure is proposed on a running stream, evidence of submission of the proposed improvement to the New Jersey Division of Water Policy and Supply shall accompany the subdivision.
 - b. Cross-sections of water courses at an appropriate scale showing extent of flood plain, (if defined), top of bank, normal water level and bottom elevations at the following locations.
 - (1) At any point where a water course crosses a boundary of the subdivision.
 - (2) At 50 foot intervals for a distance 300 feet upstream and 300 feet downstream of any proposed culvert or bridge within or adjacent to the subdivision.

- (3) At a point 10 feet upstream and downstream of any point of juncture of two or more water courses.
 - (4) At a maximum of 500 foot intervals along all water courses which run through or within 50 feet of the subdivision.
 - c. When ditches, streams, brooks, or water courses are to be altered, improved or relocated, the method of stabilizing slopes and measures to control erosion and siltation as well as typical ditch sections and profiles shall be shown on the plan or accompany it.
 - d. The boundaries of all flood plains within 50 feet of the subdivision (if defined).
 - e. Profile of stream bed two hundred (200) feet upstream and downstream from proposed property limits of development.
4. The total approximate acreage in the drainage basin of any water course running through or within 50 feet of a subdivision in the area upstream of the subdivision.
 5. The total acreage in the drainage basin to the nearest downstream drainage structure and the acreage of the subdivision which drains to the structure.
 6. The location and extent of drainage and conservation easements and stream encroachment lines. The extent of the easement and encroachment lines shall be determined in conformance to accepted engineering standards.
 7. The location, extent and water level elevation of all existing or proposed lakes or ponds within 50 feet of the subdivision.
 8. The preliminary plat shall show or be accompanied by plans and computations for any storm drain systems including the following:
 - a. All existing or proposed storm sewer lines affecting the subdivision showing size and profile of the lines, direction of flow and the location of each inlet, manhole, and other appurtenance along with appropriate invert elevations and other elevations where required.
 - b. The location and extent of any proposed dry wells, ground water recharge basins, retention basins or other conservation devices.
 9. The preliminary plat shall show or be accompanied by plans showing existing and proposed sanitary sewerage facilities serving the subdivision including the following:
 - a. Location, size and slope of all sanitary sewer lines, pumping stations, and connections to existing facilities.
 - b. Location of any proposed sanitary sewage treatment plants together with evidence of submission of plans to the appropriate governmental agencies.

- c. Location of existing and proposed septic fields.
 - 10. Identification of lands to be dedicated or reserved for public use.
 - 11. The location of any other underground utilities and the easements to accommodate them shall be clearly indicated on the plan.
 - 12. The location of structures on all adjoining lots.
- C. Final Plat -- Minimum plat details required for acceptance of a final plat by County Planning Board.
 - 1. Plat must be drawn in conformance with the provisions of the Map Filing Act and contain in all the requirements for drainage easements, encroachment lines, and new or additional rights-of-way or easements for County Roads, established by the County Planning Board for the preliminary plat.

IV. DESIGN STANDARDS:

A. General

The design of any subdivision shall conform to the proposals and standards contained in the adopted County Master Plan or Official Map for County Roads and drainage facilities and the standards and requirements contained in this resolution.

B. Streets

- 1. The right-of-way requirements for existing and proposed County Roads shall conform with the standards contained in the adopted County Master Plan and Official Map.
- 2. Subdivisions that adjoin or include existing County Roads that do not conform to widths as shown on the adopted County Master Plan or Official Map shall dedicate, under Section 40:27-6.2 (b) of the Laws of 1968, Chapter 285, additional width along either one or both sides of said road. If the subdivision is along one side only, one-half (1/2) of the required extra width shall be dedicated, measured from the existing center line of the right-of-way. Where existing County drainage structures are involved, they shall be widened to conform with the required right-of-way width.
- 3. Where by reason of special or unusual conditions or to conform to the adopted Master Plan or Official Map, said total additional right-of-way is to be secured from just one side of an existing road, only one-half (1/2) of the additional right-of-way may be required to be dedicated and the remaining area proposed for right-of-way shall be reserved for future acquisition and all building setbacks shall be measured from the limits of the reserved area.
- 4. When a subdivision results in lots abutting County Roads, and the subdivision has more than 1000 feet of frontage or ten lots or more on a County Road, one of the following, under Section 40:27-6.2 (c) of the Laws of 1968, Chapter 285, shall be required:
 - a. A marginal service road, or

- b. The frontage shall be reversed so that the lots contiguous to such County Road will front on an internal street with no direct access to the County Road.
 - c. Where a subdivision involves lands with frontage on a County Road, which, due to its size, shape or other peculiar or unusual circumstance makes the provision of a marginal road or reverse frontage impractical the lot or lots in said subdivision shall have driveways so laid out that it is possible to turn passenger vehicle into the County Road.
5. Where subdivisions abut County Roads and marginal roads or reverse frontage are provided, the improvements to the County Road shall be limited to the following:
- a. Drainage facilities made necessary by the construction of the subdivision.
 - b. Uniform grading of the additional right-of-way or easement for County Road purposes with a minimum slope of one quarter (1/4) inch to the foot toward the pavement of the County Road. Top soil shall be uniformly distributed over the graded area and the area seeded.
 - c. Curbs for a distance of two hundred (200) feet from the curb return each side of any new road connecting with a County Road at a distance from the center line of the County Road as required by the County Engineer. In addition to the two hundred (200) feet of curb each side of the intersection, a transition of the curb to one (1) foot off the existing pavement shall be provided. The transition shall be at a uniform rate of ten (10) feet of curb for each foot of offset from the existing pavement.
 - d. The area between the existing pavement and new curb shall be improved in accordance the specifications approved by the County Engineer.
6. New curb shall be provided along all County Roads in conformance with the standards and specifications approved by the County Engineer as stated in the New Jersey State Highway Dept. manual of Standard Specifications for road and Bridge Construction, 1961, and as revised.
7. No subdivisions with frontage on a County Road will be approved if access to the County Road is provided by a private street which is not constructed to minimum municipal standards.

C. Road Intersections

- 1. Streets or roads connecting with any road in the County Road System shall be at right angles wherever possible, and intersections of less than sixty (60) degrees (measured at the center line of streets) shall not be permitted.

2. Only one new street connecting with the County Road System will be permitted for a subdivision except those subdivisions with frontage on a County Road in excess of 1000 feet. In those cases, streets shall not connect with the same side of a County Road at intervals of less than eight hundred (800) feet. In the spacing of streets consideration will be given to the location of existing intersections on both sides of the development. Streets which connect with the County Road System from opposite sides of a County Road should not be offset.
3. The minimum practical grades shall be maintained on street connecting with County Roads on the approaches to the intersection.
4. Where any road classified as a Primary or Secondary Road in the adopted County Master Plan or Official Map intersects either a Primary or Secondary Road in the County System, the right-of-way requirement shall be increased by ten (10) feet from center line on each side of both roads for a distance of two hundred and fifty (250) feet from the intersection of the center lines.
5. The radii of curbs at intersections where either road or both roads are in the County Road System shall meet the requirements as set by the County Engineer but in no case shall the radii be less than thirty (30) feet.
6. The Radii of right-of-way lines at intersections where either road or both roads are in the County Road System shall be twenty-five (25) feet.

D. Driveways

On lots abutting a County Road, the driveways shall, if possible, be so laid out as to allow passenger vehicles to turn around on the lot in order to make it unnecessary to back any passenger vehicle onto the County Road.

E. Sidewalks

Each subdivision subject to County approval shall provide a sidewalk within the County road right-of-way if such is required by any zoning, subdivision, site planning or other ordinance of the municipality in which the land development is to be located.

F. Drainage

1. Each subdivision submitted to the County Planning Board shall be reviewed by the County Engineer to establish requirements to prevent an adverse drainage condition relating to a County Road or County drainage facility.
 - a. Adequate drainage facilities shall be required relating to County Roads where a subdivision would create an adverse drainage condition as a result of the construction of the development.
 - b. The drainage system shall be designed in conformance to accepted engineering standards. In order to facilitate the review of the proposed drainage system the design calculations shall accompany the preliminary plat.
 - c. Inlet spacings shall not exceed five hundred (500) feet or a design

inlet flow of 6.0 cfs, whichever condition shall be more stringent. Access manholes shall be spaced at five hundred (500) feet intervals (maximum) through rights-of-way and at sewer junctions where there are no catch basins.

- d. "Dish" street intersections are not permissible. Sufficient catch basins shall be installed at each street intersection to avoid gutter overflow and at low points in the street grade.
 - e. Pipe used shall be circular reinforced concrete pipe (minimum size 18 inches) Class III Wall B or its hydraulic equivalent unless otherwise directed by County Engineer and laid with not less than two (2) feet depth of cover over top of pipe wherever possible.
 - f. Catch basins and manholes shall be constructed in accord with New Jersey State Standard Specifications for Road and Bridge Construction, 1961 Edition, as amended. Casting curb head height shall conform to New Jersey State Standards.
 - g. Ends of pipe starting, or terminating, in an open ditch shall have suitable headwalls.
2. The County may assume responsibility for the future maintenance of culverts or bridges on new public roads within developments when approved by the County before construction, subject to the following conditions:
- a. The drainage basin upstream of proposed bridge or culvert exceeds one half (1/2) square mile (320 acres) in area.
 - b. Application has been made and a permit issued by the New Jersey Division of Water Policy and Supply for the proposed structure.
 - c. The structure is designed to carry A.A.S.H.O. H20-44 loading.
 - d. Deck width of culverts and bridges shall be the full width of the road right-of-way.
 - e. Plans and specifications of proposed structure be submitted to and receive approval of the County Engineer.
 - f. Notification of commencement of construction so that periodic inspections can be made by County.
 - g. Final inspection by County Engineer and certification by Municipal Engineer that the construction is in accord with the approved plans and specifications, as approved by the County Engineer.
3. Widening of Existing County Bridges and Culverts in Connection with Subdivision.
- a. Where developer's road frontage includes both sides of stream and the existing structure has adequate waterway area and is not scheduled for early replacement by reason of structural inadequacy,

the developer shall widen culverts and bridges to the full width of proposed right-of-way. Plans for proposed work shall have the approval of the New Jersey Division of Water Policy and Supply and the County Engineer. The County Engineer upon approving plans will set the amount of bond to be posted to guarantee the satisfactory completion of the work. A cash payment in lieu of actual construction may be made. The amount of such cash payment shall be determined by the County Engineer using current competitive bid prices for the units involved.

- b. Prior to commencement of construction developer will be required to obtain a permit from the Bergen County Engineer. All requirements of the permit will prevail except that no additional posting of bond will be required.
 - c. Where the developer's road frontage includes both sides of stream and the existing structure is scheduled for early replacement, the developer shall make a cash payment sufficient to cover his pro-rata share of the improvement. The amount of such cash payment shall be determined by the County Engineer using current competitive bid prices for the units involved.
 - d. In cases where developer's road frontage includes only one side of a stream, the developer shall make a cash payment sufficient to cover his pro-rata share of the cost of the improvement. This cost will be determined by the County Engineer using current competitive bid prices for the units involved.
4. All projects (except residential subdivisions of three or less lots involving no addition of pavement) above an existing County Bridge or culvert will be considered to directly increase the hydraulic requirements of these structures. When the County Planning Board finds that a project would create an adverse drainage condition to a County drainage facility, the developer will be required to pay a proportion of the cost of correcting the condition.

The proportion of the cost of such facilities to be paid by a developer whose proposed subdivision would drain into such facility will be equal to the proportion that the acreage of the proposed subdivision bears to the acreage of the entire drainage area above such facility.

The cost of the drainage facility installation or alteration will be the estimated cost for installing the new facility as calculated by the County Engineer, plus 10% for contingencies.

V. CRITERIA FOR ADJUSTING OR WAIVING REQUIREMENTS

- A. In cases where subdivisions fronting on County Roads include existing structures in a condition to permit use and occupancy, the County Planning Board is permitted to waive or adjust the right-of-way width requirement for the lot upon

which such building or structure is located provided,

1. Such lot created upon which said building or structure exists would be a non-conforming lot pursuant to zoning regulations of the municipality in which the subdivision is located because of inadequate setback, and
 2. The new right-of-way line required under the standards of the County Master Plan would be within ten (10) feet of such building or structure.
- B. Any subdivision with frontage on a County Road which in the opinion of the County Engineer would result in a hazardous traffic condition because of the limited improvement to the County Road may make payment to the County of Bergen of an amount equivalent to the cost of improvements required under this resolution as calculated by the County Engineer.
- C. In cases where a County Road is scheduled for improvement under the Capital Improvement Budget and the improvement will result in a change in alignment or profile of the road which would destroy the improvements undertaken in connection with a subdivision, the developer may contribute monies in lieu of all or part of the improvements required under this resolution. The payments shall be calculated by the County Engineer.
- D. In cases where strict adherence to the provisions of this resolution would, in the opinion of the County Planning Board, prove to be impractical, unnecessary or cause extreme hardship, modifications or exceptions to these provisions may be made.

VI. VALIDATION

A. Validity

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

B. Repeal of Conflicting Resolutions

All resolutions or parts of resolutions which are inconsistent with the provisions of this resolution are hereby repealed to the extent of such inconsistency.

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