

**BOROUGH OF WALLINGTON  
BERGEN COUNTY, NEW JERSEY  
ORDINANCE 2020-011**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 330, SUBDIVISION OF LAND AND  
SITE PLAN REVIEW ARTICLE VIII**

**WHEREAS**, the Governing Body anticipates future redevelopment to occur within the community that will require infrastructure improvements necessary to sustain such development; and

**WHEREAS**, N.J.S.A. 40:55D-42 and N.J.S.A. 40:55D-53 empower municipalities to adopt ordinances governing contributions for off-tract improvements and performance guarantees;

**BE IT ORDAINED** by the Governing Body of the Borough of Wallington, Bergen County, New Jersey that it does hereby amend, and supplement Chapter 330, Article VIII entitled On-Tract Improvements as follows:

**SECTION 1.** Chapter 330, Article VIII, entitled On-Tract Improvements is hereby repealed in its entirety and replaced with the following new Article VIII entitled "On and Off Tract Improvements" as follows:

**ARTICLE VIII On and Off Tract Improvements**

**§ 330-69. Improvements; performance and maintenance guarantees.**

- A. Before execution of the final subdivision plat, as a condition of final site plan approval, or as a condition to the issuance of a zoning permit pursuant to N.J.S.A. 40:55D-65, a developer shall have installed all improvements required by the Planning Board or Board of Adjustment as may be the case, except that the Borough Council may require and shall accept in accordance with the standards adopted herein pursuant to N.J.S.A. 40:5D-53, for the purpose of assuring the installation and maintenance of on-tract improvements, the following:
- 1) The furnishing of a performance guarantee in favor of the Borough in an amount not to exceed one hundred twenty percent (120%) of the cost of installation for all improvements not installed prior to final approval, which cost shall be determined by the Borough Engineer according to the method of calculation set forth in N.J.S.A. 40:55D-53.4 for the following improvements as shown on the approved plans or plat: streets, pavement, gutters, curbs, sidewalks, street lighting, street trees, surveyor's monuments, as shown on the final map and required by "the map filing law," P.L.1960, c.141 (C.46:23-9.9 et seq.; repealed by section 2 of P.L.2011, c.217.) or N.J.S.-46:26B-8 through N.J.S.46:26B-8, water mains, sanitary sewers,

community septic systems, drainage structures, public improvements of open space, and any grading necessitated by the preceding improvements.

- (2) A successor developer must furnish a replacement performance guarantee, as a condition to the approval of a permit update under the State Uniform Construction Code, for the purpose of updating the name and address of the owner of property on a construction permit.
- (3) A minimum of ten percent (10%) of the total guarantee required shall be in the form of cash, or a certified check made payable to the Borough of Wallington. The balance may be in the form of cash, a certified check, a letter of credit, a performance bond from a bonding company included in a list of acceptable bonding companies maintained by the Borough Administrator, or any combination of the foregoing. The Borough Engineer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimates shall be appended to each performance guarantee posted by the obligor.
- (4) Any cash or certified check furnished as a portion of a performance guarantee in favor of the Borough shall be held in escrow by the Borough and deposited or invested in the manner prescribed in N.J.S.A. 40:55D-53.1 for escrow interest, the principal amount to be refunded to the obligor upon release from liability or reduction in the amount of the performance guarantee.
- (5) A performance guarantee shall include, within an approved phase or section of a development privately-owned perimeter buffer landscaping, as required by Borough ordinance or imposed as a condition of approval.
- (6) At the developer's option, a separate performance guarantee may be posted for the privately-owned perimeter buffer landscaping.
- (7) In the event that the developer shall seek a temporary certificate of occupancy for a development, unit, lot, building, or phase of development, as a condition of the issuance thereof, the developer shall furnish a separate guarantee, referred to herein as a "temporary certificate of occupancy guarantee," in favor of the Borough in an amount equal to 120% of the cost of installation of only those improvements or items which remain to be completed or installed under the terms of the temporary certificate of occupancy and which are required to be installed or completed as a condition precedent to the issuance of the permanent certificate of occupancy for the development, unit, lot, building or phase of development and which are not covered by an existing performance guarantee. Upon posting of a "temporary certificate of occupancy guarantee," all sums remaining under a performance guarantee, required pursuant to Section 330-69 A. (1), which relate to the

development, unit, lot, building, or phase of development for which the temporary certificate of occupancy is sought, shall be released. The scope and amount of the "temporary certificate of occupancy guarantee" shall be determined by the zoning officer, Borough Engineer, or other municipal official designated by ordinance. At no time may the Borough hold more than one guarantee or bond of any type with respect to the same line item. The "temporary certificate of occupancy guarantee" shall be released by the zoning officer, Borough Engineer, or other municipal official designated by ordinance upon the issuance of a permanent certificate of occupancy with regard to the development, unit, lot, building, or phase as to which the temporary certificate of occupancy relates.

- (8) A developer shall furnish to the Borough a "safety and stabilization guarantee," in favor of the Borough. At the developer's option, a "safety and stabilization guarantee" may be furnished either as a separate guarantee or as a line item of the performance guarantee. A "safety and stabilization guarantee" shall be available to the Borough solely for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition, only in the circumstance that:
- a) site disturbance has commenced and, thereafter, all work on the development has ceased for a period of at least 60 consecutive days following such commencement for reasons other than force majeure, and
  - b) work has not recommenced within 30 days following the provision of written notice by the Borough to the developer of the Borough's intent to claim payment under the guarantee. The Borough shall not provide notice of its intent to claim payment under a "safety and stabilization guarantee" until a period of at least 60 days has elapsed during which all work on the development has ceased for reasons other than force majeure. The Borough shall provide written notice to a developer by certified mail or other form of delivery providing evidence of receipt.
  - c) The amount of a "safety and stabilization guarantee" for a development with bonded improvements in an amount not exceeding \$100,000 shall be \$5,000.
  - d) The amount of a "safety and stabilization guarantee" for a development with bonded improvements exceeding \$100,000 shall be calculated as a percentage of the bonded improvement costs of the development or

phase of development as follows:

- 1) \$5,000 for the first \$100,000 of bonded improvement costs, plus two and a half percent of bonded improvement costs in excess of \$100,000 up to \$1,000,000, plus one percent of bonded improvement costs in excess of \$1,000,000.
  - 2) The Borough shall release a separate "safety and stabilization guarantee" to a developer upon the developer's furnishing of a performance guarantee which includes a line item for safety and stabilization in the amount required under this paragraph.
  - 3) The Borough shall release a "safety and stabilization guarantee" upon the Borough Engineer's determination that the development of the project site has reached a point that the improvements installed are adequate to avoid any potential threat to public safety.
- B. The performance guarantee shall be approved by the Borough Attorney as to form, sufficiency and execution. The performance guarantee shall list all required improvements in detail, setting forth the amount, quantity and specification of all items. It shall be the responsibility of the Borough Engineer to monitor progress of installation of improvements and the sufficiency of the performance guarantee as development progresses. In the event the Borough Engineer determines, at any time, that guarantees are insufficient to cover the completion of improvements, he/she may, with the concurrence of the Borough Attorney, adjust the limits of the guarantees. Any determination by the Borough Engineer may be appealed to the Borough Council within ten (10) days of such determination. Failure of the developer to comply with the decision of the Borough Engineer or to appeal said decision shall require immediate cessation of construction by issuance of a stop-work order by the Borough Engineer.
- C. No performance guarantee shall be considered filed or accepted for filing with the Borough Clerk unless and until the following conditions are met:
- (1) Final construction plans have been filed with the Planning Board and an estimate of the cost of construction has been filed with the Borough Council.
  - (2) The Borough Engineer shall have certified in writing to the Borough Council that the amount thereof is sufficient to assure the completion of the improvements.
  - (3) The Borough Attorney shall have approved the sufficiency of the form and execution of said performance guarantee.
  - (4) The Borough Council shall have approved the qualifications of the surety and stipulated the duration of said guarantee. If the applicant elects to post

performance guarantees pursuant to this subsection, the final plat shall contain the following statement in bold letters.

#### NOTICE

CONSTRUCTION OF ALL REQUIRED IMPROVEMENTS IS TO BE COMPLETED WITHIN THE TIME FRAME PROVIDED FOR IN THE DEVELOPER'S AGREEMENT UNLESS AN EXTENSION OF TIME HAS BEEN OBTAINED FROM THE APPROPRIATE MUNICIPAL AGENCY. THE MUNICIPALITY HAS NO OBLIGATION TO CONSTRUCT ANY IMPROVEMENTS NOT COMMENCED, NOR TO COMPLETE ANY IMPROVEMENTS COMMENCED BY DEVELOPER EXCEPT TO THE EXTENT OF FUNDS RECEIVED FROM THE PERFORMANCE GUARANTEES POSTED BY DEVELOPER WITH THE MUNICIPALITY.

- D. Such performance guarantee shall run for a period to be determined by the Borough Council in conjunction with the developer's agreement (See § 330-70). The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the Borough Council by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed one hundred twenty percent (120%) of the cost of installation as determined at the time of the passage of the resolution.
- E. If the required improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the Borough for the reasonable cost of the improvements not completed or corrected and the Borough may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the Local Public Contracts Law, P.L. 1971, c. 198 (N.J.S.A. 40A:11-1 et seq.).
- F. Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the obligor may request of the Borough Council in writing, by certified mail, that the Borough Engineer prepare, in accordance with the itemized cost estimate prepared by the Borough Engineer and appended to the performance guarantee pursuant to subsection A of this section, a list of all uncompleted or unsatisfactorily completed improvements. A copy of the request shall be sent to the Borough Engineer. The request shall indicate which improvements have been completed and which improvements remain uncompleted in the judgment of the obligor. Thereupon the Borough Engineer shall inspect all improvements covered by the request and shall file a written list and report with the Borough Council, with a copy to the obligor, not later than forty-five (45) days after the receipt of the obligor's request.

The list prepared by the Borough Engineer shall state, in detail, with respect to each improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed improvement determined to be unsatisfactory, or the nature and extent of, and remedy for, the unsatisfactory state of each completed improvement determined to be unsatisfactory. The report shall also identify each improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory improvement, in accordance with the itemized cost estimate prepared by the Borough Engineer and appended to the performance guarantee pursuant to subsection A of this section.

- G. The Borough Council, by resolution, shall either approve the improvements determined to be complete and satisfactory by the Borough Engineer, or reject any or all of these improvements, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the Borough Engineer. This resolution shall be adopted not later than forty-five (45) days after receipt of the list and report prepared by the Borough Engineer. Upon adoption of the resolution by the Borough Council, the obligor shall be released from all liability pursuant to its performance guarantee, with respect to those approved improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved, provided that thirty percent (30%) of the amount of the performance guarantee posted may be retained to ensure completion of all improvements.

In the event that the obligor has made a cash deposit with the Borough or approving authority as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee.

- H. If any portion of the required improvements is rejected, the approving authority may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification, as set forth in this section shall be followed.
- I. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination or lack of a determination of the Borough Council or the Borough Engineer.
- J. All the improvements shall be subject to inspection and approval by the Borough Engineer who shall be notified by the developer at least forty-eight (48) hours prior to the start of the construction. No underground installations shall be covered until inspected and approved. The obligor shall reimburse the Borough for all reasonable



inspection fees paid to the Borough Engineer for the foregoing inspection of improvements. The Borough Engineer shall not perform any inspection if sufficient funds to pay for those inspections are not on deposit.

K. In the event that final approval is by stages or sections of development pursuant to N.J.S.A. 40:55D-38(a), the Planning Board or Board of Adjustment, as the case may be, shall establish a time schedule or phasing/sectioning plan for the installation of improvements and a level of monetary guarantees coordinated with that schedule or plan in order to protect the Borough. Failure of the developer to meet any time limit or phasing/sectioning deadline shall necessitate review by the approving authority. Timing or phasing/sectioning of improvements shall be established with consideration of the following factors:

- (1) The estimated amount of time needed to install all improvements;
- (2) Physical characteristics of the site;
- (3) Current market and economic conditions;
- (4) The estimated cost of improvements and the nature of the performance guarantees; and
- (5) Representations of the developer relative to his/her ability to meet the deadlines to be established.

Any time schedule and phasing/sectioning plan shall be incorporated into the developer's agreement referred to in § 330-70.

L. To the extent that any of the improvements have been dedicated to the Borough on the subdivision plat or site plan, the Borough Council shall be deemed, upon the release of any performance guarantee required pursuant to subsection A of this section, to accept dedication for public use of streets or roads and any other improvements made thereon according to site plans and subdivision plats approved by the approving authority, provided that such improvements have been inspected and have received final approval by the Borough Engineer.

M. Building permits in a subdivision or site plan or approved subsection thereof, except for model buildings in the first subsection, will be issued only when all improvements, with the exception of the following, have been installed to serve all lots and structures within the subdivision or site plan or approved subsection thereof and approved by the Borough Engineer:

- (1) The final bituminous surface course of streets;
- (2) Street signs;

- (3) Dry wells and swales as may be required;
  - (4) Monuments;
  - (5) Shade trees;
  - (6) Sidewalks; and
  - (7) In the case of site plans only, landscaping.
- N. Permits for model buildings in the front subsection or ten percent (10%) of the total number to be built in said subsection, whichever is less, but not to exceed six (6), may be issued on commencement of construction of improvements.
- O. Installation of sidewalks, where required on a lot, shall be completed prior to the issuance of a certificate of occupancy for that lot.
- P. A site plan bond shall be posted prior to earth disturbance.
- Q. Notwithstanding any provision of this chapter to the contrary, upon completion of all improvements but prior to acceptance by the Borough Council of such improvements and prior to the release of any performance guarantee which may have been posted, deeds must be received, free and clear of all mortgages and encumbrances, for all fee and other property interests and improvements to be conveyed to the Borough.
- R. The applicant shall provide for a maintenance guarantee to be posted with the Borough Council for a period not to exceed two (2) years after final acceptance of the improvements, in an amount not to exceed fifteen percent (15%) of the cost of the improvement, which cost shall be determined by the Borough Engineer according to the method of calculation set forth in N.J.S.A. 40:55D-53.4. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the municipality for such utilities or improvements. The Borough Engineer and the Borough Council shall review the maintenance bond, and it shall be reviewed by the Borough Attorney as to form, sufficiency and execution and approved by the governing body. The maintenance bond shall be expressly conditioned upon the maintenance by the sub-divider of all such improvements for a period of two (2) years and particularly shall guarantee the remedying of any defects in such improvements which occur during said period. The maintenance guarantee shall further guarantee the replacement of any shade trees found to be unhealthy within two (2) years after acceptance.

**§ 330-70. Developer's agreement.**



- A. Within ninety (90) days of the adoption of a resolution granting final subdivision or final site plan approval and prior to the execution of the final subdivision plat or signing of a final site plan by the Borough, there shall be executed and delivered to the Borough Attorney an agreement between the developer and the Borough incorporating all the terms and conditions of final approval. The agreement may be drawn by the Borough Planning Board Attorney, Board of Adjustment Attorney or Borough Attorney and shall be executed by the owner and developer of the proposed development.
- B. The agreement must contain the following provision: "It is hereby understood and agreed that in the event the principal shall default in the performance of its obligation under this agreement, then the Borough shall perform said principal's obligation at the option of the Borough Council."
- C. Implicit in every preliminary approval and part of each such agreement in connection with final approval shall be the agreement of the developer to:
  - (1) Procure all necessary easements of any nature whatsoever.
  - (2) Make such revisions in the drainage plan as may be reasonably required before or during construction by the Borough Engineer. All drainage problems shall be resolved to the satisfaction of the Borough Engineer prior to the issuance of the final certificate of occupancy in the subdivision or site plan.
  - (3) Construct all improvements as approved by the appropriate land use board.
  - (4) Make changes to the approval and/or plan in the interest of public health and safety.
- D. In the event that all of the improvements have not been installed within the time period set forth in the developer's agreement, the developer may request, in writing, to the Borough Council, a one (1) year extension of the time in which to complete all improvements. No more than two (2) such extensions will be considered unless otherwise extended by the Borough Council.

**§ 330-71. Off-tract improvements.**

- A. Construction or contribution required. Pursuant to the powers established in N.J.S.A. 40:55D-39 and N.J.S.A. 40:55D-42, construction of or contributions for off-tract water, sewer, drainage and street improvements may be required in accordance with the following criteria:
  - (1) Improvements to be constructed at the sole expense of the applicant. In cases where reasonable and necessary need for an off-tract improvement or improvements is necessitated or required by the proposed development application, and where no other property owners receive a special benefit

thereby, the Planning Board may require the applicant, as a condition of subdivision or site plan approval, at the applicant's sole expense, to provide for and construct such improvements as if such were on-tract improvements in the manner provided hereafter and as otherwise provided by law.

(2) Contributions by developer toward required off-tract improvements:

- a. In cases where the need for any off-tract improvement is necessitated by the proposed development application, and where the Planning Board determines that properties outside the development will also be benefited by the improvements, the Planning Board shall utilize the criteria set forth in § 330-71. C. below in determining the developer's proportionate share of such improvements. In addition, the Board shall be guided by the rules and regulations specified in this chapter and the Master Plan. The Board may also be guided by counsel from the Board Attorney, Engineer, Planning Consultant and other qualified experts and municipal officials relative to the subject matter.
- b. In the event that the Board determines that one (1) or more improvements constitute an off-tract improvement the Board shall notify the Borough Council of the same specifying the Borough's recommendation relative to the estimated cost of same, the applicant's prorated share of the cost, and possible methods or means to implement same, including but not limited to performance and maintenance guarantees, case contributions, development agreements and other forms of surety.
- c. The Board shall not grant final approval on the subdivision or site plan until all aspects of such conditions have been mutually agreed upon by both the applicant and the Borough Council and a written resolution to that effect by the Borough Council has been transmitted to the Board.

B. Methods of implementation.

- (1) Performance and maintenance guarantees. Where a performance or maintenance guarantee or other surety is required in connection with an off-tract improvement the applicant shall be required to follow the same procedures and requirements as specified in this chapter for other improvements.
- (2) Development agreement. Where a development agreement is required governing off-tract improvements or other conditions as may be required by this chapter or by the Board, said agreement shall be approved as to form, sufficiency and execution by the Board Attorney and Borough Attorney. Said agreement shall specify the amount of cash contributions, if any, the method of payment,

the relative timing of such payment, and the obligation or obligations to be undertaken by the Borough of Wallington.

(3) Cash contributions, when not required. Cash contributions for off-tract improvements shall not be required under the following conditions:

a. Where another county or state agency has jurisdiction over the subject improvement and requires cash contribution, guarantee or other surety of the applicant in lieu of such conditions imposed by the Borough of Wallington;

b. Where a benefit assessment or other similar tax levy is imposed upon the applicant for the off-site improvement provided; or

c. Where the applicant, where legally permissible, can undertake the improvements in lieu of the municipality, subject to standards and other conditions as may be imposed by the Borough of Wallington.

4. Cash contributions, method of payment. Where a cash contribution is required by this chapter said contribution shall be deposited with the Borough Chief Financial Officer with a copy of the applicant's transmittal letter forwarded to the Borough Council, the Borough Engineer and the Board. Any and all monies received by the Chief Financial Officer shall be deposited in an escrow account for the purpose of undertaking the improvements specified. Where such improvements are not undertaken, or initiated for a period of ten (10) years from the posting of the funds, the funds may be retained by the Borough and may be used for general municipal purposes, but in such event, neither the applicant nor any of his heirs, executors, administrators, or grantors shall be liable to the Borough for any assessment for the purpose of installing any of the improvements for which said cash contribution was made.

C. Pro-rata formula for determining applicant's share of off-tract improvements. Where an off-tract improvement is required, the following criteria shall be utilized in determining the proportionate share of such improvement to the applicant:

(1) Street widening, alignment, corrections, channelization of intersections, construction of barriers, new or improved traffic signalization, signs, curbs, sidewalks, trees, utility improvements not covered elsewhere and the construction of new streets and other similar street or traffic improvements: The applicant's proportionate share shall be in the ratio of the estimated peak hour traffic capacity of the present facility, and the estimated peak hour traffic generated by the proposal development. The ratio thus calculated shall be increased by ten percent (10%) for contingencies.

- (2) Water distribution facilities including the installation of new water mains, the extension of existing water mains, the relocation of such facilities and the installation of other appurtenances associated therewith: The applicant's proportionate cost shall be in the ratio of the estimated daily use of water from the property or properties in gallons to the sum of the deficiency in gallons per day for the existing system or subsystem and the estimated daily use of water for the proposed development. The ratio thus calculated shall be increased by ten percent (10%) for contingencies.
- (3) Sanitary sewage distribution facilities, including the installation, relocation or replacement of collector and interceptor sewers and the installation, relocation or replacement of other appurtenances associated therewith: The applicant's proportionate cost shall be in the ratio of the estimated daily flow in gallons to the sum of the present deficient capacity for the existing system or subsystem and the estimated daily flow from the proposed project or development. In the case where the peak flow for the proposed development may occur during the peak flow period for the existing system, the ratio shall be the estimated peak flow rate from the proposed development in gallons per minutes to the sum of the present peak flow deficiency in the existing system or subsystem and the estimated peak flow rate from the proposed development. The greater of the two (2) ratios thus calculated shall be increased by ten percent (10%) for the contingencies and shall be the ratio used to determine the cost to the applicant.
- (4) Stormwater and drainage improvements, including installation, relocation or replacement of transmission lines, culverts, catch basins and the installation, relocation or replacement of other appurtenances associated therewith: The applicant's proportionate cost shall be in the ratio of the estimated peak surfaces runoff as proposed to be delivered into the existing system measured in cubic feet per second deficient for the existing system and the estimated peak flow as proposed to be delivered. The ratio thus calculated shall be increased by ten percent (10%) for contingencies. The applicant's engineer shall compute the drainage basin area and the area of the development and the percent of the total drainage basin area occupied by the development. Where no drainage system exists, which will receive the flow of the surface water from the applicant's development, the applicant shall furnish all drainage rights-of-way deemed to be necessary by the Board.
- (5) General considerations. In calculating the proportionate or pro rata amount of the cost of any required off-tract facilities which shall be borne by the applicant, the Board shall also determine the pro rata amount of cost to be borne by other owners of lands which will be benefited by the proposed improvements.

§ **330-72. As-built plans.**

- A. Before the Borough Construction Official Borough Engineer may issue a construction permit, the Borough Engineer shall certify that he or she has received and approved the detailed construction plans at a scale of not less than one inch equals 50 feet, profiles, typical sections, construction details and cross sections at maximum intervals of 50 feet of all improvements to be installed or constructed. No improvements shall be accepted by the Borough Council until the Borough Engineer has received and approved drawings, showing the as-built plans, details, grades and profiles of all improvements as finally constructed. In addition to print copies of as-built plans, electronic copies in a format acceptable to the Borough Engineer shall also be required as part of the submittal of as-built plans.
- B. Prior to the release of the performance guarantee, as-built plans on a reproducible media of all public improvements at a scale of not less than one-inch equals 50 feet in plan and profile view shall be submitted with a certification as to the actual construction, for approval of the Borough Engineer.
- C. As individual, improved lots within a subdivision are sold, the sub divider shall, prior to the time of closing, provide the purchaser with a plot plan prepared by a licensed land surveyor of such lot, showing the location of buildings and all improvements and the final contour grading lines. One copy of the as-built plan, signed and dated by the purchaser, shall be submitted to the Borough Engineer within ten (10) days prior to closing.

**SECTION 2.** The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Bergen County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15 and 40:55D-62.1. The Borough Clerk shall execute any necessary Proofs of Service of the notices required by this section and shall keep any such proofs on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

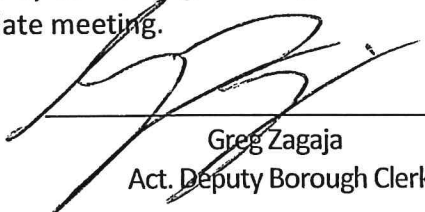
**SECTION 3.** After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Council, within thirty-five (35) days after referral, a report including identification of any provision in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

**SECTION 4.** If any paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION 5.** All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.


**SECTION 6.** This ordinance shall take effect immediately upon: (i) adoption; and (ii) publication in accordance with the laws of the State of New Jersey.

**Introduction/First Reading**

Member	Motion	Second	Aye	Nay	Abstain	Certified as a true copy of a Resolution adopted by the Borough Wallington at a below date meeting.   Greg Zagaja Act. Deputy Borough Clerk
Rachelski			X			
Preinfalk		X	X			
Orzechowski						
Sadecki			X			
Ivanicki			X			
Androwis	X		X			

Approved: April 30, 2020

BOROUGH OF WALLINGTON

By:   
Mayor Melissa Dabal

**Second Reading/Adoption**

Member	Motion	Second	Aye	Nay	Abstain	Certified as a true copy of a Resolution adopted by the Borough Wallington at a below date meeting.  _____ Greg Zagaja Act. Deputy Borough Clerk
Rachelski						
Preinfalk						
Orzechowski						
Sadecki						
Ivanicki						
Androwis						

Approved: May 28, 2020

BOROUGH OF WALLINGTON

By: \_\_\_\_\_  
Mayor Melissa Dabal