



LAND USE BOARD APPLICATION

NOTICE TO APPLICANTS

In every New Jersey community, every application for variance before a Municipal Land Use Board is subject to provisions of New Jersey State Land Use Act.

Be advised, a Variance is a request for development or construction that is otherwise prohibited by local ordinance adopted pursuant to the State Land Use Act.

An Applicant should have no expectation, nor should an Applicant believe, there is a "right" that an application and plan for Variance presented to the local Land Use Board be approved in its entirety.

Prior to, or during the application process citizen members of the Land Use Board are expressly prohibited by law from discussing a proposed variance with the applicant or the applicant's professionals. Each application deemed complete will receive a hearing open to the public.

Separate and apart from the elected Governing Body, the Land Use Board functions as a quasi-judicial body whose decisions are subject to appeal in the Superior Court of the State of New Jersey. If an Applicant is unfamiliar with the NJ Land Use Law, the Applicant should consult an Attorney.

The Applicant must present the Board with the legal proofs of "hardship" for granting the variance sought. The proofs of "hardship" are specifically prescribed in the LAW and responsibility of the Applicant, not the citizen-members of the Board, to identify and articulate.

An Applicant should always be prepared to discuss alternatives/ alterations to the plans presented.

The Board has no legal authorization to issue a building permit. Every approval, decision of the Board, is subject to a 45 day citizen appeal. Appeals are filed in Ocean County Superior Court.

PROCEDURES FOR APPLICATION SUBMITTAL

TO THE BOROUGH OF PINE BEACH LAND USE BOARD

1. All applications supporting plans, documents, reports, and fees must be submitted to the Board Engineer, Attorney, and Secretary at least 28 days before the meeting to be considered (meetings held on the first Thursday of the month, unless changed for a holiday). The secretary will notify you of the exact date of your scheduled hearing.
2. Refer to the attached fee and escrow schedules for applicable fees to be submitted in separate checks to the Secretary of the Planning Board.
3. Refer to the applicable administrative checklist for distribution of all required information. Distribution of materials is the responsibility of the applicant.
4. The following is a list for distribution:

Board Engineer - (One Copy)

John J. Mallon, P.E., C.M.E., P.P. (732-473-3400 ext. 4778)
T&M Associates
9 Grand Ave., Bldg. 1
Toms River, NJ 08753

Board Attorney - (One Copy)

Kevin Sheehy, Esq. (732-349-2443)
Leyden, Capotorto, Ritacco & Corrigan
12 Madison Ave.
Toms River, NJ 08753

Secretary to the Board - (Original plus 12 Copies)

Escrow Fee of \$750.00
Application Fee ..will vary

Thea Kratochvil (732-349-6425)
Pine Beach Borough Hall
599 Pennsylvania Avenue
P0 Box 425
Pine Beach, NJ 08741



**BOROUGH OF PINE BEACH
LAND USE BOARD**

APPLICATION CHECKLIST

- _____ 1. Completed application form – original and twelve (12) copies.
- _____ 2. Plan prepared as per application instructions – original and twelve (12) copies.
- _____ 3. Location map prepared as per application instructions – original and (12) copies.
- _____ 4. List of all property owners with 200 feet and their property, by block and lot.
- _____ 5. Appropriate fee(s) – (Application, Escrow, Map Maintenance).
- _____ *6. A copy of the Notice to Property Owners, which must include:
 - a. Date, Time & place of hearing.
 - b. Nature of matters and relief sought.
 - c. Identification of property proposed for development, by street address, block and lot numbers.
 - d. Location and time at which maps and documents, for which approval is sought, are available for public inspection.
- _____ *7. Affidavit of Publication in official newspaper.
- _____ *8. Affidavit of Proof of Service.

Must be submitted to Planning Board Recording Secretary at least three (3) days prior to the schedule hearing date.

ORDINANCE 05-16-618

AN ORDINANCE OF THE BOROUGH OF PINE BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, SUPPLEMENTING AND ADMENDING CHAPTER 175 SECTION 11

BE IT ORDAINED by the Borough Council of the Borough of Pine Beach, County of Ocean State of New Jersey, as follows:

SECTION 1: That Chapter 175-11 of the Code of the Borough of Pine Beach entitled "Application Fees" be deleted in its entirety and replaced by the following:

SECTION 2: Application fees

Each application for a zoning permit required by this chapter shall be accompanied by a fee in accordance with the following schedule:

- A. Nonresidential new construction: seventy-five dollars (\$75.00)
- B. Nonresidential renovations or alterations: fifty dollars (\$50.00)
- C. Residential new construction, renovation or addition: twenty-five dollars (\$25.00)
- D. Fences: twenty-five dollars (\$25.00)
- E. Swimming pools: twenty-five dollars (\$25.00)
- F. Residential storage shed: twenty-five dollars (\$25.00)
- G. Land Use Board fees to be paid by the applicant as a condition for consideration of applications are fixed as follows:
 - (1) Hearings pursuant to N.J.S.A. 40:55D-70 a or b: two hundred dollars (\$200.00)
 - (2) Variance applications pursuant to N.J.S.A. 40:55D-70c
 - (a) If residential, two hundred dollars (\$200.00) plus an additional one hundred dollars (\$100.00) for a first bulk variance, then seventy five dollars (\$75.00) for each additional bulk variance which may be required.
 - (b) If commercial, three hundred dollars (\$300.00) plus an additional one hundred fifty (\$150.00) for a first bulk variance, then seventy five dollars (\$75.00) for each additional bulk variance which may be required.
 - (3) Use variance applications pursuant to N.J.S.A. 40:55D-70d: three hundred dollars (\$300.00) plus an additional one hundred fifty dollars (\$150.00) if any bulk variances are required
 - (4) Minor subdivision applications: two hundred dollars (\$200.00) plus fifty dollars (\$50.00) for each new lot to be created
 - (5) Major subdivision applications:
 - (a) Preliminary: five hundred dollars (\$500.00) plus seventy-five dollars (\$75.00) for each new lot created

- (b) Final: five hundred dollars (\$500.00) plus seventy-five dollars (\$75.00) for each new lot created.
 - (6) Minor site plan applications: two hundred seventy-five dollars (\$275.00)
 - (7) Major site plan applications:
 - (a) Preliminary: one thousand five hundred dollars (\$1,500.00) plus one hundred dollars (\$100.00) per acre
 - (b) Final: five hundred dollars (\$500.00) plus one hundred dollars (\$100.00) per acre
 - (8) In addition to the fees set forth above, any applicant whose application will result in a change of the Official Tax Map of the Borough shall pay the estimated cost of making such change as shall be estimated by the engineer retained by the borough for maintenance of the Tax Map
 - (9) Inspection of site improvements by engineer; three percent (3%) of the cost of the improvements
 - (10) For any application for which a specific fee is not set forth above: two hundred dollars (\$200.00)
 - (11) All applicants are required to deposit escrow funds at a minimum of five hundred dollars (\$500.00), schedule as per Chapter 108 Section 12.
- H Construction permits as per schedule established through the All Code Agreement for provision of construction code services with the County of Ocean

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 4. Pursuant to the provisions of N.J.S.A. 40:69A-181(b), this ordinance shall take effect twenty (20) days after its final passage by the Borough Council and approval by the Mayor where such approval is required by law.

Russell K. Corby, Mayor

NOTICE

PUBLIC NOTICE is hereby given that the foregoing ordinance was introduced at a meeting of the Borough Council of the Borough of Pine Beach, in the County of Ocean and State of New Jersey on the 27th day of June, 2005 and was then read for the first time. The said ordinance will be further considered for final passage by the Borough Council in the Municipal Building at 7:30 P.M. on July 13, 2005. At such time and place or any time or place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

Charlene A. Carney, RMC/MMC

ORDINANCE 14-02-713

AN ORDINANCE OF THE BOROUGH OF PINE BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 108 OF THE CODE OF THE BOROUGH OF PINE BEACH ENTITLED "LAND USE PROCEDURES"

BE IT ORDAINED by the Borough Council of the Borough of Pine Beach, County of Ocean, State of New Jersey, as follows:

SECTION 1: That Chapter 108 Section 12 "Escrow Funds" of the Code of the Borough of Pine Beach shall read as follows:

B. Escrow amounts

(7) Any other application - \$750.00 escrow.

C. Procedural requirements: the following sections are added:

(10) *Failure to Maintain Appropriate Escrow Account*: Any applicant for development before the Borough of Pine Beach Land Use Board who is required by ordinance to establish and/or maintain an escrow account, and who fails to provide sufficient funds in said account after being notified to do so by the Borough of Pine Beach, shall be considered to have violated the terms and conditions of this subsection. A certification from the Borough's Chief Financial Officer that an applicant for development was provided notice, by way of regular mail and certified mail with a return receipt that their escrow account was deficient and that thirty (30) days have elapsed since notice was sent by way of regular mail to the applicant for development and said escrow account had not been replenished during that period of time shall constitute prima facie evidence that the applicant for development has violated the terms of this subsection.

(11) *Penalty*: Any person or entity who violates the terms and conditions of this subsection shall be subject to a fine no less than two hundred fifty (\$250.00) dollars and no more than one thousand (\$1,000.00) dollars for each such violation. Each separate day that a violation continues, meaning for each separate day that the escrow account remains deficient, shall be considered a separate and distinct violation.

SECTION 2: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3: Pursuant to the provisions of N.J.S.A. 40-69A-181(b), this ordinance shall take effect twenty (20) days after its final passage by the Borough Council and approval by the Mayor where such approval is required by law.


Lawrence W. Cuneo, Mayor

I, Charlene A. Carney, Municipal Clerk of the Borough of Pine Beach hereby certify the foregoing to be a true and exact copy of an ordinance introduced 1/15/14 and passed by the Governing following a public hearing on 2/12/14.



AN ORDINANCE OF THE BOROUGH OF PINE BEACH,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
SUPPLEMENTING AND AMENDING CHAPTER 108, SECTION 108-20
OF THE CODE OF THE BOROUGH OF PINE BEACH

BE IT ORDAINED by the Borough Council of the Borough of Pine Beach, County of Ocean, State of New Jersey, as follows:

SECTION 1. That Chapter 108 of the code of the Borough of Pine Beach entitled "Land Use Procedures;" Article IV entitled "Fees;" shall be amended and supplemented to read as follows:

108-23 Education Fee

Pursuant to N.J.S.A. 40:55D-8(b) the following fees shall be due and payable in connection with the following categories of land use development applications submitted to the Township Planning Board and board of Adjustment (hereinafter referred collectively as "the Board"). The fee shall supplement the Administrative Fees currently charged to applicants and shall be non-refundable and shall be used solely to offset requisite educational fees incurred by "the Board". The fee denoted as "Educational Fee" shall be utilized exclusively to offset the cost of continuing educational costs and fees incurred by members of the board as necessitated in order to maintain valid board status. No application may be deemed complete until all applicable non-refundable educational fees have been paid as follows:

Major Subdivision

Site Plan Approval \$50 Due and payable at the time of application for preliminary approval

Variances pursuant to N.J.S.A 40:55D-70(d)

\$50 Due and payable at the time of application for conditional use permit

Minor Subdivision

Minor Site Plan Approval \$25 Due and payable at time of submission of application

Variance pursuant to N.J.S.A. 40:55D-70(c) not connected with any other approval

\$15 Due and payable at time of submission of application

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. Pursuant to the provisions of N.J.S.A. 40:69A-181(b), this ordinance shall

Chapter 108

LAND USE PROCEDURES

ARTICLE I General Provisions

- § 108-1. Title.
- § 108-2. Definitions.

ARTICLE II Provisions Applicable to Planning Board and Zoning Board of Adjustment

- § 108-3. Meetings.
- § 108-4. Conflicts of interest.
- § 108-5. Minutes.
- § 108-6. Hearings.
- § 108-7. Notice of hearings.
- § 108-8. Proof of payment of taxes.
- § 108-9. List of property owners furnished.
- § 108-10. Decisions.
- § 108-11. Notice of decisions.
- § 108-12. Escrow funds.

ARTICLE III Planning Board

- § 108-13. Establishment; composition.
- § 108-14. Terms.
- § 108-15. Vacancies.
- § 108-16. Officers.
- § 108-17. Planning Board Attorney; experts and staff.
- § 108-18. Powers and duties.
- § 108-19. Time limits for approval or denial.
- § 108-20. Procedure for filing applications.

ARTICLE IV Fees

- § 108-21. Combined applications.
- § 108-22. Copies.
- § 108-22.1. Education fee.

ARTICLE V Miscellaneous Provisions

- § 108-23. Pending applications.
- § 108-24. Filing of copies.

[HISTORY: Adopted by the Mayor and Council of the Borough of Pine Beach 12-14-1976 as Ord. No. 76-09-251. Sections 108-3D, 108-7B and F, 108-9, 108-10A, 108-18F(1), 108-19C and 108-22A and B amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 63.
Fees — See Ch. 83.
Flood damage prevention — See Ch. 92.
Sewers — See Ch. 138.
Streets and sidewalks — See Ch. 151.
Trailer camps and campsites — See Ch. 160.
Zoning and subdivision — See Ch. 175.

ARTICLE I
General Provisions

§ 108-1. Title.

This chapter shall be known and may be cited as the "Land Use Procedure Ordinance of the Borough of Pine Beach."

§ 108-2. Definitions.

Whenever a term is used in this chapter which is defined in P.L. 1975, c. 291, (See N.J.S.A. 40:55D-1 et seq.) such term is intended to have the meaning set forth in the definition of such term found in said statute, unless a contrary intention is clearly expressed from the context of this chapter.

ARTICLE II
Provisions Applicable to Planning Board
and Zoning Board of Adjustments

§ 108-3. Meetings.

- A. Meetings of the Planning Board and the Board of Adjustment or any other municipal agency acting pursuant to the Municipal Land Use Law, P.L. 1975, c. 291, (See N.J.S.A. 40:55D-1 et seq.) or to this chapter shall be scheduled not less than once a month, and any meeting so scheduled shall be held as scheduled unless canceled for lack of applications for development to process.
- B. Special meetings may be provided for at the call of the Chairman or on the request of any two (2) Board members, which shall be held on notice to its members and the public in accordance with all applicable legal requirements.
- C. No action shall be taken at any meeting without a quorum being present.
- D. All actions shall be taken by majority vote of the municipal agency present at the meeting except as otherwise required by any provision of P.L. 1975, c. 291. (See N.J.S.A. 40:55D-1 et seq.) Failure of a motion to receive the number of votes required to approve an application for development shall be deemed an action denying the application. (Amended at time of adoption of Code; See Ch. 1, General Provisions, Art. I.)

- E. All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Law, P.L. 1975, c. 231. (See N.J.S.A. 40:55D-1 et seq.) An executive session for the purpose of discussing and studying any matters to come before either Board shall not be deemed a regular or special meeting in accordance with the provisions of N.J.S.A. 40:55D-9.

§ 108-4. Conflicts of interest.

No member of any municipal agency shall act on any matter in which he has, either directly or indirectly, any personal or financial interest. Whenever any such member shall disqualify himself from acting on a particular matter, he shall not continue to sit with the Board on the hearing of such matter nor participate in any discussion or decision relating thereto.

§ 108-5. Minutes.

Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Board and of the persons appearing by attorney, the action taken by the Board, the findings, if any, made by it and reasons therefor. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the Borough Clerk. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceeding concerning the subject matter of such minutes. Such interested party may be charged a fee for reproduction of the minutes for his use as provided in this chapter.

§ 108-6. Hearings.

- A. The Planning Board and Zoning Board of Adjustment may make rules governing the conduct of hearings before such bodies, which rules shall not be inconsistent with the provisions of P.L. 1975, c. 291, (N.J.S.A. 40:55D-1 et seq.) or to this chapter. A copy of the rules and regulations shall be furnished to any person upon request at a fee of three dollars (\$3.) each.
- B. Any communication purporting or intending to be or in the nature of an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form prescribed by the rules of the Board. Upon receipt of any such communication, the Chairman shall, at his discretion, instruct the Secretary to supply the proper forms for presenting an appeal or application. Until such appeal or application is so filed in good faith, no consideration of the same shall be entertained by the Board.
- C. An applicant may, on notice to the Board, withdraw his appeal or application voluntarily.
- D. Any applicant who shall fail to prosecute his appeal or application at the time it is called for hearing shall have his appeal or application dismissed forthwith by the Board unless an adjournment is granted by majority vote of the Board members present at the hearing.

- E. Any applicant whose appeal or application is withdrawn or dismissed shall not be entitled to the return of his filing fee.
- F. Any maps and documents for which approval is sought at a hearing shall be on file and available for public inspection at least ten (10) days before the date of the hearing during normal business hours in the office of the administrative officer. The applicant may produce other documents, records or testimony at the hearing to substantiate, clarify or supplement the previously filed maps and documents.
- G. The officer presiding at the hearing or such person as he may designate shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the County and Municipal Investigations Law, P.L. 1953, c. 38 (N.J.S.A. 2A:67A-1 et seq.), shall apply.
- H. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.
- I. Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence.
- J. The Chairman shall declare on points of order or procedure, unless otherwise overruled by a majority vote of the Board in session at the time.
- K. Each Board shall provide for the verbatim recording of the proceedings by either stenographer, mechanical or electronic means. The Board shall furnish a transcript or duplicate recording in lieu thereof on request of any interested party, at a charge of six dollars (\$6.) per hour or any part thereof for production of a transcript of the recording taken or ten dollars (\$10.) per hour or any part thereof to produce a duplicate recording.

§ 108-7. Notice of hearings.

Whenever a hearing is required on an application for development pursuant to N.J.S.A. 40:55D-1 et seq. or township ordinances, the applicant shall give notice thereof as follows:

- A. Public notice shall be given by publication in the official newspaper of the municipality at least ten (10) days prior to the date of the hearing.
- B. Notice shall be given to the owners of all real property as shown on the current tax duplicate or duplicates located in the state within two hundred (200) feet in all directions of the property which is the subject of such hearing and whether located within or without the municipality in which the applicant's land is located. Such notice shall be given by serving a copy thereof on the owner as shown on said current tax duplicate or his agent in charge of the property or mailing a copy thereof by certified mail to the property owner at his address as shown on said current tax duplicate. Notice to a partnership owner may be made by service upon its President, a Vice President, Secretary or other person authorized

by appointment or by law to accept service on behalf of the corporation. (Amended at time of adoption of Code; See Ch. 1, General Provisions, Art. I.)

- C. In addition, notice of all hearings on applications for development involving property located within two hundred (200) feet of an adjoining municipality shall be given to the Clerk of such municipality.
- D. Notice shall be given to the County Planning Board of a hearing on an application for development of property adjacent to an existing county road or proposed road shown on the Official County Map or on the County Master Plan, adjoining other county land or situate within two hundred (200) feet of a municipal boundary.
- E. Notice shall be given to the Commissioner of Transportation of a hearing on an application for development of property adjacent to a state highway.
- F. Notice shall be given to the State Planning Commission of a hearing on an application for development of property which exceeds one hundred fifty (150) acres or five hundred (500) dwelling units. Such notice shall include a copy of any maps or documents required to be on file with the Borough Clerk pursuant to Section 6b of P.L. 1975, c. 291.8. (Amended at time of adoption of Code; See Ch. 1, General Provisions, Art. I.)
- G. All notices hereinabove specified in this section shall be given at least ten (10) days prior to the date fixed for hearing, and the applicant shall file an affidavit of proof of service with the Board holding the hearing on the application for development.
- H. All notices to governmental bodies or agencies entitled thereto shall be given by personal service or certified mail.
- I. Any notice made by certified mail as hereinabove required shall be deemed to be complete upon mailing in accordance with the provisions of N.J.S.A. 40:55D-14.
- J. All notices required to be given pursuant to the terms of this chapter shall state the date, time and place of hearing, the nature of the matters to be considered and identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the Borough Tax Assessor's office and the location and times at which any maps and documents for which approval is sought are available as required by law.

§ 108-8. Proof of payment of taxes.

Pursuant to the provisions of N.J.S.A. 40:55D-39 and N.J.S.A. 40:55D-65, every application for development submitted to the Planning Board or to the Zoning Board of Adjustment shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of such application; or, if it is shown that taxes or assessments are delinquent on said property, any approvals or other relief granted by either Board shall be conditioned upon either the prompt payment of such taxes or assessments or the making of adequate provisions for the payment thereof in such manner that the borough will be adequately protected.

§ 108-9. List of property owners furnished.

Amended at time of adoption of Code; See Ch. 1, General Provisions, Art. I.

The Borough Clerk, within seven (7) days after receipt of a request therefor and upon receipt of payment of a fee of twenty-five cents (\$0.25) per name or ten dollars (\$10.), whichever is greater, shall make and certify a list from the current tax duplicate of the names and addresses of owners to whom the applicant is required to give notice hereunder.

§ 108-10. Decisions.

A. Findings and conclusions. (Amended at time of adoption of Code; See Ch. 1, General Provisions, Art. I.)

(1) The municipal agency shall include findings of fact and conclusions based thereon in each decision on any application for development and shall reduce the decision to writing. The municipal agency shall provide the findings and conclusions through:

(a) A resolution adopted at a meeting held within the time period provided by law for action by the municipal agency on the application for development; or

(b) A memorializing resolution adopted at a meeting held not later than forty-five (45) days after the date of the meeting at which the municipal agency voted to grant or deny approval. Only the members of the municipal agency who voted for the action taken may vote on the memorializing resolution, and the vote of a majority of such members present at the meeting at which the resolution is presented for adoption shall be sufficient to adopt the resolution. An action pursuant to N.J.S.A. 40:55D-9 resulting from the failure of a motion to approve an application shall be memorialized by resolution as provided above, with those members voting against the motion for approval being the members eligible to vote on the memorializing resolution. The vote on any such resolution shall be deemed to be a memorialization of the action of the municipal agency and not to be an action of the municipal agency; however, the date of the adoption of the resolution shall constitute the date of the decision for purposes of the mailings, filings and publications required by Subsection B of this section and § 108-11.

(2) If the municipal agency fails to adopt a resolution or memorializing resolution as hereinabove specified, any interested party may apply to the Superior Court in a summary manner for an order compelling the municipal agency to reduce its findings and conclusions to writing within a stated time, and the cost of the application, including attorney's fees, shall be assessed against the municipality.

B. A copy of the decision shall be mailed by the Board within ten (10) days of the date of decision to the applicant or, if represented, then to his attorney, without separate charge, and to all persons who have requested it at a fee specified in this chapter. A copy of the decision shall also be filed in the office of the Borough Clerk for public inspection, and a

copy thereof shall be made available to any interested party upon payment of the fee set forth for copies in this chapter.

§ 108-11. Notice of decisions.

A brief notice of every final decision shall be published in the official newspaper of the borough. Such publication shall be arranged by the Borough Clerk or Secretary of the Planning Board or Zoning Board of Adjustment, as the case might be, at a charge to the applicant of ten dollars (\$10.), which sum shall be paid, together with the application fee, at the time application is made. Said notice shall be sent to the official newspaper for publication within ten (10) days of the date of any such decision.

§ 108-12. Escrow funds. [Added 2-14-1989 by Ord. No. 89-02-377]

A. General.

- (1) In addition to the submission of application filing fees, which are charged to cover general borough administrative costs, as set forth elsewhere, development applications which meet the criteria established herein shall be accompanied by a deposit of escrow funds in accordance with the provisions of this section.
- (2) Said escrow funds shall be utilized to cover the municipal costs of professional and nonprofessional services incurred during the development review process. Professional and nonprofessional fees and salaries incurred in connection with review of plans, consultation, site inspections, written report and resolution preparation, meeting attendance, general preparation, research, testimony and other work performed by the Board Planner, Board Attorney, Municipal Engineer, Health Officer, Assistants or the Assistant to the Municipal Engineer and other professional consulting services as may be required due to the nature of the application shall be paid from these escrow funds. Escrow fees shall not be utilized to pay inspection costs required during the construction process.

B. Escrow amounts. Escrow funds in the amounts specified herein shall be required relative to the following applications:

- (1) Sketch plat for major subdivision, minor subdivision, preliminary major subdivision approval and preliminary site plan approval for residential use:

Number of Lots or Units	Escrow Amount
1 to 3	\$ 1,000.00
4 to 10	2,000.00
11 to 25	3,000.00
26 to 50	5,000.00
51 to 100	7,500.00
In excess of 100	15,000.00

- (2) Final major subdivision approval and final site plan approval for residential use:

Number of Lots or Units	Escrow Amount
1 to 3	\$ 500.00
4 to 10	1,000.00
11 to 25	1,500.00
26 to 50	2,500.00
51 to 100	3,750.00
In excess of 100	7,500.00

- (3) Nonresidential preliminary site plan approval, inclusive of minor site plan:

Building Area (square feet)	Escrow Amount
Less than 10,000	\$ 3,000.00
10,001 to 50,000	10,000.00
50,001 to 100,000	20,000.00
In excess of 100,000	25,000.00

- (4) Nonresidential final site plan approval: one-third (1/3) of the original escrow fee paid at the time of the preliminary plan application.
- (5) Any application involving more than one (1) of the above categories shall deposit cumulative amounts.
- (6) Use variance or density variance: one thousand dollars (\$1,000.).
- (7) [Amended 4-12-2001 by Ord. No. 01-03.549; 5-9-2002 by Ord. No. 02-07-565; 9-8-2004 by Ord. No. 04-07-593] Any other application: five hundred dollars (\$500.) escrow.

C. Procedural requirements.

- (1) An applicant appearing before the Planning Board, the Zoning Board of Adjustment or any committee of either Board shall deposit all escrow funds called for in the within section before said appearance. No meeting or hearing with the applicant shall be held by said Boards or committees until all escrow funds and required have been deposited in accordance with this section. The escrow sums must be in the form of cash, certified check or money order. All deposits of escrow funds shall be made to the borough administrative official.
- (2) Additional escrow funds may be required if the escrow has been depleted to twenty percent (20%) of the original escrow amount. The borough shall notify the appropriate Board when escrow funds have been so depleted. Professionals and nonprofessionals being paid from escrow funds shall notify the Board or other review committee as to additional costs anticipated to be incurred. The Board or other review committee shall not take any further action on the application until adequate additional fees have been deposited by the applicant with the borough.

- (3) Escrow deposits shall be placed in an interest bearing account and the same shall be administered in accordance with the requirements of N.J.S.A. 40:55D-53.1.
- (4) All disbursements to consulting professionals and applicable charges from borough-employed professionals and nonprofessionals for services involved in processing an application which requires the deposit of escrow funds shall be charged against the escrow account.
- (5) All bills submitted by consulting professionals relative to said applications shall specify the services performed for individual applications and the time expended relative thereto. The bill shall also set forth the hourly billing amount which will be the amount charged to the borough pursuant to the consultant's contract.
- (6) All charges by borough-employed professionals and nonprofessionals enumerated hereinabove shall specify the services performed for individual applications and the time expended relative thereto. The hourly billing rate for borough-employed and nonprofessionals shall be one thirty-fifth (1/35) of their weekly compensation, plus thirty percent (30%), to reimburse the borough for the benefits supplied to said employee.
- (7) The borough shall provide the applicant with an accounting of escrow funds within ninety (90) days after the appropriate Board has taken action on the application.
- (8) All sums not actually expended shall be refunded to the applicant within ninety (90) days after the appropriate Board has taken action on the application.
- (9) No resolution approving any development application which is subject hereto shall be passed by either the Planning Board or the Zoning Board of Adjustment until all fees and escrow sums required hereunder have been paid in full.

ARTICLE III
Planning Board

§ 108-13. Establishment; composition. [Amended 4-11-1978 by Ord. No. 78-03-261; 3-21-1988 by Ord. No. 88-07-362]

- A. There is hereby established, pursuant to N.J.S.A. 40:55D-23, in the Borough of Pine Beach a Planning Board of nine (9) members consisting of the following classes:
- (1) Class I: the Mayor.
 - (2) Class II: one (1) of the officials of the borough, other than a member of the Borough Council, to be appointed by the Mayor.
 - (3) Class III: a member of the Borough Council, to be appointed by it.
 - (4) Class IV: six (6) other citizens of the borough, to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, position or employment, except that one (1) such member may be a member of the Zoning Board of Adjustment (The Zoning Board of Adjustment was dissolved 2-9-1988 by Ord. No.

88-01-356. See § 108-181.) and one (1) Class IV member may be a member of the Board of Education. For the purpose of this section, membership on a municipal board or commission whose function is advisory in nature and the establishment of which is discretionary and not required by statute shall not be considered the holding of municipal office.

- B. Alternate members. The Mayor may appoint not more than two (2) alternate members who shall meet the qualifications of Class IV members. Any such alternate members shall be designated at the time of appointment by the Mayor as "Alternate No. 1" and "Alternate No. 2." Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1, shall vote.

§ 108-14. Terms. [Amended 3-21-1988 by Ord. No. 88-07-362]

The term of the member composing Class I shall correspond to his official tenure. The terms of the members composing Class II and Class III shall be for one (1) year or terminate at the completion of their respective terms of office, whichever occurs first. The term of a Class IV member who is also a member of the Board of Adjustment or Board of Education shall terminate whenever he is no longer a member of such other body or at the completion of his Class IV term, whichever occurs first. The terms of all Class IV members first appointed under this chapter shall be so determined that, to the greatest practicable extent, the expiration of such terms shall be distributed evenly over the first four (4) years after their appointments; provided that the initial Class IV term of no member shall exceed four (4) years. Thereafter, the Class IV term of each such member shall be four (4) years. If a vacancy in any class shall occur otherwise than by expiration of the Planning Board term, it shall be filled by appointment, as above provided, for the unexpired term. No member of the Planning Board shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest. Any member other than a Class I member, after a public hearing if he requests one, may be removed by the governing body for cause. The terms of the alternate members shall be for two (2) years, except that the terms of the alternate members shall be such that the term of not more than one (1) alternate member shall expire in any one (1) year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two (2) years. A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only.

§ 108-15. Vacancies.

If a vacancy of any class shall occur otherwise than by expiration of term, it shall be filled by appointment as above provided for the unexpired term.

§ 108-16. Officers.

The Planning Board shall elect a Chairman and Vice Chairman from the members of Class IV and select a Secretary who may be either a member of the Planning Board or a borough employee designated by it.

§ 108-17. Planning Board Attorney; experts and staff.

There is hereby created the office of Planning Board Attorney. The Planning Board may annually appoint, fix the compensation of or agree upon the rate of compensation of the Planning Board Attorney, who shall be an attorney other than the Borough Attorney. The Planning Board may also employ or contract for the services of experts and other staff and services as it may deem necessary. The Board shall not however exceed, exclusive of gifts or grants, the amount appropriated by the Borough Council for its use.

§ 108-18. Powers and duties.

The Planning Board is authorized to adopt bylaws governing its procedural operation. It shall exercise the following powers and duties:

- A. To make and adopt or amend a Master Plan for the use of lands and the development of the borough in accordance with the provisions of N.J.S.A. 40:55D-28.
- B. To administer the provisions of the Land Subdivision Ordinance (See Ch.175, Zoning and Subdivision) and Site Plan Review Ordinance of the borough in accordance with the provisions of said ordinances and the Municipal Land Use Law of 1975, generally; and in particular, Article 6 thereof, N.J.S.A. 40:55D-37 et seq.
- C. To grant conditional uses in accordance with the provisions of Chapter 175, Zoning and Subdivision, of the borough and the Municipal Land Use Law of 1975. (See N.J.S.A. 40:55D-1 et seq.)
- D. To consider and make a report to the Borough Council within thirty-five (35) days after referral as to any proposed development regulation submitted to it pursuant to the provisions of N.J.S.A. 40:55D-26a, and also pass upon other matters specifically referred to the Planning Board by the Borough Council, pursuant to the provisions of N.J.S.A. 40:55D-26b.
- E. To conduct, at least every six (6) years, a general reexamination of the Borough Master Plan and development regulations and prepare a report of its findings in compliance with N.J.S.A. 40:55D-89.
- F. Variance.
 - (1) (Amended at time of adoption of Code; See Ch. 1, General Provisions, Art. I.) Whenever the proposed development requires approval of a subdivision, site plan or conditional use, but not a variance pursuant to N.J.S.A. 40:55D-70, to grant, to the same extent and subject to the same restrictions as the Zoning Board of Adjustment: (The Zoning Board of Adjustment was dissolved 2-9-1988 by Ord. No. 89-01-356. See Subsection I of this section.)

- (a) Variances pursuant to subsection N.J.S.A. 40:55D-70c.
 - (b) Direction pursuant to N.J.S.A. 40:55D-34 for issuance of a permit for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved by an Official Map adopted by the borough.
- (2) Whenever relief is requested pursuant to this subsection, notice of a hearing on the application for development shall include reference to the request for a variance or direction for issuance of a permit as the case may be.
- G. Whenever the Environmental Commission has prepared and submitted to the Planning Board an index of the natural resources of the municipality, the Planning board shall make available to the Environmental Commission an informational copy of every application for development to the Planning Board. Failure of the Planning Board to make such informational copy available to the Environmental Commission shall not invalidate any hearing or proceeding.
- H. To exercise such other powers and perform such duties, if and when this Planning Board might become authorized, directed or obligated to undertake, as are set forth in N.J.S.A. 40:55D-25.
- I. To have and exercise all powers accorded to a Zoning Board of Adjustment pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and any and all amendments and supplements thereto, including but not limited to, in appropriate cases and subject to its powers and discretions as provided by law, the power to grant variances from the terms of the zoning ordinances of the Borough of Pine Beach or any term, clause, sentence or word thereof and the Zoning Map, (See § 175-55 of Ch. 175, Zoning and Subdivision.) in accordance with the general rules of construction applicable to such legislative enactments. [Added 2-9-1988 by Ord. No. 88-01-356] (This Ordinance also dissolved the Zoning Board of Adjustment pursuant to N.J.S.A. 40-55-25c.)

§ 108-19. Time limits for approval or denial.

- A. Minor subdivisions. Minor subdivision approvals shall be granted or denied within forty-five (45) days of the date of submission of a complete application to the Planning Board or within such further time as may be consented to by the applicant. Approval of a minor subdivision shall expire one hundred ninety (190) days from the date of Planning Board approval unless within such period a plat in conformity with such approval and the provisions of the Map Filing Law (See N.J.S.A. 46:23-9.9 et seq.) or a deed clearly describing the approved minor subdivision is filed by the developer with the County Recording Officer, the Borough Engineer and the Borough Tax Assessor. Any such plat or deed must be signed by the Chairman and Secretary of the Planning Board before it will be accepted for filing by the County Recording Officer.
- B. Preliminary approval: major subdivision. Upon submission of a complete application for a subdivision of ten (10) or fewer lots, the Planning Board shall grant or deny preliminary approval within forty-five (45) days of the date of such submission or within such further time as may be consented to by the developer. Upon submission of a complete application

for a subdivision of more than ten (10) lots, the Planning Board shall grant or deny preliminary approval within ninety-five (95) days of the date of such submission or within such time as may be consented to by the developer. Otherwise, the Planning Board shall be deemed to have granted preliminary approval for the subdivision.

- C. Ancillary powers. Whenever the Planning Board is called upon to exercise its ancillary powers before the granting of a variance as set forth in Article III, § 108-18F, of this chapter, the Planning Board shall grant or deny approval of the application within one hundred twenty (120) days after submission by the developer of a complete application or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute approval of the application, and a certificate of the administrative officer as to the failure of the Planning Board to act shall be issued upon request of the applicant. (Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.)
- D. Final approval.
- (1) Application for final subdivision approval shall be granted or denied within forty-five (45) days of submission of a complete application or within such further time as may be consented to by the applicant.
 - (2) Final approval of a major subdivision shall expire ninety-five (95) days from the date of signing of the plat unless within such period the plat shall have been duly filed by the developer with the County Recording Officer. The Planning Board may, for good cause shown, extend the period for recording for an additional period not to exceed one hundred ninety (190) days from the date of the signing of the plat.

§ 108-20. Procedure for filing applications. [Amended 2-13-2002 by Ord. No. 02-04-562]

Applications for development within the jurisdiction of the Planning Board, pursuant to the provisions of P.L. 1975, c. 291, (See N.J.S.A. 40:55D-1 et seq.) shall be filed with the Secretary of the Planning Board. The applicant shall file, at least twenty-eight (28) days before the date of the monthly meeting of the Board, ten (10) copies of a sketch plat; three (3) copies of an application for minor subdivision approval; three (3) copies of an application for major subdivision approval; or three (3) copies of an application for site plan review, conditional use approval or planned development and a copy of each to the Planning Board Attorney and Planning Board Engineer. At the time of filing the application, but in no event less than ten (10) days prior to the date set for the hearing, the applicant shall also file all plot plans, maps or other papers required by virtue of any provision of this chapter or any rule of the Planning Board. The applicant shall obtain all necessary forms from the Secretary of the Planning Board. The Secretary of the Planning Board shall inform the applicant of the steps to be taken to initiate applications and of regular meeting dates of the Board. (Former Art. IV, Zoning Board of Adjustment, which immediately followed this section, was removed following the dissolution of the Zoning Board of Adjustment 2-9-1988 by Ord. No. 88-01-356. See § 108-181.)

ARTICLE IV
Fees

§ 108-21. Combined applications.

Where a variance is required in connection with another application for development and either the Planning Board or the Board of Adjustment, under P.L. 1975, c. 291, (See N.J.S.A. 40:55D-1 et seq.) and this chapter, shall hear and decide the entire application, the fees provided to be paid in connection with said application shall be the higher of the fees specified, and there shall not be charged to the applicant any additional fees.

§ 108-22. Copies.

There shall be paid to the respective administrative officer a fee for copies of minutes, resolutions, orders or other documents, except maps and other large-scale documents incapable of being photographically reproduced by the administrative officer, as established pursuant to N.J.S.A. 47:1A-5.b.:

§ 108-22.1. Education fee. [Added 3-14-2007 by Ord. No. 07-03-648]

Pursuant to N.J.S.A. 40:55D-8(b) the following fees shall be due and payable in connection with the following categories of land use development applications submitted to the Township Planning Board and Board of Adjustment (hereinafter referred collectively as "the Board"). The fee shall supplement the Administrative Fees currently charged to applicants and shall be nonrefundable and shall be used solely to offset requisite educational fees incurred by "the Board". The fee denoted as "educational fee" shall be utilized exclusively to offset the cost of continuing educational costs and fees incurred by members of the Board as necessiated in order to maintain valid Board status. No application may be deemed complete until all applicable nonrefundable educational fees have been paid as follows:

- | | | | |
|----|--|-------|--|
| A. | Major subdivision Site plan approval | \$50. | Due and payable at the time of application for preliminary approval. |
| B. | Variances pursuant to N.J.S.A. 40:55-D70(d) | \$50. | Due and payable at the time of application for conditional use permit. |
| C. | Minor subdivision
Minor site plan approval | \$25. | Due and payable at time of submission of application. |
| D. | Variance pursuant to N.J.S.A. 40:55D-70(c) not connected with any other approval | \$15. | Due and payable at time of submission of application. |

ARTICLE V
Miscellaneous Provisions

§ 108-23. Pending applications.

All applications for development filed prior to the effective date of this chapter may be continued, but any appeals arising out of decisions made on any such application shall be governed by the provisions of this chapter.

§ 108-24. Filing of copies.

Immediately upon adoption of this chapter, the Borough Clerk shall file a copy of this chapter with the County Planning Board as required by law. The Clerk shall also file with said County Planning Board copies of all other ordinances of the municipality relating to land use, such as the Subdivision, Zoning and Site Plan Review Ordinances. (See Ch. 175, Zoning and Subdivision.)

ARTICLE III
Site Plans

§ 175-14. Submission requirements.

Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

Upon applying to the Zoning Officer for a zoning or occupancy permit or upon applying to the Planning Board for any conditional use permits or for any variances for all the uses of land within the borough, other than single- and two-family dwellings and their customary accessory uses or signs and alterations or renovations where there is no change, enlargement or diminution of an existing use, the applicant shall submit with said application twelve (12) copies of a site plan.

§ 175-15. Required information.

Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

A site plan shall be a true and accurate plot plan drawn at a scale not smaller than one (1) inch equals fifty (50) feet and not larger than one (1) inch equals ten (10) feet, shall be consistent with the sizes permitted under the New Jersey Map Filing Law (P.L. 1960, c. 141 (See N.J.S.A. 46:23-9.9 et seq.)) and shall include and show the following information [maximum sheet size, twenty-four by thirty-six (24 x 36) inches]:

- A. The name and address of the applicant and the owner and the name, address and title of the person preparing the plan, maps (including appropriate map titles) and accompanying data.
- B. An appropriate place for the signatures of the Chairman and Secretary of the Planning Board and, where applicable, the County Engineer and County Planning Board Secretary.
- C. The Municipal Tax Map lot and block numbers of the lot or lots shown on the plan, tax sheet number (if applicable) and key location map. The owners within two hundred (200) feet of the lot or lots, along with a small key map giving the general location of the tract to the remainder of the community, shall also be included.
- D. The date the map was prepared and subsequent revision dates, together with a notation describing the substance of each revision, scale (including a graphic scale) and North arrow.
- E. The zone district in which the lot or lots are located and a schedule of the zone requirements, indicating how the project compares to that schedule.
- F. All existing and proposed setback dimensions, landscaped areas, trees over six (6) inches in diameter (unless waived by the Planning Board) fencing, flood hazard areas based upon one-hundred-year storms and all dimensions and areas needed to confirm conformity to the Zoning Ordinance, such as but not limited to building area, lot lines, setbacks, buffers and yard areas.
- G. All existing and proposed signs and lighting standards, utility poles and their size, type of construction and location.

- H. The existing and proposed principal building or structure and all accessory buildings or structures, if any, and finished grade elevations at all corners of said buildings. The size, height, location, arrangement and use of all existing and proposed structures and signs shall also be indicated, including proposed total building coverage in acres or square footage and percent of the lot coverage, with an architect's scaled elevations of the front, side and rear of any structure, and a sign to be erected or modified to the extent necessary to apprise the Planning Board of the scope of the proposed work. Any existing structures on the site shall be identified either to remain or to be removed. There should also be a description of the proposed use, which would include the number of employees, number of shifts to be worked, any type of truck traffic, with particular emphasis on noise, glare, vibration, heat, odor, air and water pollution, safety hazards, outdoor storage of materials, any screening and anticipated expansion. Floor plans should be submitted where multiple-dwelling units or more than one (1) use are proposed that have different parking standards.
- I. Existing topography based upon New Jersey Geodetic Control Survey data and proposed grading with a maximum of two-foot contour intervals where slopes are less than ten percent (10%). Where slopes are greater than ten percent (10%), the maximum contour interval may be five (5) feet.
- J. The location, type and size of all existing and proposed streams and easements and flood hazard areas based on one-hundred-year storms, catch basins, storm drainage facilities and utilities, together with all required design data supporting the adequacy of the existing or the proposed facility to handle future storm flows.
- K. The location, type and size of all existing and proposed curbs, sidewalks, driveways, fences, retaining walls, parking space areas and the layouts thereof, together with the dimensions of all the foregoing on the site in question and within one hundred (100) feet of said site.
- L. The location, size and description of all existing and proposed rights-of-way, easements and other encumbrances which may affect the lot or lots in question and the location, size and description of any lands to be dedicated to the borough or to the County of Ocean. The total tract acreage to one-tenth (1/10) of an acre and a boundary survey of the tract, certified by a licensed land surveyor, shall also be provided. In addition, existing and proposed streets and street names should be indicated on the map.
- M. The location and size of the entire lot or lots in question and any contiguous lots owned by the applicant or in which the applicant has a direct or indirect interest, even though only a portion of the entire property is involved in the site plan for which approval is sought, with a description of the interest of the applicant in each of said lots; provided, however, that where it is physically impossible to show such entire lot or lots or contiguous lots on one (1) map, a key map thereof shall be submitted.
- N. The location, names and widths of all existing and proposed streets, including cross sections and profiles abutting the lot or lots in question and within two hundred (200) feet of said lot.
- O. Any and all other information and data necessary to meet any of the requirements of this chapter or other borough ordinances not listed above.

- P. The signature and seal of a licensed land surveyor and/or professional engineer and/or architect licensed to practice in the State of New Jersey and responsible for the preparation of the site plan.

§ 175-15.1. Variances, approvals under N.J.S.A. 40:55D-34, and single- or multi-family residential construction. [Added 9-12-2007 by Ord. No. 07-08-653]

- A. Information required for all variances and approvals under N.J.S.A. 40:55D-34, and for single- or multi-family residential construction on conforming lots not requiring variances:

- (1) Disclosure affidavit required by N.J.S.A. 40:55D-1 listing the names and addresses of all stock-holders or individual partners owning at least ten percent (10%) of the stock of any class;
- (2) As a condition for any approval required under this act, no taxes or assessments for local improvements or liens may be due or delinquent on the property for which the application is made. The Tax Collector will provide proof that no taxes or assessments for local improvements or liens are due and delinquent prior to approval;
- (3) Affidavit of ownership. If the applicant is not the owner the applicant's interest in the land as tenant, contract purchaser, lien holder, etc. with the consent of the landowner annexed.

- B. Technical checklist:

- (1) For additions or improvements to existing single-family, multi-family, owner-occupied houses or rental structures ten (10) copies of a plot plan of the property in question based on a survey prepared by a licensed land surveyor containing sufficient information regarding the application drawn to scale and showing all applicable setbacks, lot size, lot coverage, distance to adjacent structures and other bulk requirements.
- (2) For all other applications, ten (10) copies of a plot plan of the property in question prepared by a licensed land surveyor or engineer containing the following information:
 - (a) Drawn to an appropriate scale but not greater than one (1) inch equals fifty (50') feet and not to be combined with the two hundred (200) foot radius map.
 - (b) Clearly depicted on a sheet size no smaller than eight and one-half by eleven inches (8 1/2" x 11").
 - (c) Including a current survey of the property with the lot, metes and bounds and the direction and distance to the nearest intersecting street.
 - (d) All existing or proposed easements and/or lands dedicated to public use.
 - (e) All existing and proposed buildings and structures with all dimensions, height, lot coverage and with front, side and rear yard set back dimensions indicated and with required setback lines shown.

- (f) All buildings and structures located on all adjacent properties with dimension and setbacks noted.
 - (g) Locations of doors and windows of each abutting side of building(s) adjacent to the property in question.
 - (h) Any existing or proposed sidewalks and driveways as well as their composition.
 - (i) The name of the street(s) and the composition and width of the surface of the street(s) which the lots abuts.
 - (j) Sufficient street elevations (centerline, gutter and top of curb, if applicable) and existing and proposed lot elevations, specifying those for the finished first floor and garage floor elevations of the proposed structure related to the abutting street elevations. The lowest floor of any structure, including the garage, first floors and any floor intended as usable space (other than area conforming to the definition set forth in the IBC and IRC Code, Uniform Construction Code) according to the NAVD88 (North American Vertical Datum of 1988) and the source of the datum so noted with bench mark noted on the plan.
 - (k) Drainage flow arrows shall be provided to clearly depict the directions of storm water runoff.
 - (l) Grading or the creation of sump conditions on adjacent lots will be shown, together with permission granted by the owner of said adjacent lots.
 - (m) The limits of clearing and soil disturbances, and any trees to be saved.
 - (n) The location of any freshwater wetlands or a statement on the plan that none exist.
- (3) A two hundred (200) foot radius map showing the structures and uses and the relationship to all affected lands, structures and the property in question. The plan shall be notarized, if prepared by the applicant as to the truthfulness and accuracy thereof or be certified by an engineer or land surveyor licensed to do business in the State of New Jersey. No combined plot plan and two hundred (200) foot radius maps will be accepted.
- (4) Plans or renderings for the intended use or variance showing any building or structure to be erected, with an elevation of each side of the building being shown; if a new principal structure is proposed, including a structure on an undersized lot, complete set of detailed building plans that demonstrate compliance with the building code and adequately describe its appearance so as to allow the Board to determine that the appearance is compatible with the character of the neighborhood.
- (5) A certified list of the property owners within two hundred (200) feet of the subject property.

- (6) Form of notice to be mailed to property owners within two hundred (200) feet of the subject property.
 - (7) Photographs of all structures within two hundred (200) feet, mounted with explanations as to locations, direction of view, lot and block.
- C. The following additional information shall be required for currently undeveloped properties which require variances by virtue of being undersized:
- (1) Information in the form of title binders or similarly constructed documents which clearly trace the chain of ownership of the property from the adoption of the Zoning Ordinance which made the property nonconforming. All documents shall be duly signed and sealed by the owner, purchaser and/or applicant and shall be witnessed by a notary public of the State of New Jersey.
 - (2) Contract for sale of the property should it have been recently purchased.
 - (3) Verification from the Pine Beach Sewer Department and Pine Beach Water Department that potable water and sanitary sewer lines are available to the property or that alternative means are proposed for sewage disposal or potable water service.
 - (4) A detailed landscape plan of the property illustrating the type, size and location of vegetation to remain as well as that to be planted. Details of the merchaims for the retention of trees and planting of vegetation along adjoining property line shall be included.
 - (5) Complete design plans for retaining walls, including all construction details, design calculations, soil borings and soil data verified by a New Jersey licensed professional engineer (if applicable).
 - (6) Four (4) copies of a detailed grading and stormwater management plan prepared by a licensed professional engineer prepared in accordance with the following standards:

The plan shall be accompanied by a certification from a New Jersey licensed professional engineer that the plan has been prepared by him, and include all the hereinafter listed items. Said certification shall further set forth that the proposed grading and floor elevation will not detrimentally impact upon any adjoining property owner. If applicable, said certification shall further set forth that said plan conforms to an approved site grading plan or, if not, that the changes are not significant to that approval and will in no way further impact adjoining properties. Further, the certification shall set forth that the plan provides for the proper on-site runoff that is adequate to prevent ponding, sewer erosion and positive drainage away from the proposed building construction and the new stormwater rules regarding groundwater recharge.

The map prepared shall be based on survey measurements, and must contain the following:
- (a) Drawn to scale of not more than one inch equals ten feet (1" = 10') or less than one inch equal fifty feet (1" = 50').

- (b) Show the location of all new construction and all existing structures on the site.
- (c) Distances from lot lines to existing structures, adjacent structures and proposed improvements.
- (d) Zoning setback lines to establish buildable area available for development.
- (e) Property lines and dimensions based upon the deed of record, filed map of record or current outbound survey.
- (f) Building dimensions of existing structures and proposed alterations.
- (g) Existing and proposed contour lines, with reference datum to NAVD88 and bench mark for the tract upon which the dwelling or other structure is to be constructed. Contour lines shall be at one foot intervals along each street centerline, edge of pavement or stormwater gutter, at the top of a curblin and extend for fifty (50) feet either side of the property in question with spot elevations at each corner at fifty (50) foot intervals.
- (h) Proposed spot elevations shall be provided at the corners of proposed structures or structural appurtenances, first floor elevations for dwelling and garages, driveways, sidewalks, curbing, swales, and graded areas.
- (i) Total area of the tract and the total area upland or buildable areas.
- (j) Gross floor area of the proposed improvements.
- (k) The floor area of various uses on the premises.
- (l) The percentage of lot coverage.
- (m) The existing and proposed sidewalk, curb and fence locations, including the type of material to be used for the construction of each.
- (n) The existing and proposed driveway locations and the type of material to be used.
- (o) The location and identification of flood zones, conservation easements and wetlands areas.
- (p) The location and identification of all utility, drainage, sight triangle and other easements affecting the development of the tract.
- (q) The area reserved for proposed and future septic/well facilities, if applicable.
- (r) Precise stormwater flow direction arrows must be provided for both on-site and off-site conditions.
- (s) Location of all existing utilities and proposed connections thereto, and any required utility relocations.
- (t) The width of street rights-of-way, the width of street pavements and the material composition of the street surface.

- (u) A north arrow shall be shown.
- (v) If a dwelling is to be constructed, provide finish floor grades of house and garage and description of house style (ranch, bi-level, two-story) and critical grade that applies.
- (w) Describe building to be constructed, basement, crawl space or slab construction and provide architectural elevations to adequately describe its appearance.
- (x) Delineate limits of lot clearing.
- (y) Road opening permit from the Borough Department of Public Works, permit required if approved.
- (z) Indicate utility connections to the Borough of Pine Beach Sewer Department and Pine Beach Water Department infrastructure lines, permits required if approved.
- (aa) Septic system approval from the Ocean County Health Department, if applicable.
- (bb) Army Corps of Engineers and NJDEP approved wetlands and wetlands buffer delineation, if applicable.
- (cc) The lot(s) shall be graded in accordance with the following design criteria:
 - [1] The land shall be graded so that the stormwater from each lot shall drain directly to the street. If not possible to drain directly to the street, it shall be drained to a system of interior yard drainage approved by the Borough Engineer.
 - [2] The minimum slope of the yard surface shall be one-fourth (1/4) inch per foot or two percent (2%) away from the proposed building toward the lot's property line.
 - [3] The maximum grade for lawns and disturbed areas within five (5) feet of a building shall be ten percent (10%) and for lawns more than five (5) feet from a building, twenty-five percent (25%), except for the driveway, the maximum grade of which shall be ten percent (10%).
 - [4] The minimum slope for drainage swales shall be one and one-half percent (1 1/2%).
 - [5] Proposed contours shall, in the case of an approved subdivision, be consistent with an overall grading and drainage plan. In the case of an individual lot, the proposed contours shall meet existing contours at, or within, the property lines of the lot in questions. In any event, the proposed grading of the lot shall not disturb nor change the existing drainage pattern of adjacent lots. Drainage flow arrows shall be provided to clearly depict the direction of stormwater runoff. No sump

conditions shall be created and no grading on adjacent lots shall be permitted unless said adjacent lots are being concurrently developed as part of a subdivision by the same developer/builder or unless permission has been granted by the owner of said adjoining lot.

- D. Foundation as-built plan (all construction). Prior to framing inspection, placing the modular units or pre-fab unit the foundation as constructed, the New Jersey licensed land surveyor shall submit to the Zoning Officer four (4) copies of a plan showing the setbacks and elevations as to said as-built foundation and specifically showing the top of block elevation and any other critical floor elevation.
- E. Final as-built plan (all construction). Prior to the issuance of a certificate of occupancy, the Zoning Officer shall require four (4) copies of an As-Built Plan be submitted. The plans utilized for a request for Certificate of Occupancy, accompanied by a copy of the initial review plans, shall be reviewed by the Borough Engineer, who will, in addition to said review, cause an on-site inspection and submit a written report to the Zoning Officer and Construction Official as to the status of all improvements required and as-built conditions that conform satisfactorily to the approved plans or, if not, report that same neither satisfies the intent of the procedural outline herein or does not conform.

The As-Built Plans shall show the following:

- (1) Property line and dimensions.
 - (2) Existing elevations of the lot and adjacent roadway, as well as contours and critical spot elevations to clearly define surface flow.
 - (3) Finish floor grades of house and garage and description of house style (ranch, bi-level, two story) and critical grade that applies.
 - (4) All setbacks for structure.
 - (5) Describe building constructed: basement, crawl space or slab construction.
 - (6) Where applicable, sufficient information to show any impact on adjoining properties if any.
 - (7) All completed improvements such as walks, drives, curbs, landscaping, etc., shall be shown.
- F. Fees (all construction). Unless covered under minor subdivision, major subdivision or site plan:
- (1) Initial grading plan review fee – \$175. (Submit with grading plan).
 - (2) Revisions to a grading plan – \$75.
 - (3) As-Built review – \$275. (Submit with Final As-Built Plan).
 - (4) Reinspection of site/report preparation – \$85.
 - (5) Inspection – \$500. escrow.

**BOROUGH OF PINE BEACH
LAND USE BOARD
APPLICATION**

DATE: _____

APPLICANT: _____

PHONE: _____

ADDRESS: _____

ZIP: _____

OWNER: _____

PHONE: _____

ADDRESS: _____

ZIP: _____

ATTORNEY: _____

PHONE: _____

ADDRESS: _____

ZIP: _____

ENGINEER: _____

PHONE: _____

ADDRESS: _____

ZIP: _____

LOCATION OF PROPERTY

BLOCK (S) _____ LOT (S) _____

ZONE _____ TAX MAP SHEET# _____

AREA OF TRACT _____

LOCATION _____

OF PROPOSED LOTS _____

EXISTING USE: _____

PROPOSED USE _____

TYPE OF APPROVAL REQUESTED:

_____ MINOR SUBDIVISION

_____ MINOR SITE PLAN

_____ STATUTORY EXTENSION

_____ BULK VARIANCE, NJSA 40:55D-70c

_____ OTHER

_____ MAJOR SUBDIVISION

_____ PRELIMINARY PLAT

_____ FINAL PLAT

_____ USE VARIANCE, NJSA 40:55D-70d

_____ MAJOR SITE PLAN

_____ PRELIMINARY PLAT

_____ FINAL PLAT

WAIVERS OF VARIANCES REQUESTED	ORD. SECTION	REQUIRED	PROPOSED
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____

Signature of Applicant: _____

§ 175-16. Site plan checklists. [Added 9-25-95 by Ord. No. 95-13-477]

DEVELOPMENT PLAN CHECKLIST

Project Name:

Owner:

Engineer/Designer:

Person Completing this Form:

Date:

Block(s)

Lot(s)

Application No.

Date submitted:

New

Revised

Date submission declared complete:

THIS FORM MUST BE COMPLETED AND RETURNED TO THE ADMINISTRATIVE OFFICER WITH THE SITE PLAN OR SUBDIVISION APPLICATION WHEN FILED; FAILURE TO INCLUDE ALL ITEMS REQUIRED ON SUBMITTED PLANS OR ATTACHMENTS WILL RESULT IN APPLICATION BEING CONSIDERED INCOMPLETE AND WILL BE REJECTED.

PRELIMINARY SITE PLAN

(WAIVER)

(YES)

(NO)

- 1. Fifteen (15) copies of complete application. () () ()
- 2. Fifteen (15) copies of site plan upon which the following information must be depicted pursuant to Section 175-14 et seq. of Site Plan Review Ordinance. Refer to Site Plan Review Ordinance 175-14 et seq. for detailed submission requirements. Failure to comply with submission requirements will result in application being rejected as incomplete. () () ()

ANY INFORMATION THAT CANNOT BE CONTAINED ON ANY OF THE MAPS SUBMITTED, SHOULD BE ATTACHED THERETO:

i.e.

- (a) Scale, not to exceed one (1) inch equals ten (10) feet, twenty (20) feet, thirty (30) feet, forty (40) feet, fifty (50) feet, per ordinance. () () ()

Site plan checklists—Continued

PRELIMINARY SITE PLAN	(WAIVER)	(YES)	(NO)
(b) Detailed description of proposed use.	()	()	()
(c) All lot lines, approximate location of all structures and owners of lots within two hundred (200) feet of the site.	()	()	()
(d) Location of all proposed buildings or structures to be created.	()	()	()
(e) The lot and block number, tax map number, exact dimensions and acreage of property to be built upon.	()	()	()
(f) The size, height, location and arrangement of all existing and proposed structures and signs, including proposed total building coverage in acres or square footage and the percent of the lot coverage, with an architect's scale elevations of the front, side and rear of any structure, and sign to be erected or modified to appraise the Board of the scope of the proposed work. Elevation details should depict exterior composition including trim materials. Refer to Ordinance Section 175-15 for further detail and specificity required of plans or attached exhibits.	()	()	()
(g) Existing structures on the site shall be identified either to remain or to be removed.	()	()	()
A. Circulation Plan:	()	()	()
(1) Access streets and street names, acceleration and deceleration lanes, and such other information as is required.	()	()	()
B. Landscaping and Environmental Plan:	()	()	()
(1) Refer to Ordinance Section 175-17 for specifications and details required of this plan.	()	()	()

Site plan checklists—Continued

PRELIMINARY SITE PLAN	(WAIVER)	(YES)	(NO)
C. Facilities Plan:	()	()	()
(1) Including proposed locations of all drainage, open space, common property, fire, gas, electric, telephone, sewerage, water line locations, solid waste collection and disposal methods and such other additional information as required by the Ordinance.	()	()	()
(2) Refer to Ordinance Sections 175-17 and 18 for additional specification and detail.	()	()	()
D. Offstreet Parking and Loading Plan:	()	()	()
(1) Plan for access to lots.	()	()	()
(2) Plan for access to loading and parking spaces.	()	()	()
(3) Curbing plan.	()	()	()
(4) Drainage plan.	()	()	()
I hereby certify that all the required Improvements have been installed or a bond posted in compliance with all applicable codes and ordinances.	()	()	()
 (If improvements Installed)			
_____		_____	
(Borough Engineer)		(Date)	
 (If bond posted)			
_____		_____	
(Borough Clerk)		(Date)	
 (Building Permit Issued)			
Approved by the Planning Board:			
Preliminary _____			
Final _____			
_____		_____	
(Chairman)		(Date)	
(5) Name and License number of site planner or Professional Engineer with documents sealed with raised seal.	()	()	()

Site plan checklists—Continued

PRELIMINARY SITE PLAN	(WAIVER)	(YES)	(NO)
(6) Date and revision dates of drawing and plans.	()	()	()
3. As a condition for any approval required under this chapter, no taxes or assessments for local improvements or liens may be due or delinquent on the property for which the application is made. The tax collector will provide proof that no taxes or assessments for local improvements or liens are due and delinquent prior to approval.	()	()	()
4. Payment of all applicable fees for preliminary site plan review pursuant to Ordinance.	()	()	()
5. Storm water management plan.	()	()	()
6. Referral to Ocean County Planning Board for review and approval, if applicable.	()	()	()
7. Three (3) copies of completed checklist.	()	()	()
8. Deeds of Easement, right-of-way, drainage, sewer, sight, open space, etc. approved by Board Attorney and Engineer.	()	()	()
9. Disclosure of 10% ownership interest of corporation or partnership which is 10% owner of applying corporation or partnership (N.J.S.A. 40:55D-48.2).	()	()	()
10. Applicant for a project located within a flood hazard area to apply for approval in conformance with the "90 Day Construction Permit Act".	()	()	()
11. State ingress and egress approval, where applicable.	()	()	()
12. Waiver required from Section(s)	()	()	()
Reason:			
13. Owners signed Certificate of Concurrence with the plan.	()	()	()

DEVELOPMENT PLAN CHECKLIST

Project Name:

Owner:

Engineer/Designer:

Person Completing this Form:

Date:

Block(s)

Lot(s)

Application No.

Date submitted:

New

Revised

Date submission declared complete:

THIS FORM MUST BE COMPLETED AND RETURNED TO THE ADMINISTRATIVE OFFICER WHEN FILED: FAILURE TO INCLUDE ALL ITEMS REQUIRED ON SUBMITTED PLANS OR ATTACHMENTS WILL RESULT IN APPLICATION BEING CONSIDERED INCOMPLETE AND WILL BE REJECTED.

FINAL SITE PLAN APPLICATION	(WAIVER)	(YES)	(NO)
1. Fifteen (15) copies of complete application for Final Site Plan Approval.	()	()	()
2. Fifteen (15) copies of site plan in final form including all information depicted on the Preliminary Plan and satisfaction of all conditions of preliminary approval.	()	()	()
3. Payment of all Final Site Plan filing fees.	()	()	()
4. Date and revision dates of plans, drawings and/or reports.	()	()	()
5. Certification from the Collector that all taxes are current on the property through the current month quarter.	()	()	()
6. The purposes of all easements and rights-of-way and all land reserved for or dedicated to public use of lots other than residential shall be noted.	()	()	()
7. Final plat to contain all information required.	()	()	()
8. Final site plan to contain all information otherwise required.	()	()	()

Development Plan Checklist—Continued

FINAL SITE PLAN APPLICATION	(WAIVER)	(YES)	(NO)
9. Final Site Plan preparation to contain the following required information pursuant to Ordinance 175-15 for compliance with details set forth therein:	()	()	()
a. Scale of one (1) inch equal 10 feet, 20 feet, 30 feet, 40 feet, or 50 feet, as applicable.	()	()	()
b. Plans to be signed and sealed by architect or engineer licensed in New Jersey.	()	()	()
c. Accurate depiction of lot lines certified by licensed land surveyor submitted on the standard sheet sizes of 8 1/2 inch by 13 inch; 12 inch by 18 inch; 9 inch by 12 inch; 15 inch by 21 inch; 18 inch by 24 inch; 21 inch by 36 inch.	()	()	()
d. All sheets and plans shall include the following data (if one sheet is not sufficient to contain the entire territory of the tract, the tract may be divided into sections to be shown on separate sheets of equal sizes; all sheets consisting of same scale with cross-references to the adjoining sheet(s):	()	()	()
(i) Name of proposed development.	()	()	()
(ii) Legend for placement of signature of Planning Board Chairman and Secretary.	()	()	()
(iii) Dates of official Board action and dates of signature.	()	()	()
(iv) A small key map giving general location of the tract to the remainder of the community; zone of district in which the lots are located.	()	()	()
(v) North arrow.	()	()	()
(vi) Date of the original plan and each subsequent revision date, together with a notation describing the substance of each revision	()	()	()
(vii) Graphic scale.	()	()	()

Development Plan Checklist—Continued

FINAL SITE PLAN APPLICATION	(WAIVER)	(YES)	(NO)
(viii) Total tract coverage to one one-hundredth (1/100) of an acre.	()	()	()
(iv) Reserved.			
(x) Boundary survey of tract certified by a licensed plan surveyor.	()	()	()
(xi) Existing and proposed streets and street names.	()	()	()
(xii) Existing and proposed contour lines at two (2) foot intervals inside the tract and within fifty (50) feet of tract's boundaries.	()	()	()
(xiii) Existing and proposed streams and easements.	()	()	()
(xiv) Flood hazard areas based on one hundred (100) years plus storms.	()	()	()
(xv) All dimensions and areas needed to verify compliance with zoning ordinances such as, but not limited to, building area, lot lines, parking and loading spaces, setbacks, buffers and yard areas.	()	()	()
10. Compliance with building setback lines.	()	()	()
11. Block numbers and lot numbers in accordance with established standards and in conformity with the Borough Tax Maps and as approved by the Tax Assessor.	()	()	()
12. The names, exact locations and widths along the property lines of all existing or recorded streets intersecting the said boundaries or lying within two hundred (200) feet thereof; the delineation name and block and lot numbers of all bordering subdivisions; the names of the owner of all bordering unsubdivided acreage.	()	()	()

Development Plan Checklist—Continued

FINAL SITE PLAN APPLICATION	(WAIVER)	(YES)	(NO)
13. Complete off-site information, including calculations concerning final disposition of storm water runoff from the downstream end of the property being developed to a point two thousand (2,000) feet downstream of and from the property being developed or the Borough's boundaries, whichever is greater distance. The information shall include culverts, slopes and cross-section areas for the length specified.	()	()	()
Complete off-site information and disposition of sanitary sewers, including connections of all proposed facilities.	()	()	()
14. Proposed spot elevations or finished elevations at all property corners, curb opposite property corners, corners of all proposed structures or dwellings, drainage and how designating direction of overland drainage flow on each lot.	()	()	()
15. Final centerline profile grades, correct to zero and one hundredth (0.01) feet with full information concerning vertical curve elevations.	()	()	()
16. All centerline elevations of each street at a minimum interval of fifty (50) feet; cross sections and profiles of streets.	()	()	()
17. Complete construction details for all structures including, but not limited to, manholes, inlets, headwalls, yard drains, culverts, bridges, and pumping stations.	()	()	()
18. Location and description of all survey monuments.	()	()	()
19. Certificate by the Tax Collector that all taxes levied against the land have been paid to date.	()	()	()
20. Copy of executed restrictive covenants, easements and proposed restrictions to the fee use of the land to be recorded.	()	()	()

Development Plan Checklist—Continued

FINAL SITE PLAN APPLICATION (WAIVER) (YES) (NO)

21. Waiver requested from Section(s) of Site Plan Ordinance. Reason for requested waiver. Applicant must specifically and comprehensively explain reason(s) necessitating waiver from provisions of Site Plan and/or Land Use Development Ordinances. Use separate sheet of paper to explain reasons if space provided hereafter is inadequate and attach same to this Checklist.

ATTORNEY: _____

ADDRESS: _____

Attach appropriate Submission Checklist.

PHONE: _____

- _____ Subdivision
- _____ Site Plan
- _____ Informal Plat
- _____ Preliminary Plat
- _____ Final Plat or Minor Subdivision

- Application No. _____
- Received By: _____
- Date Submitted: _____
- Fee Paid: _____
- Date Approved: _____
- Denied: _____

1.

	Applicant	Landowner	Person Preparing Plan
Signature*	_____*	_____*	_____*
Name	_____	_____	_____
Address	_____	_____	_____
Phone	() _____	() _____	() _____

Lic. # _____ SEAL

*NOTE: The signatures indicate an understanding of all the matters that are part of this application, including the plans attached hereto.

Development Plan Checklist—Continued

2. INTEREST OF APPLICANT IF OTHER THAN THE LANDOWNER

3. Disclose ownership interest in Section 9 of this application in accordance with the requirements of 40:55D-48.

4. STATEMENT OF LANDOWNER WHERE THE APPLICANT IS NOT THE LANDOWNER

I, _____, The Owner of Lot(s) _____, in Block(s) _____ in the Borough of Pine Beach, Ocean County, N.J., hereby acknowledge that the application of _____ for development on said lot(s) _____ is made with my complete understanding and permission in accordance with an agreement of purchase or option agreement entered into between me and the applicant herein stated.

Signature by Owner

5. Is a variance or conditional use approval needed? _____

If so, specify applicable section of statutes _____

and applicable section of Ordinance: _____

and provide detailed explanation of variances needed in Section 9 of this application.

6. PROPOSED DEVELOPMENT

Title of Plat:

Street Address:

Block and lot nos.:

Zoning districts(s):

Area of Tract: _____ (acres)

Number of proposed lots: _____ including remaining portion of the original tract

Total building coverage: _____ Sq. Ft. = _____ % of lot area

Total lot coverage: _____ Sq. Ft. = _____ % of lot area

Development Plans:

Sell Lots Only = _____ Yes; _____ No

Construct single family dwelling _____ = _____ Number

Development Plan Checklist—Continued

Construct Commercial = _____ Type

Total number of parking spaces: _____

Total number of loading spaces: _____

7. GENERAL FACILITIES

	YES	NO
Each lot served by existing public street	_____	_____
New street being constructed	_____	_____
Existing street being widened	_____	_____
Existing public water available to tract	_____	_____
Public water being extended to tract	_____	_____
Other method of providing water (explain below)	_____	_____
Existing sewerage available	_____	_____
Off-tract sewage treatment to be extended to development	_____	_____
Other method of sewage treatment (explain below)	_____	_____
Are there deed restrictions; covenants, or easements affecting tract?	_____	_____
If yes, attach three copies	_____	_____
All utilities to be underground?	_____	_____
Are any streams proposed as stormwater impoundment or detention?	_____	_____
If yes, attach copy of State approval(s)	_____	_____
Is any part of the tract in a 100-year flood plain?	_____	_____

8. EXTENSION OF TIME FOR APPROVING AUTHORITY ACTION

Previous Deadline for Action by the Approving Authority	Request of Consent to Extend the Deadline to the Following Date	Signature of Landowner/Application
_____	_____	_____
_____	_____	_____
_____	_____	_____

9. OTHER COMMENTS OR EXPLANATIONS AND DISCLOSURE OR OWNERSHIP INTEREST

§ 175-17. Planning Board review.

Amended at time of adoption of Code, See Ch. 1, General Provisions, Art. I.

The Planning Board shall review the site plan and proposed development to determine that said plan and development will comply with this chapter and other ordinances of the borough and other applicable laws and will conform to the Master Plan and other land use standards and regulations established by the borough and its boards and agencies. In making such determinations, the Planning Board shall consider:

- A. The height, bulk and area of the buildings.
- B. The setback distances from all property lines and spacing of buildings on the site.
- C. The size, location and type of signs.
- D. The size, location, construction and proposed improvement of all buffer strips, screening and areas to be landscaped.
- E. The size, location and arrangement of all off-street parking areas and loading areas.
- F. The relationship of the proposed development to the existing buildings and structures in the general vicinity and area.
- G. The lighting of buildings, signs and grounds.
- H. The proposed number of shifts to be worked and the maximum number of employees on each shift and/or the hours of operation for a commercial use.
- I. The effect of the proposed use and development upon the environment.
- J. The relationship of the proposed project to the health, safety and general welfare of the public and the effect which said project would have upon the Master Plan or land use standards adopted by the Planning Board.

§ 175-18. Performance standards.

The following performance standards shall be observed in the consideration of a site plan approval:

- A. The proposed use or development shall be consistent with the Master Plan or land use plan of the borough as adopted by the Planning Board.
- B. Said plan shall provide for adequate water supply and waste and sewage disposal facilities. (Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.)
- C. Adequate access and off-street parking and loading facilities for employees and visitors shall be provided for all commercial uses.
- D. Suitable fencing, where necessary for health and safety, or screening and landscaping or other buffer areas shall be provided as may be required in order to maintain the character and good appearance of the site and the neighborhood.

- E. No operation shall be permitted or be carried on in such a manner as to unreasonably endanger life or property or cause or be likely to cause fire, explosion, radiation and similar hazards or produce objectionable smoke, heat, glare, vibration or noise, irrespective of whether the same is confined within the premises covered under the site plan or beyond any property lines thereof.
- F. The storage of all raw materials, fuels, finished products, machinery and equipment, including company-owned or -operated trucks and motor vehicles, that are not within an entirely enclosed building, shall be limited to side or rear yards, provided that the same are adequately screened so as not to be visible from the street or from adjoining residential properties.
- G. The emission of noxious, toxic or corrosive fuel, gases or odors or the exhaust of waste, dust or other substances beyond safe levels shall not be permitted.

§ 175-19. Conditions for approval.

Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

The Planning Board may require as a condition of site plan approval that the applicant install improvements to the site, including but not limited to curbs, sidewalks, drainage facilities, utilities, roadways, buffer plantings, site stabilization, lighting and other items that may be required by the Borough Engineer and/or the Planning Board and in connection therewith may require the posting of a suitable performance guaranty with the borough in accordance with § 175-73 of this chapter.

§ 175-20. Planning Board approval; appeals to Governing Body. [Amended 4-12-2001 by Ord. No. 01-02-548]

Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- A. The Planning Board, where applicable pursuant to the Municipal Land Use Law, (See N.J.S.A. 40:55-1 et seq.) shall either approve, approve with conditions or disapprove the site plan. In the event that the Board disapproves the site plan, the reasons for its disapproval shall be stated in writing.
- B. Any interested party may appeal to the Governing Body any final decision of the Planning Board which approves an application for development pursuant to N.J.S.A. 40:55D-70. Such appeal shall be made in accordance with the provisions of N.J.S.A. 40:55D-17. The appeal shall be made within ten (10) days of the date of the publication of the final decision of the Board.

Minimum Yard Requirements

Zone District	Permitted Uses	Minimum Lot Requirements 1										Maximum				
		Area (square feet)	Frontage (feet)	Depth (feet)	Width (feet)	Principal Building		Side		Accessory Uses		Building Height (feet)	Lot Coverage (percent)	Impervious Surface (percent)		
R-150	Single-family dwellings	30,000	150	200	150	50	50	20	45	50	25	20	2	25	25	25
R-120	Single-family dwellings	15,000	120	125	120	35	35	20	40	35	25	10	2	25	20	20
R-75	Single-family dwellings	9,375	75	125	75	25	25	10	20	25	10	10	2	25	25	25
R-2	All permitted uses	2 ac	200	120	200	15	15	5	15	15	5	5	5	55	50	75
B-1	Highway shopping centers	200,000	400	500	400	100	100	100	175	75	75	75	75	(peaked roof) 45	50	50
	Freestanding permitted uses	40,000	200	200	200	50	50	25	60	50	50	20	20	35	25	25
	All other permitted uses	40,000	200	200	200	50	50	20	50	50	50	20	20	35	25	25