

**SENATE, No. 1464**

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**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

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INTRODUCED FEBRUARY 1, 2018

**Sponsored by:**

**Senator PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**SYNOPSIS**

Pertains to certain review and approval responsibilities of land surveyors.

**CURRENT VERSION OF TEXT**

As introduced.



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2

1 AN ACT concerning land surveying and amending various parts of  
2 the statutory law and supplementing Title 46 of the Revised  
3 Statutes.

4

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

7

8 1. Section 3.2 of P.L.1975, c.291 (C.40:55D-5) is amended to  
9 read as follows:

10 3.2. "Maintenance guarantee" means any security which may be  
11 accepted by a municipality for the maintenance of any  
12 improvements required by this act, including but not limited to  
13 surety bonds, letters of credit under the circumstances specified in  
14 section 16 of P.L.1991, c.256 (C.40:55D-53.5), and cash.

15 "Major subdivision" means any subdivision not classified as a  
16 minor subdivision.

17 "Master plan" means a composite of one or more written or  
18 graphic proposals for the development of the municipality as set  
19 forth in and adopted pursuant to section 19 of P.L.1975,  
20 c.291 (C.40:55D-28).

21 "Mayor" means the chief executive of the municipality, whatever  
22 his official designation may be, except that in the case of  
23 municipalities governed by municipal council and municipal  
24 manager the term "mayor" shall not mean the "municipal manager"  
25 but shall mean the mayor of such municipality.

26 "Military facility" means any facility located within the State  
27 which is owned or operated by the federal government, and which is  
28 used for the purposes of providing logistical, technical, material,  
29 training, and any other support to any branch of the United States  
30 military.

31 "Military facility commander" means the chief official, base  
32 commander or person in charge at a military facility.

33 "Minor site plan" means a development plan of one or more lots  
34 which (1) proposes new development within the scope of  
35 development specifically permitted by ordinance as a minor site  
36 plan; (2) does not involve planned development, any new street or  
37 extension of any off-tract improvement which is to be prorated  
38 pursuant to section 30 of P.L.1975, c.291 (C.40:55D-42); and (3)  
39 contains the information reasonably required in order to make an  
40 informed determination as to whether the requirements established  
41 by ordinance for approval of a minor site plan have been met.

42 "Minor subdivision" means a subdivision of land for the creation  
43 of a number of lots specifically permitted by ordinance as a minor  
44 subdivision; provided that such subdivision does not involve (1) a  
45 planned development, (2) any new street or (3) the extension of any

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

**Matter underlined thus is new matter.**

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1 off-tract improvement, the cost of which is to be prorated pursuant  
2 to section 30 of P.L.1975, c.291 (C.40:55D-42).

3 "Municipality" means any city, borough, town, township or  
4 village.

5 "Municipal agency" means a municipal planning board or board  
6 of adjustment, or a governing body of a municipality when acting  
7 pursuant to this act and any agency which is created by or  
8 responsible to one or more municipalities when such agency is  
9 acting pursuant to this act.

10 "Municipal engineer" means the official licensed professional  
11 engineer appointed by the proper authority of the municipality  
12 wherein the territory shown on a map is situated.

13 "Municipal land surveyor" means the official licensed  
14 professional land surveyor appointed by the proper authority of the  
15 municipality wherein the territory shown on a map is situated.

16 "Municipal resident" means a person who is domiciled in the  
17 municipality.

18 "Nonconforming lot" means a lot, the area, dimension or location  
19 of which was lawful prior to the adoption, revision or amendment of  
20 a zoning ordinance, but fails to conform to the requirements of the  
21 zoning district in which it is located by reason of such adoption,  
22 revision or amendment.

23 "Nonconforming structure" means a structure the size, dimension  
24 or location of which was lawful prior to the adoption, revision or  
25 amendment of a zoning ordinance, but which fails to conform to the  
26 requirements of the zoning district in which it is located by reasons  
27 of such adoption, revision or amendment.

28 "Nonconforming use" means a use or activity which was lawful  
29 prior to the adoption, revision or amendment of a zoning ordinance,  
30 but which fails to conform to the requirements of the zoning district  
31 in which it is located by reasons of such adoption, revision or  
32 amendment.

33 "Noncontiguous cluster" means noncontiguous areas to be  
34 developed as a single entity according to a plan containing an area,  
35 or a section or sections thereof, to be developed for residential  
36 purposes, nonresidential purposes, or a combination thereof, at a  
37 greater concentration of density or intensity of land use than  
38 authorized within the area, section, or sections, under conventional  
39 development, in exchange for the permanent preservation of another  
40 area, or a section or sections thereof, as common or public open  
41 space, or for historic or agricultural purposes, or a combination  
42 thereof.

43 "Office of Planning Advocacy" or "Office of Smart Growth"  
44 means the Office of State Planning established pursuant to section 6  
45 of P.L.1985, c.398 (C.52:18A-201) and transferred to the  
46 Department of State pursuant to Governor Christie's Reorganization  
47 Plan No. 002-2011, effective August 28, 2011.

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1 "Official county map" means the map, with changes and  
2 additions thereto, adopted and established, from time to time, by  
3 resolution of the board of chosen freeholders of the county pursuant  
4 to R.S.40:27-5.

5 "Official map" means a map adopted by ordinance pursuant to  
6 article 5 of P.L.1975, c.291.

7 "Offsite" means located outside the lot lines of the lot in question  
8 but within the property, of which the lot is a part, which is the  
9 subject of a development application or the closest half of the street  
10 or right-of-way abutting the property of which the lot is a part.

11 "Off-tract" means not located on the property which is the  
12 subject of a development application nor on the closest half of the  
13 abutting street or right-of-way.

14 "Onsite" means located on the lot in question and excluding any  
15 abutting street or right-of-way.

16 "On-tract" means located on the property which is the subject of  
17 a development application or on the closest half of an abutting  
18 street or right-of-way.

19 "Open-space" means any parcel or area of land or water  
20 essentially unimproved and set aside, dedicated, designated or  
21 reserved for public or private use or enjoyment or for the use and  
22 enjoyment of owners and occupants of land adjoining or  
23 neighboring such open space; provided that such areas may be  
24 improved with only those buildings, structures, streets and offstreet  
25 parking and other improvements that are designed to be incidental  
26 to the natural openness of the land or support its use for recreation  
27 and conservation purposes.

28 (cf: P.L.2016, c.21, s.2)

29

30 2. Section 3.3 of P.L.1975, c.291 (C.40:55D-6) is amended to  
31 read as follows:

32 3.3. "Party immediately concerned" means for purposes of notice  
33 any applicant for development, the owners of the subject property  
34 and all owners of property and government agencies entitled to  
35 notice under section 7.1 of P.L.1975, c.291 (C.40:55D-12).

36 "Performance guarantee" means any security, which may be  
37 accepted by a municipality, including but not limited to surety  
38 bonds, letters of credit under the circumstances specified in section  
39 16 of P.L.1991, c.256 (C.40:55D-53.5), and cash.

40 "Planned commercial development" means an area of a minimum  
41 contiguous or noncontiguous size as specified by ordinance to be  
42 developed according to a plan as a single entity containing one or  
43 more structures with appurtenant common areas to accommodate  
44 commercial or office uses or both and any residential and other uses  
45 incidental to the predominant use as may be permitted by ordinance.

46 "Planned development" means planned unit development,  
47 planned unit residential development, contiguous cluster or

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1 noncontiguous cluster, planned commercial development or planned  
2 industrial development.

3 "Planned industrial development" means an area of a minimum  
4 contiguous or noncontiguous size as specified by ordinance to be  
5 developed according to a plan as a single entity containing one or  
6 more structures with appurtenant common areas to accommodate  
7 industrial uses and any other uses incidental to the predominant use  
8 as may be permitted by ordinance.

9 "Planned unit development" means an area with a specified  
10 minimum contiguous or noncontiguous acreage of 10 acres or more  
11 to be developed as a single entity according to a plan, containing  
12 one or more contiguous clusters or noncontiguous clusters or  
13 planned unit residential developments and one or more public,  
14 quasi-public, commercial or industrial areas in such ranges of ratios  
15 of nonresidential uses to residential uses as shall be specified in the  
16 zoning ordinance.

17 "Planned unit residential development" means an area with a  
18 specified minimum contiguous or noncontiguous acreage of five  
19 acres or more to be developed as a single entity according to a plan  
20 containing one or more contiguous clusters or noncontiguous  
21 clusters, which may include appropriate commercial, or public or  
22 quasi-public uses all primarily for the benefit of the residential  
23 development.

24 "Planning board" means the municipal planning board  
25 established pursuant to section 14 of P.L.1975, c.291 (C.40:55D-  
26 23).

27 "Plat" means a map or maps of a subdivision or site plan,  
28 condominium plan, and government maps or other maps to be filed  
29 or submitted to any agency of competent jurisdiction.

30 "Preliminary approval" means the conferral of certain rights  
31 pursuant to sections 34, 36 and 37 of P.L.1975, c.291 (C.40:55D-  
32 46; C.40:55D-48; and C.40:55D-49) prior to final approval after  
33 specific elements of a development plan have been agreed upon by  
34 the planning board and the applicant.

35 "Preliminary floor plans and elevations" means architectural  
36 drawings prepared during early and introductory stages of the  
37 design of a project illustrating in a schematic form, its scope, scale  
38 and relationship to its site and immediate environs.

39 "Proper authority" means the chief legislative body of a  
40 municipality or any other agency to which the authority for  
41 approval of maps has been designated by ordinance or statute.

42 "Public areas" means (1) public parks, playgrounds, trails, paths  
43 and other recreational areas; (2) other public open spaces; (3) scenic  
44 and historic sites; and (4) sites for schools and other public  
45 buildings and structures.

46 "Public development proposal" means a master plan, capital  
47 improvement program or other proposal for land development  
48 adopted by the appropriate public body, or any amendment thereto.

1 "Public drainage way" means the land reserved or dedicated for  
2 the installation of storm water sewers or drainage ditches, or  
3 required along a natural stream or watercourse for preserving the  
4 biological as well as drainage function of the channel and providing  
5 for the flow of water to safeguard the public against flood damage,  
6 sedimentation and erosion and to assure the adequacy of existing  
7 and proposed culverts and bridges, to induce water recharge into the  
8 ground where practical, and to lessen nonpoint pollution.

9 "Public open space" means an open space area conveyed or  
10 otherwise dedicated to a municipality, municipal agency, board of  
11 education, State or county agency, or other public body for  
12 recreation and conservation purposes.

13 "Public utility" means any public utility regulated by the Board  
14 of Regulatory Commissioners and defined pursuant to R.S.48:2-13.

15 "Quorum" means the majority of the full authorized membership  
16 of a municipal agency.

17 "Receiving zone" means an area or areas designated in a master  
18 plan and zoning ordinance, adopted pursuant to P.L.1975,  
19 c.291 (C.40:55D-1 et seq.), within which development may be  
20 increased, and which is otherwise consistent with the provisions of  
21 section 9 of P.L.2004, c.2 (C.40:55D-145).

22 "Recreation and conservation purposes" means "recreation and  
23 conservation purposes" as defined in section 3 of P.L.1999,  
24 c.152 (C.13:8C-3).

25 "Residential density" means the number of dwelling units per  
26 gross acre of residential land area including streets, easements and  
27 open space portions of a development.

28 "Resubdivision" means (1) the further division or relocation of  
29 lot lines of any lot or lots within a subdivision previously made and  
30 approved or recorded according to law or (2) the alteration of any  
31 streets or the establishment of any new streets within any  
32 subdivision previously made and approved or recorded according to  
33 law, but does not include conveyances so as to combine existing  
34 lots by deed or other instrument.

35 (cf: P.L.2013, c.106, s.5)

36

37 3. Section 35 of P.L.1975, c.291 (C.40:55D-47) is amended to  
38 read as follows:

39 35. a. Minor subdivision. An ordinance requiring approval of  
40 subdivisions by the planning board may authorize the planning  
41 board to waive notice and public hearing for an application for  
42 development if the planning board or subdivision committee of the  
43 board appointed by the chairman find that the application for  
44 development conforms to the definition of "minor subdivision" in  
45 section 3.2 of P.L.1975, c.291 (C.40:55D-5). Minor subdivision  
46 approval shall be deemed to be final approval of the subdivision by  
47 the board; provided that the board or said subcommittee may  
48 condition such approval on terms ensuring the provision of

1 improvements pursuant to sections 29, 29.1, 29.2 and 41 of  
2 P.L.1975, c.291 (C.40:55D-38, C.40:55D-39, C.40:55D-40, and  
3 C.40:55D-53).

4 b. Minor subdivision approval shall be granted or denied within  
5 45 days of the date of submission of a complete application to the  
6 administrative officer, or within such further time as may be  
7 consented to by the applicant. Failure of the planning board to act  
8 within the period prescribed shall constitute minor subdivision  
9 approval and a certificate of the administrative officer as to the  
10 failure of the planning board to act shall be issued on request of the  
11 applicant; and it shall be sufficient in lieu of the written  
12 endorsement or other evidence of approval, herein required, and  
13 shall be so accepted by the county recording officer for purposes of  
14 filing subdivision plats.

15 c. Whenever review or approval of the application by the  
16 county planning board is required by section 5 of P.L.1968,  
17 c.285 (C.40:27-6.3), the municipal planning board shall condition  
18 any approval that it grants upon timely receipt of a favorable report  
19 on the application by the county planning board or approval by the  
20 county planning board by its failure to report thereon within the  
21 required time period.

22 d. Except as provided in subsection f. of this section, approval  
23 of a minor subdivision shall expire 190 days from the date on which  
24 the resolution of municipal approval is adopted unless within such  
25 period a plat in conformity with such approval and the provisions of  
26 the **["Map Filing Law," P.L.1960, c.141 (C.46:23-9.9 et seq.), or]**  
27 applicable sections of N.J.S.46:26A-1 et seq. and N.J.S.46:26B-1 et  
28 seq., and a deed clearly describing the approved minor subdivision  
29 is filed by the developer with the county recording officer, the  
30 municipal engineer and the municipal tax assessor. Any such plat  
31 or deed accepted for such filing shall have been signed by the  
32 chairman and secretary of the planning board. In reviewing the  
33 application for development for a proposed minor subdivision the  
34 planning board may be permitted by ordinance to accept a plat not  
35 in conformity with the **["Map Filing Law," P.L.1960,**  
36 **c.141 (C.46:23-9.9 et seq.);** provided that if the developer chooses  
37 to file the minor subdivision as provided herein by plat rather than  
38 deed such plat shall conform with the provisions of said act**]**  
39 applicable sections of N.J.S.46:26A-1 et seq. and N.J.S.46:2B-1 et  
40 seq.

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

47 f. The planning board may extend the 190-day period for filing  
48 a minor subdivision plat or deed pursuant to subsection d. of this

1 section if the developer proves to the reasonable satisfaction of the  
2 planning board (1) that the developer was barred or prevented,  
3 directly or indirectly, from filing because of delays in obtaining  
4 legally required approvals from other governmental or quasi-  
5 governmental entities and (2) that the developer applied promptly  
6 for and diligently pursued the required approvals. The length of the  
7 extension shall be equal to the period of delay caused by the wait  
8 for the required approvals, as determined by the planning board.  
9 The developer may apply for the extension either before or after  
10 what would otherwise be the expiration date.

11 g. The planning board shall grant an extension of minor  
12 subdivision approval for a period determined by the board but not  
13 exceeding one year from what would otherwise be the expiration  
14 date, if the developer proves to the reasonable satisfaction of the  
15 board that the developer was barred or prevented, directly or  
16 indirectly, from proceeding with the development because of delays  
17 in obtaining legally required approvals from other governmental  
18 entities and that the developer applied promptly for and diligently  
19 pursued the required approvals. A developer shall apply for the  
20 extension before (1) what would otherwise be the expiration date of  
21 minor subdivision approval or (2) the 91st day after the developer  
22 receives the last legally required approval from other governmental  
23 entities, whichever occurs later.

24 (cf: P.L.1991, c.256, s.9)

25

26 4. Section 38 of P.L.1975, c.291 (C.40:55D-50) is amended to  
27 read as follows:

28 38. Final approval of site plans and major subdivisions.

29 a. The planning board shall grant final approval if the detailed  
30 drawings, specifications and estimates of the application for final  
31 approval conform to the standards established by ordinance for final  
32 approval, the conditions of preliminary approval and, in the case of  
33 a major subdivision, the standards prescribed by applicable sections  
34 of N.J.S.46:26A-1 et seq. and N.J.S.46:26B-1 et seq.; provided that  
35 in the case of a planned development, the planning board may  
36 permit minimal deviations from the conditions of preliminary  
37 approval necessitated by change of conditions beyond the control of  
38 the developer since the date of preliminary approval without the  
39 developer being required to submit another application for  
40 development for preliminary approval.

41 b. Final approval shall be granted or denied within 45 days  
42 after submission of a complete application to the administrative  
43 officer, or within such further time as may be consented to by the  
44 applicant. Failure of the planning board to act within the period  
45 prescribed shall constitute final approval and a certificate of the  
46 administrative officer as to the failure of the planning board to act  
47 shall be issued on request of the applicant, and it shall be sufficient  
48 in lieu of the written endorsement or other evidence of approval,



1 herein required, and shall be so accepted by the county recording  
2 officer for purposes of filing subdivision plats.

3 Whenever review or approval of the application by the county  
4 planning board is required by section 5 of P.L.1968, c.285  
5 (C.40:27-6.3), in the case of a subdivision, or section 8 of P.L.1968,  
6 c.285 (C.40:27-6.6), in the case of a site plan, the municipal  
7 planning board shall condition any approval that it grants upon  
8 timely receipt of a favorable report on the application by the county  
9 planning board or approval by the county planning board by its  
10 failure to report thereon within the required time period.

11 (cf: P.L.2013, c.106, s.12)

12

13 5. Section 41 of P.L.1975, c.291 (C.40:55D-53) is amended to  
14 read as follows:

15 41. Guarantees required; surety; release. a. Before recording of  
16 final subdivision plats or as a condition of final site plan approval  
17 or as a condition to the issuance of a zoning permit pursuant to  
18 subsection d. of section 52 of P.L.1975, c.291 (C.40:55D-65), the  
19 approving authority may require and shall accept in accordance  
20 with the standards adopted by ordinance and regulations adopted  
21 pursuant to section 1 of P.L.1999, c.68 (C.40:55D-53a) for the  
22 purpose of assuring the installation and maintenance of on-tract  
23 improvements, the furnishing of a performance guarantee, and  
24 provision for a maintenance guarantee in accordance with  
25 paragraphs (1) and (2) of this subsection. If a municipality has  
26 adopted an ordinance requiring a successor developer to furnish a  
27 replacement performance guarantee, as a condition to the approval  
28 of a permit update under the State Uniform Construction Code, for  
29 the purpose of updating the name and address of the owner of  
30 property on a construction permit, the governing body may require  
31 and shall accept in accordance with the standards adopted by  
32 ordinance and regulations adopted pursuant to section 1 of  
33 P.L.1999, c.68 (C.40:55D-53a) for the purpose of assuring the  
34 installation and maintenance of on-tract improvements, the  
35 furnishing of a performance guarantee, and provision for a  
36 maintenance guarantee, in accordance with paragraphs (1) and (2)  
37 of this subsection.

38 (1) The furnishing of a performance guarantee in favor of the  
39 municipality in an amount not to exceed 120% of the cost of  
40 installation, which cost shall be determined by the municipal  
41 engineer and the municipal land surveyor according to the method  
42 of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-  
43 53.4), for improvements which the approving authority may deem  
44 necessary or appropriate **【including:】** . For the municipal engineer  
45 these costs shall include streets, grading, pavement, gutters, curbs,  
46 sidewalks, street lighting, shade trees, **【surveyor's monuments, as**  
47 **shown on the final map and required by "the map filing law,"**  
48 **P.L.1960, c.141 (C.46:23-9.9 et seq.),】** water mains, culverts, storm

1 sewers, sanitary sewers or other means of sewage disposal, drainage  
2 structures, erosion control and sedimentation control devices, public  
3 improvements of open space and, in the case of site plans only,  
4 other on-site improvements and landscaping. For the municipal  
5 land surveyor these costs shall include the surveyor's monuments or  
6 boundary markers, as shown on the final map and required by  
7 N.J.S.46:26B-1 et seq., and all other matters pertaining to land  
8 surveying and the practice of land surveying.

9 The municipal engineer shall prepare an itemized cost estimate  
10 of the improvements covered by the performance guarantee, which  
11 itemized cost estimate shall be appended to each performance  
12 guarantee posted by the obligor. The municipal land surveyor shall  
13 prepare an itemized cost estimate for the installation of the  
14 surveyor's monuments and all other matters pertaining to surveying  
15 and the practice of surveying in connection with the installation of  
16 these monuments, which itemized cost estimate shall be appended  
17 to each performance guarantee posted by the obligor.

18 (2) Provision for a maintenance guarantee to be posted with the  
19 governing body for a period not to exceed two years after final  
20 acceptance of the improvement, in an amount not to exceed 15% of  
21 the cost of the improvement, which cost shall be determined by the  
22 municipal engineer and the municipal land surveyor according to  
23 the method of calculation set forth in section 15 of P.L.1991,  
24 c.256 (C.40:55D-53.4). In the event that other governmental  
25 agencies or public utilities automatically will own the utilities to be  
26 installed or the improvements are covered by a performance or  
27 maintenance guarantee to another governmental agency, no  
28 performance or maintenance guarantee, as the case may be, shall be  
29 required by the municipality for such utilities or improvements.

30 b. The time allowed for installation of the improvements for  
31 which the performance guarantee has been provided may be  
32 extended by the governing body by resolution. As a condition or as  
33 part of any such extension, the amount of any performance  
34 guarantee shall be increased or reduced, as the case may be, to an  
35 amount not to exceed 120% of the cost of the installation, which  
36 cost shall be determined by the municipal engineer and the  
37 municipal land surveyor according to the method of calculation set  
38 forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4) as of the  
39 time of the passage of the resolution.

40 c. If the required improvements are not completed or corrected  
41 in accordance with the performance guarantee, the obligor and  
42 surety, if any, shall be liable thereon to the municipality for the  
43 reasonable cost of the improvements not completed or corrected and  
44 the municipality may either prior to or after the receipt of the  
45 proceeds thereof complete such improvements. Such completion or  
46 correction of improvements shall be subject to the public bidding  
47 requirements of the "Local Public Contracts Law," P.L.1971,  
48 c.198 (C.40A:11-1 et seq.).

1 d. (1) Upon substantial completion of all required street  
2 improvements (except for the top course) and appurtenant utility  
3 improvements, and the connection of same to the public system, the  
4 obligor may request of the governing body in writing, by certified  
5 mail addressed in care of the municipal clerk, that the municipal  
6 engineer and the municipal land surveyor prepare, in accordance  
7 with the itemized cost estimate prepared by the municipal engineer  
8 and the municipal land surveyor and appended to the performance  
9 guarantee pursuant to subsection a. of this section, a list of all  
10 uncompleted or unsatisfactory completed improvements. If such a  
11 request is made, the obligor shall send a copy of the request to the  
12 municipal engineer and the municipal land surveyor. The request  
13 shall indicate which improvements have been completed and which  
14 improvements remain uncompleted in the judgment of the obligor.  
15 Thereupon the municipal engineer and the municipal land surveyor  
16 shall inspect all improvements covered by obligor's request and  
17 shall file a detailed list and report, in writing, with the governing  
18 body, and shall simultaneously send a copy thereof to the obligor  
19 not later than 45 days after receipt of the obligor's request.

20 (2) The list prepared by the municipal engineer and the  
21 municipal land surveyor shall state, in detail, with respect to each  
22 improvement determined to be incomplete or unsatisfactory, the  
23 nature and extent of the incompleteness of each incomplete  
24 improvement or the nature and extent of, and remedy for, the  
25 unsatisfactory state of each completed improvement determined to  
26 be unsatisfactory. The report prepared by the municipal engineer  
27 and the municipal land surveyor shall identify each improvement  
28 determined to be complete and satisfactory together with a  
29 recommendation as to the amount of reduction to be made in the  
30 performance guarantee relating to the completed and satisfactory  
31 improvement, in accordance with the itemized cost estimate  
32 prepared by the municipal engineer and the municipal land surveyor  
33 and appended to the performance guarantee pursuant to subsection  
34 a. of this section.

35 e. (1) The governing body, by resolution, shall either approve  
36 the improvements determined to be complete and satisfactory by the  
37 municipal engineer and the municipal land surveyor, or reject any  
38 or all of these improvements upon the establishment in the  
39 resolution of cause for rejection, and shall approve and authorize  
40 the amount of reduction to be made in the performance guarantee  
41 relating to the improvements accepted, in accordance with the  
42 itemized cost estimate prepared by the municipal engineer and the  
43 municipal land surveyor and appended to the performance  
44 guarantee pursuant to subsection a. of this section. This resolution  
45 shall be adopted not later than 45 days after receipt of the list and  
46 report prepared by the municipal engineer and the municipal land  
47 surveyor. Upon adoption of the resolution by the governing body,  
48 the obligor shall be released from all liability pursuant to its

1 performance guarantee, with respect to those approved  
2 improvements, except for that portion adequately sufficient to  
3 secure completion or correction of the improvements not yet  
4 approved; provided that 30% of the amount of the total performance  
5 guarantee posted may be retained to ensure completion and  
6 acceptability of all improvements.

7 For the purpose of releasing the obligor from liability pursuant to  
8 its performance guarantee, the amount of the performance guarantee  
9 attributable to each approved improvement shall be reduced by the  
10 total amount for each such improvement, in accordance with the  
11 itemized cost estimate prepared by the municipal engineer and the  
12 municipal land surveyor and appended to the performance  
13 guarantee pursuant to subsection a. of this section, including any  
14 contingency factor applied to the cost of installation. If the sum of  
15 the approved improvements would exceed 70 percent of the total  
16 amount of the performance guarantee, then the municipality may  
17 retain 30 percent of the amount of the total performance guarantee  
18 to ensure completion and acceptability of all improvements, as  
19 provided above.

20 (2) If the municipal engineer and the municipal land surveyor  
21 fails to send or provide the list and report as requested by the  
22 obligor pursuant to subsection d. of this section within 45 days from  
23 receipt of the request, the obligor may apply to the court in a  
24 summary manner for an order compelling the municipal engineer  
25 and the municipal land surveyor to provide the list and report within  
26 a stated time and the cost of applying to the court, including  
27 reasonable attorney's fees, may be awarded to the prevailing party.

28 If the governing body fails to approve or reject the improvements  
29 determined by the municipal engineer and the municipal land  
30 surveyor to be complete and satisfactory or reduce the performance  
31 guarantee for the complete and satisfactory improvements within 45  
32 days from the receipt of the municipal engineer's and the municipal  
33 land surveyor's list and report, the obligor may apply to the court in  
34 a summary manner for an order compelling, within a stated time,  
35 approval of the complete and satisfactory improvements and  
36 approval of a reduction in the performance guarantee for the  
37 approvable complete and satisfactory improvements in accordance  
38 with the itemized cost estimate prepared by the municipal engineer  
39 and the municipal land surveyor and appended to the performance  
40 guarantee pursuant to subsection a. of this section; and the cost of  
41 applying to the court, including reasonable attorney's fees, may be  
42 awarded to the prevailing party.

43 (3) In the event that the obligor has made a cash deposit with the  
44 municipality or approving authority as part of the performance  
45 guarantee, then any partial reduction granted in the performance  
46 guarantee pursuant to this subsection shall be applied to the cash  
47 deposit in the same proportion as the original cash deposit bears to  
48 the full amount of the performance guarantee.

1 f. If any portion of the required improvements is rejected, the  
2 approving authority may require the obligor to complete or correct  
3 such improvements and, upon completion or correction, the same  
4 procedure of notification, as set forth in this section shall be  
5 followed.

6 g. Nothing herein, however, shall be construed to limit the right  
7 of the obligor to contest by legal proceedings any determination of  
8 the governing body or the municipal engineer and the municipal  
9 land surveyor.

10 h. The obligor shall reimburse the municipality for all  
11 reasonable inspection fees paid to the municipal engineer and the  
12 municipal land surveyor for the foregoing inspection of  
13 improvements; provided that the municipality may require of the  
14 developer a deposit for the inspection fees in an amount not to  
15 exceed, except for extraordinary circumstances, the greater of \$500  
16 or 5% of the cost of improvements, which cost shall be determined  
17 pursuant to section 15 of P.L.1991, c.256 (C.40:55D-53.4). For  
18 those developments for which the inspection fees are less than  
19 \$10,000, fees may, at the option of the developer, be paid in two  
20 installments. The initial amount deposited by a developer shall be  
21 50% of the inspection fees. When the balance on deposit drops to  
22 10% of the inspection fees because the amount deposited by the  
23 developer has been reduced by the amount paid to the municipal  
24 engineer and the municipal land surveyor for inspection, the  
25 developer shall deposit the remaining 50% of the inspection fees.  
26 For those developments for which the inspection fees are \$10,000  
27 or greater, fees may, at the option of the developer, be paid in four  
28 installments. The initial amount deposited by a developer shall be  
29 25% of the inspection fees. When the balance on deposit drops to  
30 10% of the inspection fees because the amount deposited by the  
31 developer has been reduced by the amount paid to the municipal  
32 engineer and the municipal land surveyor for inspection, the  
33 developer shall make additional deposits of 25% of the inspection  
34 fees. The municipal engineer and the municipal land surveyor shall  
35 not perform any inspection if sufficient funds to pay for those  
36 inspections are not on deposit.

37 i. In the event that final approval is by stages or sections of  
38 development pursuant to subsection a. of section 29 of P.L.1975,  
39 c.291 (C.40:55D-38), the provisions of this section shall be applied  
40 by stage or section.

41 j. To the extent that any of the improvements have been  
42 dedicated to the municipality on the subdivision plat or site plan,  
43 the municipal governing body shall be deemed, upon the release of  
44 any performance guarantee required pursuant to subsection a. of  
45 this section, to accept dedication for public use of streets or roads  
46 and any other improvements made thereon according to site plans  
47 and subdivision plats approved by the approving authority, provided  
48 that such improvements have been inspected and have received

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14

1 final approval by the municipal engineer and the municipal land  
2 surveyor.

3 (cf: P.L.2013, c.123, s.3)

4

5 6. Section 3 of P.L.1995, c.54 (C.40:55D-53.2a) is amended to  
6 read as follows:

7 3. a. An applicant shall notify in writing the governing body  
8 with copies to the chief financial officer, the approving authority  
9 and the professional whenever the applicant disputes the charges  
10 made by a professional for service rendered to the municipality in  
11 reviewing applications for development, review and preparation of  
12 documents, inspection of improvements, or other charges made  
13 pursuant to the provisions of P.L.1975, c.291 (C.40:55D-1 et seq.).  
14 The governing body, or its designee, shall within a reasonable time  
15 period attempt to remediate any disputed charges. If the matter is  
16 not resolved to the satisfaction of the applicant, the applicant may  
17 appeal to the county construction board of appeals established under  
18 section 9 of P.L.1975, c.217 (C.52:27D-127) any charge to an  
19 escrow account or a deposit by any municipal professional or  
20 consultant, or the cost of the installation of improvements estimated  
21 by the municipal engineer and the municipal land surveyor, in their  
22 respective professional fields, pursuant to section 15 of P.L.1991,  
23 c.256 (C.40:55D-53.4). An applicant or his authorized agent shall  
24 submit the appeal in writing to the county construction board of  
25 appeals. The applicant or his authorized agent shall simultaneously  
26 send a copy of the appeal to the municipality, approving authority,  
27 and any professional whose charge is the subject of the appeal. An  
28 applicant shall file an appeal within 45 days from receipt of the  
29 informational copy of the professional's voucher required by  
30 subsection c. of section 13 of P.L.1991, c.256 (C.40:55D-53.2),  
31 except that if the professional has not supplied the applicant with an  
32 informational copy of the voucher, then the applicant shall file his  
33 appeal within 60 days from receipt of the municipal statement of  
34 activity against the deposit or escrow account required by  
35 subsection c. of section 13 of P.L.1991, c.256 (C.40:55D-53.2). An  
36 applicant may file an appeal for an ongoing series of charges by a  
37 professional during a period not exceeding six months to  
38 demonstrate that they represent a pattern of excessive or inaccurate  
39 charges. An applicant making use of this provision need not appeal  
40 each charge individually.

41 b. The county construction board of appeals shall hear the  
42 appeal, render a decision thereon, and file its decision with a  
43 statement of the reasons therefor with the municipality or approving  
44 authority not later than 10 business days following the submission  
45 of the appeal, unless such period of time has been extended with the  
46 consent of the applicant. The decision may approve, disapprove, or  
47 modify the professional charges appealed from. A copy of the  
48 decision shall be forwarded by certified or registered mail to the

1 party making the appeal, the municipality, the approving authority,  
2 and the professional involved in the appeal. Failure by the board to  
3 hear an appeal and render and file a decision thereon within the  
4 time limits prescribed in this subsection shall be deemed a denial of  
5 the appeal for purposes of a complaint, application, or appeal to a  
6 court of competent jurisdiction.

7 c. The county construction board of appeals shall provide rules  
8 for its procedure in accordance with this section. The board shall  
9 have the power to administer oaths and issue subpoenas to compel  
10 the attendance of witnesses and the production of relevant evidence,  
11 and the provisions of the "County and Municipal Investigations  
12 Law," P.L.1953, c.38 (C.2A:67A-1 et seq.) shall apply.

13 d. During the pendency of any appeal, the municipality or  
14 approving authority shall continue to process, hear, and decide the  
15 application for development, and to inspect the development in the  
16 normal course, and shall not withhold, delay, or deny reviews,  
17 inspections, signing of subdivision plats or site plans, the reduction  
18 or the release of performance or maintenance guarantees, the  
19 issuance of construction permits or certificates of occupancy, or any  
20 other approval or permit because an appeal has been filed or is  
21 pending under this section. The chief financial officer of the  
22 municipality may pay charges out of the appropriate escrow account  
23 or deposit for which an appeal has been filed. If a charge is  
24 disallowed after payment, the chief financial officer of the  
25 municipality shall reimburse the deposit or escrow account in the  
26 amount of any such disallowed charge or refund the amount to the  
27 applicant. If a charge is disallowed after payment to a professional  
28 or consultant who is not an employee of the municipality, the  
29 professional or consultant shall reimburse the municipality in the  
30 amount of any such disallowed charge.

31 e. The Commissioner of Community Affairs shall promulgate  
32 rules and regulations pursuant to the "Administrative Procedure  
33 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the  
34 purposes of this section. Within two years of the effective date of  
35 P.L.1995, c.54 (C.40:55D-53.2a et al.), the commissioner shall  
36 prepare and submit a report to the Governor, the President of the  
37 Senate, and the Speaker of the General Assembly. The report shall  
38 describe the appeals process established by section 3 of P.L.1995,  
39 c.54 (C.40:55D-53.2a) and shall make recommendations for  
40 legislative or administrative action necessary to provide a fair and  
41 efficient appeals process.

42 (cf: P.L.1995, c.54, s.3)

43

44 7. Section 15 of P.L.1991, c.256 (C.40:55D-53.4) is amended  
45 to read as follows:

46 15. The cost of the installation of improvements for the purposes  
47 of section 41 of P.L.1975, c.291 (C.40:55D-53) shall be estimated  
48 by the municipal engineer and the municipal land surveyor, in their

1 respective professional fields, based on documented construction  
2 costs for public improvements prevailing in the general area of the  
3 municipality. The developer may appeal the municipal engineer's  
4 and the municipal land surveyor's estimate to the county  
5 construction board of appeals established under section 9 of  
6 P.L.1975, c.217 (C.52:27D-127).  
7 (cf: P.L.1995, c.54, s.2)

8  
9 8. Section 1 of P.L.1998, c.23 (C.46:23-9.17) is amended to  
10 read as follows:

11 1. a. The provisions of P.L.1997, c.211 shall not apply to the  
12 filing of any right of way parcel map in connection with projects for  
13 which construction bids are advertised on or prior to July 1, 2001.  
14 For the purposes of this section, the advertising of construction bids  
15 shall mean the first publication for the solicitation of bids for work  
16 and material for a highway, road or street project. The provisions  
17 of P.L.1997, c.211 shall apply to the filing of right of way parcel  
18 maps after July 1, 2001.

19 b. All right of way parcel maps, and amendments thereto, of  
20 the State, or any county or municipality showing acquisitions and  
21 associated easements for projects for which construction bids are  
22 advertised on or prior to July 1, 2001 may be filed with the county  
23 recording officer at any time without meeting the requirements of  
24 P.L.1997, c.211, so long as certification as to the date of the  
25 advertisement notice is produced when requested by the county  
26 recording officer.

27 c. The plot plan which is required to be included as part of a  
28 declaration of taking under paragraph (c) of section 17 of P.L.1971,  
29 c.361 (C.20:3-17) need only meet the accuracy standards of a right  
30 of way parcel map.

31 d. **【The scale of the maps and the dimensions depicted upon**  
32 **right of way parcel maps may be in metric or English at the**  
33 **discretion of the preparer】** (Deleted by amendment, P.L. \_\_\_\_\_,  
34 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill).

35 e. **【In addition to sizes set forth in P.L. 1997, c.211, a map size**  
36 **of 22 inches by 36 inches shall be acceptable for right of way parcel**  
37 **maps】** (Deleted by amendment, P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before  
38 the Legislature as this bill).

39 (cf: P.L.1998, c.23, s.1)

40

41 9. N.J.S.46:26A-5 is amended to read as follows:

42 46:26A-5. Form of documents and maps; cover sheet or  
43 electronic synopsis.

44 a. To be accepted for recording, a document or its image shall  
45 be either:

46 (1) legibly printed on paper no larger than 8 1/2 inches by 14  
47 inches; or



1 (2) in compliance with regulations on the form of documents  
2 promulgated by the Division of Archives and Records Management  
3 in the Department of State.

4 b. A document or its image accepted for recording may be  
5 accompanied by a cover sheet or an electronic synopsis separate  
6 from the document or integrated with the document. The Division  
7 of Archives and Records Management in the Department of State  
8 shall establish forms for cover sheets and formats for electronic  
9 synopses. The form for a separate cover sheet shall be available at  
10 every recording office and on a web site maintained by the Division  
11 of Archives and Records Management. The cover sheet or  
12 electronic synopsis shall include:

13 (1) the nature of the document;

14 (2) the date of the document;

15 (3) the names of the parties to the document and any other  
16 names by which the document is to be indexed;

17 (4) if the document is a deed conveying title to real property:

18 (i) the lot and block number or other real property tax  
19 designation of the real property conveyed or a statement that the  
20 information is not available;

21 (ii) the consideration for the conveyance;

22 (iii) the mailing address of the grantee; and

23 (5) if the document is an assignment, release or satisfaction of a  
24 mortgage or an agreement respecting a mortgage, it states the book  
25 and page number or the document identifying number of the  
26 mortgage to which it relates if the mortgage has been given such a  
27 number.

28 c. If the person submitting the document for recording does not  
29 include a cover sheet or electronic synopsis, the recording office  
30 shall charge an additional fee of \$20 for the additional cost of  
31 indexing.

32 d. To be accepted for recording, a map shall be clearly and  
33 legibly drawn in black ink on translucent tracing cloth, translucent  
34 mylars at least 4 mils thick or its equivalent, of good quality, with  
35 signatures in ink, or as an equivalent reproduction on photographic  
36 fixed line mylar 4 mils thick with signatures in black ink or its  
37 equivalent and accompanied by a cloth print or photographic fixed  
38 line mylar 4 mils thick duplicate; and one of six standard sizes: 8  
39 1/2" x **13**" 14", 30" x 42", 24" x 36", 11" x 17", 18" x 24" or 15"  
40 x 21" as measured from cutting edges. If one sheet is not of  
41 sufficient size to contain the entire territory, the map may be  
42 divided into sections to be shown on separate sheets of equal sizes,  
43 with references on each sheet to the adjoining sheets. In addition to  
44 these sizes, a map size of 22" x 36" shall also be acceptable for  
45 right-of-way parcel maps, general property parcel maps and all  
46 other government mapping presented for recording.

47 e. The regulations of the Division of Archives and Records  
48 Management specifying the form of documents shall comply with

1 rules, standards and procedures authorized by the State Records  
2 Committee pursuant to its authority under section 6 of P.L.1994,  
3 c.140 (C.47:1-12) and the "Destruction of Public Records Law  
4 (1953)," P.L.1953, c.410 (C.47:3-15 et seq.).

5 f. A county recording office shall not be required to accept for  
6 recording a cover sheet or electronic synopsis pursuant to  
7 subsections b. and c. of this section until five years after the  
8 effective date of P.L.2011, c.217 (N.J.S.46:26A-1 et al.). This  
9 provision shall not operate to prevent or preclude any county  
10 recording officer from adopting the use of the document summary  
11 form or electronic synopsis prior to that date.

12 (cf: N.J.S.46:26A-5)

13

14 10. N.J.S.46:26B-1 is amended to read as follows:

15 46:26B-1. Definitions.

16 As used in P.L.2011, c.217 (N.J.S.46:26A-1 et al.):

17 "Condominium plan" means a survey of the condominium  
18 property in sufficient detail to identify the location and dimensions  
19 of units and common elements, which shall be filed in accordance  
20 with the requirements of [section 3 of P.L.1960, c.141 (C.46:23-  
21 9.11)] N.J.S.46:26B-2. A condominium plan shall bear a  
22 certification by a land surveyor, as to the land survey information  
23 and proposed improvements to the site shown on such plan as  
24 provided by law, and by a professional engineer or architect , as to  
25 the design details shown on such plan, who are authorized to  
26 practice in this State that the plan is a correct representation of the  
27 improvements described.

28 "Entire tract" means all of the property that is being subdivided  
29 including lands remaining after subdivision.

30 "General property parcel map" means a right of way parcel map  
31 showing a group of parcel and easement acquisitions for part of a  
32 highway, road or street project, or any other government project  
33 where parcel and easement acquisitions are required.

34 "Land Surveyor" means a person who is legally authorized to  
35 practice land surveying in this State as provided by P.L.1938,  
36 c.342 (C.45:8-27 et seq.).

37 "Map" includes a map, plat, condominium plan, right of way  
38 parcel maps of the State, county or municipality, chart, or survey of  
39 lands presented for approval to a proper authority or presented for  
40 filing as provided by P.L.2011, c.217 (N.J.S.46:26A-1 et al.), but  
41 does not include a map, plat or sketch required to be filed or  
42 recorded under the provisions of P.L.1957, c.130 (C.48:3-17.2) [or  
43 a subdivision plat for a subdivision that was granted final approval  
44 by a municipal approving authority on or prior to July 1, 1999].

45 "Municipal Engineer" means the official licensed professional  
46 engineer appointed by the proper authority of the municipality in  
47 which the territory shown on a map is located.

1     “Municipal Land Surveyor” means the official licensed  
2 professional land surveyor appointed by the proper authority of the  
3 municipality in which the territory shown on a map is located.

4     "Professional Engineer" means a person who is legally  
5 authorized to practice professional engineering in this State as  
6 provided by P.L.1938, c.342 (C.45:8-27 et seq.).

7     "Proper authority" means the chief legislative body of a  
8 municipality or other agencies to which the authority for approval  
9 of maps has been designated by ordinance or statute.

10     "Right of way parcel map" means any general property parcel  
11 map which shows highways or street acquisitions and any  
12 associated easements for highway or street rights of way.

13 (cf: N.J.S.46:26B-1)

14  
15     11. N.J.S.46:26B-2 is amended to read as follows:

16     46:26B-2. Requirements for approval or filing of a map.

17     a. A map shall not be approved by a proper authority unless it  
18 meets the requirements of subsection d. of N.J.S.46:26A-5 and this  
19 section specified for the kind of map involved. The following kinds  
20 of maps shall meet the following requirements:

21     (1) Major subdivision plats shall meet all of the requirements of  
22 this section.

23     (2) Right of way parcel maps shall meet the requirements of  
24 **【subsections b.】 paragraphs** (1), (2), (4), (5), (6), (7), (8), and (11)  
25 and subparagraphs (a), (b), and (d) of paragraph (13) of subsection  
26 b. of this section as they apply.

27     (3) Minor subdivision maps shall meet all of the requirements of  
28 this section except for the outside tract line monuments requirement  
29 of paragraph (8) of subsection b. **【(8)】 of this section.**

30     (4) Condominium plans shall meet the requirements of  
31 **【subsections b.】 paragraphs** (1), (4), (5), (6), (7) **【and】** .(8), (10),  
32 (11), and (12) and subparagraphs (a), (b), and (c) of paragraph (13)  
33 of subsection b. of this section as they apply.

34     b. **【No】** With the exception of the provisions provided in  
35 subsection d. of N.J.S.46:26A-5 and subsection d. of section 35 of  
36 P.L.1975, c.291 (C.40:55D-47), no map requiring approval by law  
37 or that is to be approved for filing with a county, shall be approved  
38 by the proper authority unless it conforms to the following  
39 requirements:

40     (1) A map shall show the scale, which shall be inches to feet and  
41 be large enough to contain legibly written data on the dimensions,  
42 bearings and all other details of the boundaries, and it shall also  
43 show the graphic scale.

44     (2) A map shall show the dimensions, square footage of each lot  
45 to the nearest square foot or nearest one hundredth of an acre.  
46 Bearings and curve data shall include the radius, delta angle, length  
47 of arc, chord distance and chord bearing sufficient to enable the  
48 definite location of all lines and boundaries shown, including public

1 easements and areas dedicated for public use. Non-tangent curves  
2 and non-radial lines shall be so labeled. Right of way parcel maps  
3 shall show bearings, distances and curve data for the right of way  
4 **【or】** and the right-of-way center line 【or base line and ties to right  
5 of way lines if from a base line】 , and if a base line is shown, ties  
6 from that base line to the right-of-way lines.

7 (3) Where lots are shown thereon, those in each block shall be  
8 numbered consecutively. Block and lot designations shall conform  
9 with the municipal tax map if municipal regulations so require. In  
10 counties which adopt the local or block system of indices pursuant  
11 to sections 46:24-1 to 46:24-22 of the Revised Statutes, the map  
12 shall show the block boundaries and designations established by the  
13 board of commissioners of land records for the territory shown on  
14 the map.

15 (4) The reference meridian used for bearings on the map shall be  
16 shown graphically. The coordinate base, either assumed or based on  
17 the New Jersey Plane Coordinate System, with reference to the  
18 coordinate system date, shall be shown on the plat.

19 (5) All municipal boundary lines crossing or adjacent to the  
20 territory shall be shown and designated.

21 (6) All natural and artificial watercourses, streams, shorelines  
22 and water boundaries and encroachment lines shall be shown. On  
23 right of way parcel maps all easements that affect the right of way,  
24 including slope easements and drainage, shall be shown and  
25 dimensioned.

26 (7) All permanent easements, including sight right easements  
27 and utility easements, shall be shown and dimensioned.

28 (8) The map shall clearly show all monumentation required by  
29 this chapter, including monuments found, monuments set, and  
30 monuments to be set. An indication shall be made where  
31 monumentation found has been reset. For purposes of this  
32 subsection "found corners" shall be considered monuments. A  
33 minimum of three corners distributed around the tract shall indicate  
34 the coordinate values.

35 **【The】** For subdivision plats and condominium plans the  
36 outbound corner markers shall be set pursuant to regulations  
37 promulgated by the State Board of Professional Engineers and Land  
38 Surveyors.

39 For all governmental mapping other than right of way parcel  
40 maps and general property parcel maps, the outbound corner  
41 markers shall be set pursuant to regulations promulgated by the  
42 State Board of Professional Engineers and Land Surveyors subject  
43 to the provisions of section 1 of P.L.2003, c.14 (C.45:8-36.3).

44 All types of other boundary markers shall be those contained in  
45 the regulations promulgated by the State Board of Professional  
46 Engineers and Land Surveyors and approved by the proper  
47 authority.

1 (9) The map shall show as a chart on the plat any other technical  
2 design controls required by local ordinances, including, but not  
3 limited to, minimum street widths, minimum lot areas and minimum  
4 yard dimensions.

5 (10) The map shall show the name of the subdivision, the name  
6 of the **【last】** current property owners, the municipality and county.

7 (11) The map shall show the date of the survey and shall be in  
8 accordance with the minimum survey detail requirements of the  
9 State Board of Professional Engineers and Land Surveyors.

10 (12) A certificate of a land surveyor or surveyors, shall be  
11 endorsed on the map as follows:

12 I certify that to the best of my knowledge and belief this map and  
13 land survey dated ..... meet the minimum  
14 survey detail requirements of the State Board of Professional  
15 Engineers and Land Surveyors and the map has been made under  
16 my supervision, and complies with the **【"map filing law"】**  
17 applicable sections of N.J.S.46:26A-1 et seq. and N.J.S.46:26B-1 et  
18 seq. and that the outbound corner markers as shown have been  
19 found, or set as indicated hereon.

20 (Include the following, if applicable)

21 I further certify that the monuments as designated and shown have  
22 been set.

23

.....  
(Printed name of Licensed Professional Land Surveyor) Date  
Licensed Professional Land Surveyor **【and No.】** , NJ License #

24

25 (Affix Seal over signature)

26

27 (13) If the land surveyor who prepares the map is different from  
28 the land surveyor who prepared the outbound survey, the following  
29 two certificates shall be added in lieu of the certificate above.

30 (a) I certify to the best of my knowledge, information and belief  
31 that this land survey dated has been made under my  
32 supervision and meets the minimum survey detail requirements of  
33 the State Board of Professional Engineers and Land Surveyors and  
34 that **【the】** any outbound corner markers as shown have been found,  
35 or set as indicated hereon.

36

.....  
(Printed name of Licensed Professional Land Surveyor) Date  
Licensed Professional Land Surveyor **【and No.】** , NJ License #

37

38 (Affix seal over signature)

1 (b) I certify that this map has been made under my supervision  
2 and complies with **the "map filing law."** applicable sections of  
3 N.J.S.46:26A-1 et seq. and N.J.S.46:26B-1 et seq.

4  
5 (Including the following if applicable)

6  
7 I further certify that the monuments as designated and shown  
8 hereon have been set.

.....  
(Printed name of Licensed Professional Land Surveyor) Date  
Licensed Professional Land Surveyor **and No.** , NJ License #

9  
10 (Affix seal over signature)

11  
12 (c) If monuments are to be set at a later date, the following  
13 requirements and endorsement shall be shown on the map.  
14 The monuments shown on this map shall be set within the time limit  
15 provided in the "Municipal Land Use Law," P.L.1975,  
16 c.291 (C.40:55D-1 et seq.) or local ordinance.

17 I certify that a bond of a sufficient amount has been given to the  
18 municipality, guaranteeing the future setting of the monuments as  
19 designated and shown on this map and so designated.

.....  
(Printed name of Municipal Clerk) Date  
Municipal Clerk

20  
21 (d) If the map is a right of way parcel map or general property  
22 parcel map the project surveyor need **only to** not certify that the  
23 monuments have been set or will be set.

24 (14) (a) A certificate of the municipal **engineer** land surveyor  
25 shall be endorsed on the map as follows:

26 I have carefully examined this map and to the best of my knowledge  
27 and belief find it conforms with the provisions of **the "map filing**  
28 **law,"** applicable sections of N.J.S.46:26A-1 et seq. and  
29 N.J.S.46:26B-1 et seq., resolution of approval and any applicable  
30 municipal ordinances and requirements as they pertain to surveying  
31 matters.

.....  
(Printed name of Licensed Professional Land Surveyor) Date  
Municipal **Engineer** Land Surveyor (Affix Seal over  
signature)  
Licensed Professional Land Surveyor, NJ License #

32  
33 (b) When proposed improvements are shown, the municipal  
34 engineer shall review all engineering aspects of the map and

1 endorse thereon a certificate in the format of the municipal land  
2 surveyor.

3 (15) An affidavit setting forth the names and addresses of all the  
4 record title owners of the lands subdivided by the map and written  
5 consent to the approval of the map of all those owners shall be  
6 submitted to the proper authority with the map.

7 (16) If the map shows highways, streets, lanes or alleys, a  
8 certificate shall be endorsed on it by the municipal clerk that the  
9 municipal body has approved the highways, streets, lanes or alleys,  
10 except where such map is prepared and presented for filing by the  
11 State of New Jersey or any of its agencies. The map shall show all  
12 of the street names as approved by the municipality.

13 (cf: N.J.S.46:26B-2)

14

15 12. N.J.S.46:26B-3 is amended to read as follows:

16 46:26B-3. Monumentation.

17 a. A map shall not be approved by a proper authority unless it  
18 meets the monumentation requirements of this section specified for  
19 the kind of map involved. The following kinds of maps shall meet  
20 the following requirements:

21 (1) Subdivision plats shall meet all of the requirements of this  
22 section.

23 (2) Right of way parcel maps shall meet the requirements of  
24 subsection b. (9) of this section.

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

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

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

44 (3) At one corner formed by the intersection of the right-of-way  
45 lines of any two streets at a T-type intersection.

46 (4) At any two corners formed by the right-of-way lines of any  
47 two streets in an "X" or "Y" type intersection.

- 1 (5) If the right-of-way lines of two streets are connected by a  
2 curve at an intersection, monuments shall be as stipulated in (3) and  
3 (4) of this subsection at one of the following control points:
- 4 (a) The point of intersection of the prolongation of said lines,
  - 5 (b) The point of curvature of the connecting curve,
  - 6 (c) The point of tangency of the connecting curve,
  - 7 (d) At the beginning and ending of all tangents on one side of  
8 any street, or
  - 9 (e) At the point of compound curvature or point of reversed  
10 curvature where either curve has a radius equal to or greater than  
11 100 feet. Complete curve data as indicated in subsection d. of this  
12 section shall be shown on the map, or
  - 13 (f) At intermediate points in the sidelines of a street between  
14 two adjacent street intersections in cases where the street deflects  
15 from a straight line or the line of sight between the adjacent  
16 intersections is obscured by a summit or other obstructions which  
17 are impractical to remove. This requirement may necessitate the  
18 setting of additional monuments at points not mentioned above.  
19 Bearings and distances between the monuments or coordinate  
20 values shall be indicated.
- 21 (6) In cases where it is impossible to set a monument at any of  
22 the above designated points, a nearby reference monument shall be  
23 set and its relation to the designated point shall be clearly  
24 designated on the map; **【or】** and the plate on the reference  
25 monument shall be stamped with the word "offset" and its  
26 **【relation】** relationship to the **【monument shown on the filed map】**  
27 designated point.
- 28 (7) In areas where permanency of monuments may be better  
29 insured by off-setting the monuments from the property line, the  
30 municipal engineer may authorize such procedure; provided, that  
31 proper instrument sights may be obtained and complete off-set data  
32 is recorded on the map.
- 33 (8) A note shall be provided on each drawing that shall read as  
34 follows: By the filing of a map in accordance with the provisions of  
35 **【"the map filing law,"】** the applicable sections of N.J.S.46:26A-1 et  
36 seq. and N.J.S.46:26B-1 et seq., reasonable survey access to the  
37 monuments is granted, which shall not restrict in any way the use of  
38 the property by the landowner.
- 39 (9) On right of way parcel maps and general property parcel  
40 maps, the monuments shall be set at the points of curvature, points  
41 of tangency, points of reverse curvature and points of compound  
42 curvature or the control base line or center line, if used, and be  
43 intervisible with a second monument.
- 44 (10) On minor subdivisions a monument shall be set at each  
45 intersection of an outside boundary of the newly created lot or lots  
46 with the right of way line of any side of an existing street.  
47 (cf: N.J.S.46:26B-3)



1 13. N.J.S.46:26B-4 is amended to read as follows:

2 46:26B-4. Approval of maps.

3 a. The proper authority shall approve or disapprove a map or  
4 determine that the map is exempt from approval, within 45 days  
5 from its receipt of a completed application.

6 b. The approval of a map under this law by the proper authority  
7 shall not be construed as acceptance of any street or highway  
8 indicated on the map; nor shall approval obligate the State of New  
9 Jersey or any county or municipality, to maintain or exercise  
10 jurisdiction over those streets or highways.

11 (cf: N.J.S.46:26B-4)

12

13 14. N.J.S.46:26B-5 is amended to read as follows:

14 46:26B-5. Additional prerequisites to filing.

15 a. ~~【The】~~ With the exception of right-of-way parcel maps and  
16 other governmental mapping, the county recording officer shall not  
17 accept for filing any map【, with the exception of a right-of-way  
18 parcel map】 unless it has endorsed on it a certificate signed and  
19 sealed with the municipal seal by the municipal clerk or secretary of  
20 the planning board, as the case may be, stating:

21 **【a.】** (1) That the proper authority has approved the map or  
22 stating its exemption from approval;

23 **【b.】** (2) That the map complies with the provisions of this law;  
24 and

25 **【c.】** (3) The date by which the map is required to be filed by the  
26 applicable law.

27 b. One of the following endorsements shall be used and shall  
28 read as follows:

29 (1) When review and approval by the proper authority is  
30 required:

31

32 This is to certify that the Planning Board of the \_\_\_\_\_ of \_\_\_\_\_ is the  
33 proper authority and, having reviewed this map, finds it to be in  
34 compliance with the applicable sections of N.J.S.46:26A-1 et seq.  
35 and N.J.S.46:26B-1 et seq. and has approved this map for filing  
36 with the county recording officer of (county) County on or before  
37 the (date) day of (month), (year). After this date municipal  
38 approval shall expire.

.....  
(Printed name of the municipal clerk or secretary of the planning board) Date  
Title, Municipal Clerk or Secretary of the Planning Board

39

40 (2) When it has been determined that approval by the proper  
41 authority is not required:

42 This is to certify that the Planning Board of the \_\_\_\_\_ of \_\_\_\_\_ is the  
43 proper authority and, having reviewed this map, finds it to be in  
44 compliance with the applicable sections of N.J.S.46:26A-1 et seq.

1 and N.J.S.46:26B-1 et seq. and has determined that this map is  
2 exempt from approval by this authority.

.....  
(Printed name of the municipal clerk or secretary of the planning board) Date  
Title, Municipal Clerk or Secretary of the Planning Board

3  
4 Right-of-way parcel maps, general property parcel maps and all  
5 other government survey maps, plats, charts or plans, prepared by a  
6 licensed land surveyor shall not require approval by the proper  
7 authority as a prerequisite to filing with the county recording  
8 officer.

9 Minor subdivision maps may also be filed with the county  
10 recording officer when, along with the deed perfecting the  
11 subdivision, a signed and sealed copy of that approved minor  
12 subdivision map is accompanied with a certified resolution from the  
13 proper authority granting the subdivision approval.

14 (cf: N.J.S.46:26B-5)

15  
16 15. (New section) Nothing in the provisions of N.J.S.46:26A-1  
17 et seq. or N.J.S.46:26B-1 et seq. shall prevent an individual licensed  
18 as a professional engineer and as a professional land surveyor from  
19 being appointed by the proper authority to perform the tasks and  
20 responsibilities of both the municipal engineer and the municipal  
21 land surveyor.

22  
23 16. (New section) For all mapping performed in accordance  
24 with the provisions of N.J.S.46:26B-1 et seq., a land surveyor may  
25 show the footprint of proposed improvements and the distance of  
26 proposed improvements from the boundary lines of the property. A  
27 note shall be included on the drawing indicating the source of the  
28 information being shown. As used in this section, "footprint"  
29 means the exterior surface or structural overhang of any proposed  
30 improvement to the land where such exterior surface or structural  
31 overhang comes or would come in contact with the surface of the  
32 ground.

33  
34 17. This act shall take effect immediately.

35

36

37

STATEMENT

38

39 This bill provides that only properly licensed New Jersey Land  
40 Surveyors review all matters pertaining to land surveying and the  
41 practice of land surveying in the submission of site plans and  
42 subdivision maps to the proper authority. Presently, licensed  
43 engineers are allowed to review all matters and make all  
44 determinations in matters involving land surveying. While this may

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27

1 have been acceptable in the past, changes in the statutory law  
2 governing land surveyors and engineers, as well as differences in the  
3 requirements for each profession in terms of education and experience,  
4 have made the two professions distinct and separate. In light of this,  
5 this bill amends the “Municipal Land Use Law,” the “map filing law,”  
6 and various provisions of law relating to title recordation and mapping  
7 contained in chapters 26A and 26B of Title 46 of the New Jersey  
8 Statutes in order to reflect these changes.

9 Under the bill, the responsibility for review of all matters  
10 pertaining to engineering will remain with the licensed engineer, but  
11 responsibility for review of matters pertaining to land surveying will  
12 be placed with the licensed land surveyor. For subdivision plots and  
13 condominium plans the outbound corner markers shall be set pursuant  
14 to regulations promulgated by the State Board of Professional  
15 Engineers and Land Surveyors. The bill provides that all types of  
16 other boundary markers shall be in accordance with board regulations  
17 and approved by the proper authority.

18 The bill requires all monuments to include the identification of the  
19 professional surveyor or firm, rather than the identification of the  
20 professional land surveyor and firm.