

SECTION 800

Approval Conditions

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801 General

At such time that the Planning Board gives its final approval any unfulfilled requirements of the Planning Board shall be considered conditions of that approval. The applicant shall be required to comply with these conditions within the time frames specified in these Standards or as specified by the Planning Board when final approval is granted.

802 Deeds and Easements

After Planning Board approval of a development application, but prior to issuance of a road opening permit, or municipal building permit, all deed and easement instruments or any other legal instruments required by the Planning Board must be submitted to the Planning Board for review and approval prior to the County Counsel recording such legal documents at the County Clerk's Office. Deed and easements shall be prepared in accordance with these standards and shall bear all necessary signatures prior to recording.

803 Proportionate Share Contributions and Payment in Lieu of Construction

- A. After approval of development plans and prior to construction (or filing of a final plat) the applicant must submit to the County Planning Board, a check in the amount specified in the Planning Board's approval.
- B. Checks shall be made payable to the Treasurer of Morris County and shall be submitted to the Planning Board for recording and transmittal to the County Treasurer.
- C. Such funds shall be used only for the specified County drainage project unless such projects are not initiated for a period of ten (10) years, at which time those funds for each specific project reaching that time limit shall be transferred to the general fund of the County, provided that no assessment by the County shall be thereafter levied against the owners of the land upon which the developer's prior contribution has been based.

804 Performance Guarantee and Other Payments

- A. Shall be submitted to the County Engineering Division upon application for a Road Opening Permit and/or prior to construction of any sort within the County road right-of-way.
- B. Shall be in the form of a certified check (unless otherwise specified) made payable to the Treasurer of Morris County and submitted to the County Engineering Division. Performance Guarantees in other forms may be acceptable if approved by the County Counsel.
- C. Shall be determined by the County Engineering Division in an amount sufficiently adequate to cover the cost of improvements as required in the Planning Board.
- D. Shall be based upon and accompanied by written agreement with the County Engineer specifying construction standards for the required improvements and release of such payments upon satisfactory completion of the required improvements.
- E. Release of Performance Guarantee
 - 1. The County Engineering Division shall inspect all completed improvements required by the County Planning Board for which a Performance Guarantee has

been posted and certify that the improvements have been satisfactorily constructed in conformance with the requirements and specifications of these Standards and the terms and conditions of the Performance Guarantee and that any required Maintenance Bond has been posted.

2. The County Engineering Division shall forward a copy of its certification to the Planning Board for transmittal to the Board of Chosen Freeholders with a request for release of the Performance Guarantee.
3. The Board of Chosen Freeholders, at their next regular meeting after receipt of the request from the Planning Board, shall by resolution release the Performance Guarantee.

F. Release of Maintenance Bond

1. The County Engineering Division shall inspect all County facilities covered by a maintenance bond thirty (30) days prior to the expiration date of the bond and certify that the facilities are in satisfactory condition.
2. A copy of the certification shall be forwarded to the Planning Board for transmittal to the Board of Chosen Freeholders with the request for release of the bond.

805 Developer's Agreement

- A. Such agreement shall be required when one or more of the following conditions exist as determined by the County Planning Board in consultation with the County Engineer:
1. Improvements to County facilities are to be provided which differ from the adopted Standards.
 2. Monetary contributions are required in lieu of construction improvements.
 3. Pro rata, off tract improvement obligations are determined.
 4. Multiple developers jointly fund and/or construct improvements.
 5. Improvement obligations are reallocated to address immediate, higher priority needs.
- B. The Planning Board, in cooperation with County Counsel, shall coordinate the activities involved in negotiating, drafting, finalizing and approving development agreements by the Board of Chosen Freeholders within the land development review process. These activities include:
1. Review by the Land Development Review Committee.
 2. Coordination of municipal review when applicable.
 3. Recording of agreements.
 4. Depositing contribution payments and fees into dedicated accounts.
- C. Provisions contained within the development agreement shall include the following general categories according to the requirements upon which an agreement is based:
1. Parties to the Agreement and Site Demarcation

2. Objectives and Responsibilities
 3. Construction of Improvements
 4. Pro Rata and In Lieu Contributions
 5. Easements and Dedications
 6. Permits and Approvals
 7. Reporting Mechanisms
 8. Assignment and Transfer
 9. Duration
 10. Other terms and Conditions
 11. Construction Phasing
- D. Such agreement shall be retained until all improvements have been completed to the satisfaction of the County Engineering Division and the County Planning Board.
- E. In instances when the provisions of this resolution allow or require a cash contribution to the County to cover a share of the cost of all improvement, the approval of a subdivision or site plan shall be further conditioned on the receipt of such contributions in the form of a certified check made out to the Treasurer of the County of Morris, and deposited in an account reserved for such improvements.

806 As-Built Drawings

When required by the Planning Board, and in consultation with the County Engineering Division, the developer shall submit "as-built drawings" of construction work performed for any structure within a right-of-way under County' jurisdiction.

807 Road Opening Permit

After Planning Board approval of the development application and drawings, and 10 days prior to construction at the site, the developer must apply to the County Engineering Division for a permit to perform work within the County right-of-way for any proposed construction of driveways, roadway, or utilities.

808 Non-Compliance with Conditions of Approval

Failure to comply with any of the conditions of County subdivision or site plan approval may be grounds for any or all of the following actions:

- A. Refusal of the County to issue a Road Opening Permit for said subdivision or site development;
- B. A request to the local approving authority to revoke or to withhold the local building permit and/or certificate of occupancy for said development;
- C. Forfeiture of any performance bond or other payment guarantee required by the County to cover the cost of improvements over which the County has jurisdiction.
- D. Appropriate court action initiated by the County of Morris.