

19-24.4 Copy to Be Filed with County Planning Board.

Immediately upon adoption of this ordinance, the Borough Clerk shall file a copy of this ordinance with the County Planning Board as required by law. (Ord. #601, S 109-112)

ARTICLE III DEVELOPMENT REGULATIONS**19-25 SITE PLAN REQUIREMENT.****19-25.1 General Requirements and Conditions for Site Plan Exemption.***a. When Exempt.*

1. The Planning Board may determine that an application is applicable for site plan exemption if:

(a) The application proposes no major changes from the existing use or site.

(b) The current site conditions or the proposed application does not create any deleterious effects on the site or the surrounding area.

(c) Any addition(s) to a structure(s) will not exceed five hundred (500) square feet of area or ten (10%) percent of the total building area, whichever is less as measured from the exterior dimensions of the addition.

(d) The site has been subject to a previously approved site plan.

(e) Upon recommendation and approval by Planning Board, an accurate survey of the property may substitute in lieu of a previously approved site plan; provided that the following items are shown:

(1) Existing and proposed structures.

(2) Existing and proposed parking areas, with delineated stalls and loading areas.

(3) All existing and proposed site yard, front yard and rear yard dimensions.

(4) Delineated ingress/egress, site access, curbing and sidewalks.

(5) Landscaped areas, buffers, fencing and street trees.

(6) Existing or proposed lighting.

(7) Existing and proposed rights-of-way and easements.

(8) Indication of zoning requirements as compared to the proposed aspects of submission.

2. Single family or two-family residences are exempt from site plan requirements.

b. Conditions of Exemption. As part of any request, the following conditions must be met:

1. The application does not involve an increase in the required parking spaces; however, any additional parking spaces required as result of an addition to a building not exceeding five hundred (500) square feet may be waived by the Planning Board.

2. There shall be no alteration or removal of existing landscaping.

3. No additional loading or refuse areas are needed.

4. There shall be no intrusion or elimination of any existing buffer area.

5. There shall be no alteration of the existing drainage.

6. The work involved shall not negate any conditions of the resolution.

7. No new variance of any kind is required by the change of the structure.

c. *Change in Use Exemption.*

1. A change in use shall require a site plan, unless each of the following conditions are met:

(a) The use is listed as a permitted use in the particular zone and is otherwise a conforming use.

(b) No new variance of any kind is required by the change of use.

(c) The new use does not require additional parking or loading spaces and does not require the relocation and/or alteration of any existing internal driveways or fire lanes.

(d) The new use will not increase operating hours or require additional screening or buffer areas nor reduce the buffer or landscaped area.

d. *Procedures.*

1. Prior to the issuance of a building permit, pursuant to the exemption set forth in paragraph a. or for a change in use, as set forth in paragraph c., the applicant and/or property owner shall be required to submit plans and an affidavit signed under oath evidencing compliance with the above conditions set forth in this section. These documents shall be submitted to the Code Enforcement Officer and the Clerk of the Planning Board. The Planning Board shall review and render its opinion, by resolution of approval or denial, within ninety (90) days of the date on which it is received by the Clerk. The Planning Board shall notify the Code Enforcement Officer of any objections it may have with respect to compliance with the conditions set forth above or the issuance of the permit, by resolution of the Board. No building or change in use permits shall be issued to the applicant during this review period unless authorized by resolution of the Planning Board. In the event that any resolution is not filed within the review period aforesaid by the Planning Board, the Construction Official shall be without authority to issue a building permit.

2. No certificate of occupancy shall be given to any application unless all construction conforms to the approved site plan, and there is certification that the taxes are up-to-date.

e. *Fees.* The fee for an application for classification as an exempt site plan shall be one hundred (\$100.00) dollars.

f. The approval of the Board of Adjustment shall substitute for that of the Planning Board whenever the Board of Adjustment has jurisdiction over a site plan pursuant to N.J.S.A. 40:55D-76.

(Ord. #601, S 109-113; Ord. #92-69, S 1; Ord. #1997-04, S 1; Ord. #1998-19, SS 2, 3; Ord. #2000-01, S 1; Ord. #2003-11, S 1; Ord. #09-2006, S 1)

19-25.2 Stages of Site Plan Approval.

Site plan approval may be obtained in two (2) stages:

a. Preliminary site plan approval shall be a required procedure; provided, however, the approving authority may in its discretion consider any site plan for both preliminary and final approval where an applicant shall submit an application which complies in all respects with the requirements of this ordinance for preliminary and final site plan applications. If the approving authority considers any site plan for both preliminary and final approval, the applicant shall be required to pay all fees set by this ordinance for both preliminary and final site plan applications.

b. Final site plan approval pursuant to this Chapter.
(Ord. #601, S 109-114; Ord. #610)

19-26 PROCEDURE ON APPLICATION FOR DEVELOPMENT.

19-26.1 Determination of Complete Application.

All applications for development shall be submitted to the Clerk of the approving authority and shall be stamped as of the date of the submission. Within seven (7) days after submission, the approving authority Engineer, or the approving authority's designee, shall review the submission to determine whether same is complete on its face and as defined by this ordinance. If the application is incomplete, the application shall be returned, including the fee less twenty-five (\$25.00) dollars and expenses incurred by the approving authority. The applicant shall be notified in writing of the deficiencies therein by the Board or the Board's designee for the determination of completeness within forty-five (45) days of the submission of such application or it shall be deemed to be properly submitted. Should the application be deemed complete, the application shall be heard within the time provided in this Chapter as measured from the date of submission.

a. A complete application in the case of a subdivision or relief under N.J.S.A. 40:55D-76 shall include the following:

1. One (1) set of architectural plans showing at least front elevations and dimensions of all proposed structures.
2. One (1) set of floor plans of all proposed structures.
3. Receipted current tax bills.
4. Required fees as set forth in this Chapter.
5. Fourteen (14) sets of sketch plats, showing the following:
 - (a) Scale not less than one (1") inch equals two hundred (200') feet.
 - (b) Entire tract shown.
 - (c) Percentage of each lot covered by existing or proposed structures.
 - (d) Portion to be subdivided or developed.

(e) Existing and proposed parking facilities, including designation as to the number of spaces.

(f) Existing structures on the premises.

(g) Proposed structures.

(h) Names and addresses of adjoining owners and number and type of structures within two hundred (200') feet (e.g., dwelling units, commercial units, offices, etc.).

(i) Type and number of proposed shrubbery.

(j) Streets or roads within the tract or immediately adjacent including the proposed name of any street(s) whether public or private.

(k) Proposed improvements including, but not limited to, curbs, sidewalks, etc.

(l) Streams within the tract or immediately adjacent.

(m) Existing rights-of-way and easements.

(n) Key map showing the location of the surrounding area and within the community at a scale of not less than one (1") inch equals one thousand (1,000') feet.

(o) Legend indicating zoning requirements as compare to the proposed aspects of the submission.

(p) Square footage of tract.

(q) Existing wooded area within the tract or immediately adjacent.

(r) All existing and proposed side yard, front yard and rear yard dimensions.

(s) A completed application for development.

(t) When the development of this subdivision or improvements within the subdivision are contingent upon information outside the boundaries of said subdivision, such information shall be supplied by the developer.

(u) A copy of any protective covenants or deed restrictions applying to the land being subdivided.

(v) Such other information as may be required by the approving authority.

b. A complete application for development in the case of a request for relief under N.J.S.A. 40:55D-70 shall include the following:

1. Completed applications for development.

2. Receipted tax bills.

3. Required fees.

4. Eleven (11) sets of drawings (scale not less than one (1") inch equals two hundred (200') feet) showing:

(a) Entire tract in question.

(b) Existing structure on tract.

- (c) Proposed structure on tract.
- (d) Streets, roads, driveway and sidewalk within or immediately adjacent to said track.
- (e) All existing and proposed side yard, front yard, and rear yard dimensions.
- (f) Where necessary, architectural plans showing at least front elevations and dimensions of proposed structures.
- (g) Such other information as may be required by the approving authority.

c. Before the Clerk of the approving authority returns any approval sketch plat to the subdivider, he shall have sufficient copies made to furnish one (1) copy to each of the following:

1. Borough Clerk.
2. Borough Engineer.
3. Construction Official.
4. Secretary of the Board of Assessors.
5. Point Pleasant Planning Board.

The cost of the copies will be charged to the subdivider and shall be collected before the return of the original sketch plat to the subdivider.

The approving authority shall classify the application. If classified as a minor subdivision, the minor subdivision shall be approved or denied within forty-five (45) days of the date of submission of a complete application to the Clerk of the approving authority or within such further time as may be consented to by the applicant. Failure of the approving authority to act within the periods prescribed shall constitute minor subdivision approval and a certificate of the Clerk of the approving authority as to the failure to act shall be issued on request of the applicant and it shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the County Recording Officer for purposes of filing subdivision plats.

Whenever review or approval of the application by the County Planning Board is required by Section 5 of P.L. 1968, c. 285 (C 40:27-6.3) the approving authority shall condition any application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.

Approval of a minor subdivision shall expire one hundred ninety (190) days from the date of municipal approval unless within such period a plat in conformity with such approval and the provisions of the "Map Filing Law, P.L. 1960, c. 141 (C 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 Municipal Engineer and the Municipal Tax Assessor. Any such plat or deed accepted for such filing shall have been signed by the Chairman and Secretary of the approving authority.

The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision approval was granted, shall not be changed for a period of two (2) years after the date of minor subdivision approval; provided that the approved minor subdivision shall have been duly recorded.

d. If the plat is classified as a major subdivision, a notation to that effect shall be made on the plat which will be returned to the subdivider for compliance with the procedures in subsection 19-23.6.

(Ord. #601, S 109-115; Ord. #610; Ord. #612; Ord. 650; Ord. #673)

19-26.2 Submission of Preliminary Plat of Major Subdivision for Preliminary Approval.

a. A completed application for preliminary approval of a major subdivision shall be submitted to the Clerk of the approving authority. At the time of filing, the applicable fee shall be paid to the Clerk of the approving authority to cover the costs of publishing notice and of notifying the persons concerned of the pending hearing on said subdivision.

b. The plat and any other engineering documents to be submitted shall be required in tentative form for discussion purposes for preliminary approval. If the application for development is found to be incomplete, the developer shall be notified thereof within forty-five (45) days of submission of such application or it shall be deemed to be properly submitted.

c. If the approving authority required any substantial amendment in the layout of improvements proposed by the developer that have been the subject of a hearing, an amended application shall be submitted and proceeded upon as in the case of the original application for development. The approving authority shall, if the proposed subdivision complied with the ordinance, grant preliminary approval to the subdivision.

d. Upon the submission to the Clerk of the approving authority of a complete application for a subdivision of ten (10) or fewer lots, the approving authority 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 approving authority shall grant or deny preliminary approval within ninety-five (95) days of the date of such submission or within such further time as may be consented to by the developer. Otherwise, the approving authority shall be deemed to have granted preliminary approval to the subdivision.

e. Copies of the preliminary application shall be forwarded by the Clerk of the approving authority prior to the hearing to the following:

1. Approving authority engineer.
2. Such other municipal, county or state agencies or officials as directed by the approving authority. (Ord. #601, S 10-116; Ord. #612)

19-26.3 Submission of a Preliminary Site Plan for Preliminary Approval.

a. *Stages of Site Plan Approval.* Site plan approval may be obtained in two (2) stages:

1. Preliminary site plan approval shall be a required procedure; provided, however, the approving authority may in its discretion consider any site plan for both preliminary and final approval where an applicant shall submit an application which complies in all respects with the requirements of this Chapter for preliminary and final site plan applications. If the approving authority considers any site plan for both preliminary and final approval, the applicant shall be required to pay only the fee fixed by this Chapter for preliminary site plan approval.

2. Final site plan approval pursuant to this Chapter.

b. *Preliminary Site Plan.*

1. The developers shall submit to the Clerk of the approving authority fourteen (14) copies of the site plan and such other information as required herein. If an application for site plan is found to be incomplete, the developer shall be notified by the approving authority Clerk within forty-five (45) days of the submission of such application or it shall be deemed to be properly submitted. No application shall be determined complete until all taxes are paid.

2. If the approving authority requires any substantial amendment in layout of improvements proposed by the developer that have been the subject of a hearing, an amended application for development shall be submitted and proceeded upon as in the case of the original application for development. The approving authority shall, if the proposed development complies with this ordinance, grant preliminary site plan approval.

3. Upon the submission to the administrative officer of a complete application for a site plan which involves ten (10) acres of land or less, and ten (10) dwelling units or less, 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 the submission of a complete application for a site plan which involves more than ten (10) acres, or more than ten (10) dwelling units, the Planning Board shall grant or deny preliminary approval within ninety-five (95) days of the date of such submission or within such further time as may be consented to by the developer. Otherwise, the Planning Board shall be deemed to have granted preliminary approval of the site plan.

(Ord. #601, S 10-117; Ord. #612; Ord. #650; Ord. #651; Ord. #673)

19-26.4 Preliminary Approval.

a. If the approving authority acts favorably on a preliminary application, a notation to that effect shall be made on the plat or site plan.

b. *Effect of Preliminary Approval.* Preliminary approval of a major subdivision or site plan pursuant to this Chapter shall confer upon the applicant the following rights for a three (3) year period from the date of preliminary approval:

1. That the general terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to, use requirements; layout and design standards for streets, curbs and sidewalks; lot size; yard dimension and off-tract improvements; and, in the case of a site plan, any requirements peculiar to site plan approval; except that nothing herein shall be construed to prevent the municipality from modifying by ordinance such general terms and conditions of preliminary approval as relate to public health and safety.

2. That the applicant shall submit for final approval on or before the expiration date of preliminary approval, the whole or a section or sections of the preliminary subdivision plat or site plan, as the case may be; and

3. That the applicant may apply for and the approving authority may grant extensions on such preliminary approval for additional periods of at least one (1) year but not to exceed a total extension of two (2) years, provided that if the design standards have been revised by ordinance, such revised standards may govern.

4. In the case of a subdivision of or site plan for an area of fifty (50) acres or more, the approving authority may grant the rights referred to in subparagraphs 1, 2 and 3 above for such

period of time, longer than three (3) years, as shall be determined by the approving authority to be reasonable taking into consideration:

(a) The number of dwelling units and nonresidential floor area permissible under preliminary approval;

(b) Economic conditions; and

(c) The comprehensiveness of the development. The applicant may apply for thereafter and the approving authority may thereafter grant an extension to preliminary approval for such additional period of time as shall be determined by the approving authority to be reasonable taking into consideration:

(1) The number of dwelling units and non-residential floor area permissible under preliminary approval; and

(2) The potential number of dwelling units and nonresidential floor area of the section or sections awaiting final approval;

(3) Economic conditions; and

(4) The comprehensiveness of the development; provided that if the design standards have been revised, such revised standards may govern.

(Ord. #601, S 109-118)

19-26.5 Submission of Final Plat of Major Subdivision or Site Plan.

a. The final plat shall be submitted to the Clerk of the approving authority for final approval within three (3) years from the date of preliminary approval. The approving authority shall act upon the final plat or plan within forty-five (45) days after the date of submission for final approval to the Clerk of the approving authority.

b. The completed application shall be submitted to the Clerk of the approving authority. Unless the preliminary plat or plan is approved without changes, the final plat or plan shall have incorporated all changes or modifications required by the approving authority.

Failure of the approving authority to act within the period prescribed shall constitute final approval and a certificate of the Clerk of the approving authority as to the failure of the approving authority to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the County Recording Officer for purposes of filing subdivision plats.

Whenever review or approval of the application by the County Planning Board is required by Section 5 of P.L. 1968, c. 285 (C. 40:27-6.3) in the case of a subdivision, of Section 8 of P.L. 1968, c. 285 (C. 40:27-6.6), in the case of a site plan, the approving authority shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.

c. The complete application for final approval shall be submitted to the Clerk of the approving authority at least twenty-one (21) days prior to the date of the regular approving authority meeting. Unless the preliminary plat or plan is approved without changes, the final plat shall have incorporated all changes or modifications by the approving authority.

d. The final plat or plan shall be accompanied by a statement by the approving authority Engineer that he is in receipt of a map showing all utilities or extensions thereof in exact location and elevation, identifying those portions already installed and those to be installed, and that the developer has complied with one (1) or both of the following:

1. Installed all improvements in accordance with the requirements of this Chapter, or
2. A Performance Guarantee has been posted with the approving authority in sufficient amount to assure the completion of all required improvements as set forth in subsection 19-23.11 of this Chapter.

e. Upon final approval, copies of the final plat or plan shall be filed by the approving authority with the following:

1. Borough Clerk.
2. Borough Engineer.
3. Construction Official.
4. Tax Assessor.
5. Point Pleasant Planning Board.

f. A final subdivision plat, after final approval, shall be filed by the developer with the County Recording Officer within ninety-five (95) days from the date of such approval. If any final plat is not filed within this period, the approval shall expire. The approving authority may, for good cause, extend the period for recording for an additional period not to exceed one hundred ninety (190) days from the date of signing of the plat.

g. No plat shall be accepted for filing by the County Recording Officer unless it has been duly approved by the approving authority and signed by the Chairman and Secretary of the approving authority.

(Ord. #601, S 109-119)

19-26.6 Waiver of Requirements Authorized.

Exception in application of subdivision or site plan regulation; simultaneous review and approval.

a. The approving authority, when acting upon applications for preliminary or minor subdivision approval, shall have the power to grant such exceptions from the requirements for subdivision approval as may be reasonable and within the general purpose and intent of the provisions of this Chapter for subdivision review if the literal enforcement of one (1) or more of said provisions of this ordinance impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

b. The approving authority, when acting upon applications for preliminary site plan approval shall have the power to grant such exceptions from the requirements of this Chapter for site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review of this ordinance, if the literal enforcement of one (1) or more provisions of this ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question. (Ord. #601, 109-120)

19-27 PLAT DETAILS FOR SUBDIVISIONS.**19-27.1 Sketch Plat.**

The sketch plat shall be based on tax map information or some other similarly accurate base at a scale of not less than two hundred (200') feet to the inch to enable the entire tract to be shown on one (1) sheet. The sketch plat shall be designed and drawn by a New Jersey licensed land surveyor or engineer and shall show or include the following information:

- a. The location of that portion which is to be subdivided in relation to the entire tract;
 - b. All existing structures and wooded areas within the portion to be subdivided and within two hundred (200') feet thereof;
 - c. The name of the owner and of all adjoining property owners as disclosed by the most recent Borough record;
 - d. The tax map sheet, block and lot numbers.
 - e. All streets or roads and bodies of water within five hundred (500') feet of the subdivision.
- (Ord. #601, 109-120)

19-27.2 Preliminary Plat.

The preliminary plat shall be clearly and legibly drawn or reproduced at a scale of not less than two hundred (200') feet to the inch. The plat shall be designed in compliance with the provisions of this ordinance. The preliminary plat shall be designed and drawn by a New Jersey licensed land surveyor or engineer and shall show or be accompanied by the following information:

- a. A key map showing the entire subdivision and its relation to surrounding areas.
- b. The tract name, tax map sheet, block and lot number, date, reference meridian, graphic scale and the following names and addresses:
 1. Record owner or owners.
 2. Subdivider.
 3. Person who prepared the map.
- c. Acreage of the tract to be divided to nearest tenth of an acre.
- d. Sufficient elevations or contours to determine the general slope and natural drainage of the land and the high and low points and tentative cross-sections and center line profiles for all proposed new streets.
- e. The location of existing and proposed property lines, streets, buildings, watercourses, railroads, bridges, culverts, drain pipes and any natural features such as wooded areas.
- f. Plans of proposed utility layouts (sewers, storm drains, water, gas and electricity) showing feasible connections to existing or any proposed utility systems. When a public sewage system is not available, the developer shall have percolation tests made and submit the results with the preliminary plat. Any subdivision or part thereof which does not meet with the established requirements of this Chapter or other applicable regulations shall not be approved. Any remedy proposed to overcome such a situation shall be approved by the appropriate Borough, County or State health agency.

g. A copy of any protective covenants or deed restrictions applying to the land being subdivided shall be submitted with the preliminary plat.
(Ord. #601, 109-122)

19-27.3 Final Plat.

The final plat shall be drawn in ink on tracing cloth at a scale of not less than one hundred (100') feet to the inch and in compliance with all the provisions of Chapter 358 of the Laws of 1953. Final plat shall be designed and drawn by a New Jersey licensed land surveyor or engineer. The final plat shall show or be accompanied by the following:

- a. Name, date and location of the subdivision, name of owner, graphic scale and reference meridian.
 - b. Tract boundary lines, right-of-way lines of streets, street names, easements and other rights-of-way, land to be reserved dedicated to public use, all lots lines and other site lines, with accurate dimensions, bearings or deflection angles and radii arcs and central angles of all curves.
 - c. The purpose of any easement, right-of-way or land reserved or dedicated to public use shall be designated and the proposed use of sites other than residential shall be noted.
 - d. Each block shall be numbered and the lots within each block also numbered.
 - e. Minimum building setback lines on all lots and other sites.
 - f. Location and description of all monuments.
 - g. Names of owners of adjoining unsubdivided land.
 - h. Certification by Engineer or Surveyor as to accuracy of details of plat.
 - i. Certification that the applicant is agent or owner of the land or that the owner has given consent under an option agreement.
 - j. When approval of a plat is required by any officer or body of the Borough, State or County, approval shall be certified on the plat.
 - k. Cross-sections and profiles of streets, approved by the Borough Engineer, may be required to accompany the final plat.
 - l. Contours at five (5') foot intervals for slopes averaging ten (10%) percent or greater and at two (2') foot intervals for lands of lesser slope.
 - m. Plans and profiles of storm and sanitary sewers and water mains.
 - n. Certificate from Tax Collector that all taxes are paid to date.
- (Ord. #601, S 109-123)

19-27.4 Improvements.

- a. Prior to the granting of final approval, the developer shall have installed or shall have furnished Performance Guarantees for the ultimate installation of the following:
 1. Streets.
 2. Street signs.