

SECTION 6 MINOR SUBDIVISION

- A. The reviewing board may waive notice and public hearing for an application for development if the reviewing board or a subdivision committee of the board appointed by the chairman finds that the application for development conforms to the definition of minor subdivisions set forth in this ordinance. Minor subdivision approval shall be deemed to be final approval of the subdivision by the board, provided that the board may condition such approval on terms, ensuring the provision of improvements pursuant to this ordinance.
- B. Minor subdivision approval shall be granted or denied within 45 days of the date of submission of a complete application or within such further time as may be consented to by the applicant. Failure of the reviewing board to act within the period prescribed shall constitute minor subdivision approval and a certificate of the administrative officer as to the failure of the reviewing board to act shall be issued at the request of the applicant and it shall be sufficient in lieu of the written endorsement or other evidence of approval herein required and shall be so accepted by the county clerk for purposes of filing subdivision plats.
- C. Whenever review or approval of the application by the county planning board is required by NJSA 40:27-6.3, the reviewing board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the county planning board or approval by the county planning board by its failure to report thereon within the required time period.
- D. Except as provided in subsection F of this section, approval of a minor subdivision shall expire 190 days from the date on which the resolution of municipal approval is adopted, unless, within such period a plat in conformity with such approval and the provisions of the "Map Filing Law" (NJS 46:23-9.9), or a deed clearly describing the approved minor subdivision is filed by the developer with the county recording officer, the City engineer and the City tax assessor. Any such plat or deed accepted for such filing shall have been signed by the chairman and the secretary of the reviewing board. In reviewing the application for development for a proposed minor subdivision, the reviewing board may accept a plat not in conformity with the "Map Filing Act", provided that, if the developer chooses to file the minor subdivision as provided herein by plat rather than deed, such plat shall conform to the provisions of said act.

SECTION 6 MINOR SUBDIVISION (Cont'd)

- E. The zoning district requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision approval was granted, shall not be changed for a period of two (2) years after the date on which the resolution of minor subdivision approval is adopted; provided that the approved minor subdivision shall have been duly recorded as provided herein.
- F. The reviewing board may extend the one hundred ninety (190) day period for filing a minor subdivision plat or deed pursuant to subsection C. of this section if the developer proves to the reasonable satisfaction of the planning board (1) that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities or quasi-governmental entities; and that the developer applied promptly for and diligently pursued these approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the planning board. The developer may apply for the extension either before or after what would otherwise be the expiration date.
- G. The reviewing board shall grant an extension of minor subdivision approval for a period determined by the board not to exceed one year from what would otherwise be the expiration date if the developer proves to the reasonable satisfaction of the reviewing board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities or quasi-governmental entities; and that the developer applied promptly for and diligently pursued these approvals. A developer shall apply for the extension before (1) what would otherwise be the expiration date of minor subdivision approval or (2) the ninety-first day after the developer receives the last legally required approval from other governmental entities, whichever occurs later.