

ARTICLE XVI  
ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

85-115 Establishment of the Zoning Board of Adjustment.

- A. A Zoning Board of Adjustment is hereby created pursuant to N.J.S.A. 40:55D-69 et seq. which shall consist of seven (7) residents of the Borough of Wildwood Crest and which may have not more than two (2) alternate members, each of whom shall be residents of the Borough of Wildwood Crest and shall be appointed by the governing body. Each member shall serve a term of four years from January 1 of their year of appointment. The terms of the members first appointed shall be so determined that to the greatest practicable extent the expiration of such terms shall be distributed, in the case of regular members, evenly over the first four years after their appointment and, in the case of alternate members, evenly over the first two years after their appointment; provided that the initial term of no regular member shall exceed four years and that the initial term of no alternate member shall exceed two years. Thereafter, the term of each regular member shall be four years and the term of each alternate member shall be four years and the term of each alternate member shall be two years. Nothing in this ordinance shall, however, be construed to affect the terms of any present members of the Zoning Board of Adjustment, all of whom shall continue in office until the completion of the terms for which they were appointed.
- B. Alternate members shall be designated at the time of their appointments 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. 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.
- C. No member of the Zoning Board of Adjustment shall hold an elective office or position under the municipality.
- D. Any member of the Board who has any interest, direct or indirect, personal or financial, in a matter before the Board shall not vote thereon and shall remove himself from any meeting or hearing at which said matter is under consideration. A disqualifying conflict of interest shall be deemed to exist when: (1) the Board member is the spouse of the applicant or is related to the applicant within the third degree of consanguinity or is the husband or wife of someone so related, (2) the applicant is the employer, employee or partner of the member, or is a corporation in which the member is a shareholder or has a financial interest, or (3) the member owns property within 200 feet of the property which is the subject of the application.
- E. A member may, after a public hearing if he requests it, be removed by the governing body for cause. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only.
- F. The officers of the Board shall be a Chairperson, a Vice Chairperson and Secretary. The Board shall elect a Chairperson and a Vice Chairperson from amongst its members. The Vice Chairperson shall preside when the Chairperson is absent. The Board shall designate a Secretary, who need not be a member of the Board. The officers shall be designated at the regular meeting of the Board in the month of January and shall hold office for one year commencing on the first day of February or until a successor is designated to serve at the pleasure of the Board. In the event of death, removal for cause, or resignation of the Chairperson, the Vice Chairperson shall assume the duties until the reorganizational meeting

in January. The Chairperson shall supervise the affairs of the Board of Adjustment. He or she shall preside at all meetings of the Board, shall appoint such committees and sub-committees as may be necessary to carry out the purposes of the Board, shall provide for the oath to be administered to all witnesses in cases before the Board, and shall provide for the issuance of subpoenas to compel the attendance of witnesses and the production of relevant evidence. The Chairperson shall be an ex officio member of all committees and sub-committees so appointed. When required by statute, ordinance or rule to do so, he or she, along with the Secretary, shall sign all documents. The Vice Chairperson, in the absence or disability of the Chairperson, shall perform all the duties and exercise all the powers of the Chairperson.

The Secretary shall record and maintain permanent minutes of the Board's proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact; shall keep records of its examinations and other official actions; shall keep a verbatim transcript of all hearings for a period of 12 months; shall record the names and addresses of all persons appearing before the Board in person or by attorney; shall, subject to the Board and Chairperson, conduct the correspondence of the Board and have published in a local newspaper public notices of meetings or hearings as required by law and these rules of procedures; shall file said minutes and records in the office of the Board which minutes and records shall be a public record; and shall be the custodian of the files of the Board and keep all records.

- G. The governing body shall make provisions in its budget and appropriate funds for the expenses of the Zoning Board of Adjustment.
- H. The Zoning Board of Adjustment may employ, or contract for, and fix the compensation of legal counsel, other than the municipal attorney, and experts and other staff services as it shall deem necessary, not exceeding, exclusive of gifts and grants, the amount appropriated by the governing body for its use.
- I. Nothing herein shall be construed to give or grant to the Board the power or authority to alter or change the provisions of this ordinance, including the zoning and official map, which authority is reserved to the governing body, except as permitted by statute.
- J. The office of the Board shall be located at the Wildwood Crest Borough Hall, 6101 Pacific Avenue, Wildwood Crest, New Jersey. All records of the Board shall be available for public inspection by appointment between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except for legal holidays, in the office at the Borough Hall.

#### 85-116 Zoning Board Meetings.

- A. A regular meeting(s) shall be held each month, unless such day shall be a recognized holiday. In that event, the regular meeting shall be held on another date, or at such other time as the Chairperson may designate. At its organizational meeting in January, the Board will prepare and publish a calendar of its regular meetings pursuant to the "Open Public Meetings Act," P.L. 1975, C. 231. Regular meetings may be canceled by the Chairperson when there are no cases pending. Notification must be given to members, however, not less than 24 hours prior to the time set for such meetings. Special meetings may be called by the Chairperson at his or her discretion, or upon the request of two (2) or more members, provided that 48 hours notice is given each member and the public, pursuant to the "Open Public Meetings Act."
- B. All meetings shall be open to the public.

- C. A quorum shall consist of four members for any decision, determination, or official action by the Board. An affirmative vote of a majority of the members present (there being a quorum) except that "D" variances require five (5) affirmative votes. Variances for issuance of permits for buildings and structures, in the bed of a street or public drainage way (pursuant to N.J.S.A. 40:55D-34) must be approved by a majority of the full membership of the Board.
- D. A quorum of the Board shall be present at all public meetings and for the transaction of any business.
- E. Continuances may be granted at the discretion of the Board in any case for good cause shown and to any interested party who has entered his appearance as follows:
  - 1. New Cases. First time on agenda; continuances may be granted upon request.
  - 2. Continued Cases. All cases which have previously appeared on the agenda of the Board constitute continued cases. A request for a further continuance will be considered upon application therefor by the party or his representative at the time the case is called for good cause; and upon a showing that he will be unable to proceed with his evidence at that hearing.
- F. Failure of Applicant to Appear
  - 1. The Chairperson may entertain a motion from the Board to dismiss the case for want of the applicant to move the appeal. In the absence of an action by the Board, the chair shall rule.
  - 2. In cases which are dismissed for want of the applicant to move the appeal, the applicant will be furnished written notice by the Secretary of the Board.
  - 3. The applicant shall have seven (7) days from the date of notice of dismissal to apply for reinstatement of the case. In such cases, the applicant must file a written request with the Secretary for reinstatement. Reinstatement shall be at the discretion of the Chairperson for good cause shown, and upon payment of the requisite fee.
  - 4. In all cases reinstated in the above manner, the case will be docketed and notice served upon adjacent property owners in the usual manner prescribed for new cases.

85-117 Powers and Jurisdiction of the Zoning Board of Adjustment.

The Zoning Board of Adjustment shall have the power to:

- A. Hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision or refusal made by the construction official based on or made in the enforcement of the zoning provisions of this ordinance. The Construction Official shall transmit to the Secretary of the Board all papers constituting the records upon which the action appealed from was taken. The applicant shall provide all the information required on the appeal or variance application form as well as any additional information that may be required by the Board to aid in reaching a decision.
- B. Hear and decide in accordance with the provisions of any such ordinance, requests for interpretation of the zoning map or ordinance or for decisions upon other special questions upon which such board is authorized to pass by any zoning or official map ordinance in accordance with N.J.S.A. 40:55D-1 et seq. An appeal for an interpretation of the Zoning

Officer's and/or Construction Official's decision may be taken by any person aggrieved by the Zoning Officer's and/or Construction Official's decision.

- C. Where by reason of exceptional narrowness, shallowness or shape of a specific piece or property, or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to Article 8 of the Municipal Land Use Law would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property, grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation, so as to relieve such difficulties or hardship; where in an application or appeal relating to a specific piece of property the purposes of this act would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from regulations pursuant to Article 8 of the Municipal Land Use Law; provided, however, that no variance from those departures enumerated in N.J.S.A. 40:55D-70d shall be granted under this subsection and provided further that the proposed development does not require approval by the Planning Board of a subdivision, site plan or conditional use in conjunction with which the Planning Board has power to review a request for a variance pursuant to Section C., 40:55D-60a of the Municipal Land Use Law.
- D. Where, in an application or appeal relating to a specific piece of property the purposes of the Municipal Land Use Law would be advanced by a deviation from the ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from such ordinance requirements; provided, however, that no variance from those departures enumerated below shall be granted under this subsection; and provided further, that the proposed development does not require approval by the Planning Board of a subdivision, site plan or conditional use in conjunction with which the Planning Board has power to review a request for a variance.
- E. In particular cases and for special reasons, grant a variance to allow departure from the zoning provisions of this ordinance to permit: 1) a use or principal structure in a district restricted against such use or principal structure; 2) an expansion of a nonconforming use; 3) deviation from a particular specification or standard set forth in this chapter as pertaining solely to a conditional use; 4) an increase in the permitted floor area ratio as defined in this ordinance and in N.J.S.A. 40:55D-4, except as applied to the required lot area for a lot or lots for detached one or two dwelling units, which lot or lots are either an isolated undersize lot or lots resulting from a minor subdivision. A variance under this subsection shall be granted only by affirmative vote of at least five (5) members of the Board.
- F. It shall be the responsibility of any applicant for a use variance to assure that the hearing will be recorded verbatim by a court reporter, whether or not the means for doing so are provided by the Board.
- G. A use variance shall expire if no construction, alteration or conversion relative to the use has been commenced within three (3) years of the date of the Board's approval of the variance. For use variances granted prior to the effective date of this subsection, the three (3) years period shall commence as of the effective date approval of said variance. For use variances which become the subject of litigation, the three (3) years period shall commence on the date of the last reviewing court's decision to grant the variance. For good cause shown, and after a hearing before the Board on notice in the manner required, an extension of the variance approval may be granted by resolution. Any extension may not exceed one (1) year in duration and no more than two (2) extensions shall be permitted. The application for

extension of use variance shall be made prior to the expiration of the time limit sought to be extended.

- H. No variance or other relief may be granted under the terms of this section unless such variance or other relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning plan and other provisions of this ordinance. An application under this section may be referred to any appropriate person or agency, including the Planning Board, pursuant to Section N.J.S.A. 40:55D-26, for its report; provided that such reference shall not extend the period of time within which the Zoning Board of Adjustment shall act.
- I. The Zoning Board of Adjustment shall have such other powers including the following:
  - 1. Direct issuance of a construction permit pursuant to N.J.S.A. 40:55D-34 for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved pursuant to N.J.S.A. 40:55D-32.
  - 2. Direct issuance of a construction permit pursuant to N.J.S.A. 40:55D-36 for the construction of a building or structure not related to a street.
  - 3. The Zoning Board of Adjustment shall have the power to grant to the same extent and subject to the same restrictions as the Planning Board a subdivision, site plan, or conditional use approval whenever the proposed development requires approval by the Board of Adjustment pursuant to N.J.S.A. 40:55D-70d. The developer may elect to submit a separate application requesting approval of the variance and a subsequent application for any required approval of a subdivision, site plan or conditional use. The separate approval of the variance shall be conditioned upon grant of all required subsequent approvals by the Board of Adjustment. No subsequent approval shall be granted unless such approval can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and zoning provisions. The number of votes of board members required to grant any such subsequent approval shall be as otherwise provided.
  - 4. Whenever an application for development requests relief pursuant to Subsection three (3) of this subsection, the Board of Adjustment shall grant or deny approval of the application within 120 days after submission by a developer of a complete application to the Planning Board Secretary or Zoning Board of Adjustment Secretary or within such further time as may be consented by the applicant. In the event that the developer elects to submit separate consecutive applications, the aforesaid provision shall apply to the application for approval of the variance. The period for granting or denying any subsequent approval shall be as otherwise provided in this Ordinance and the Municipal Land Use Law. Failure of the Board of Adjustment to act within the period prescribed shall constitute approval of the application and a certificate of the Secretary of the Board of Adjustment as to the failure of the Board of Adjustment 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.
  - 5. Whenever review or approval of the application by the County Planning Board is required by N.J.S.A. 40:27-6.3 in the case of a subdivision, or N.J.S.A. 40:27-6.6 in the case of a site plan, the Zoning Board of Adjustment 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.

85-118 Appeals and Applications to the Zoning Board of Adjustment.

- A. Appeals to the Zoning Board of Adjustment may be taken by any interested party affected by any decision of an official of the Borough of Wildwood Crest based on or made in the enforcement of the zoning ordinance or official map. Such appeal shall be taken within twenty (20) days by filing a notice of appeal with the official from whom the appeal is taken, with three copies of the notice given to the secretary of the Board. The notice shall specify the grounds for the appeal. The official from whom the appeal is taken shall immediately transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- B. A developer may file an application for development with the Board of Adjustment for action under any of its powers without prior application to Construction Official.
- C. The Board may reverse or affirm, wholly or in part, or may modify the action, order, requirement, decision, interpretation or determination appealed from and to that end have all powers of the municipal official from whom the appeal is taken.
- D. An appeal to the Zoning Board of Adjustment shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made unless the municipal official from whose action the appeal is taken certifies to the board, after the notice of appeal shall have been filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Superior Court upon notice to the municipal official from whom the appeal is taken and on due cause shown.
- E. The Board shall render a decision not later than 120 days after the date the appeal is taken from the decision of the municipal official or from the date the application is certified as a complete application by the Secretary of the Zoning Board of Adjustment, as the case may be, or within such further time as may be consented to by the applicant. Failure of the Board to render a decision within such 120-day period or within such further time as may be consented to by the applicant, shall constitute a decision favorable to the applicant.

85-119 Establishment of the Planning Board.

- A. A Planning Board is hereby established pursuant to C.40:55D-23 in Wildwood Crest Borough, consisting of nine (9) members and two (2) alternate members from the following four (4) classes:

Class I            The Mayor.

Class II           One (1) of the officials of the municipality, other than a member of the governing body, to be appointed by the mayor; provided that if there be an Environmental Commission, the member of the Environmental Commission who is also a member of the Planning Board as required by section 1 of P.L. 1968, c.245 (C. 40:56A-1), shall be deemed to be the Class II planning board member for the purposes of this act in the event that there be among the Class IV or alternate members of the Planning Board both a member of the Zoning Board of Adjustment and a member of the Board of Education.

Class III There is no Class III member (member of the governing body other than the Mayor) since the Borough is a municipality with three (3) members of the governing body (N.J.S.A. 40:59D-23).

Class IV Regular Members

Seven (7) other citizens of the municipality to be appointed by the mayor. The members of Class IV shall hold no other municipal office, position or employment, except that one member may be a member of the Members Board of Adjustment and one (1) may be a member of the Board of Education. If there is a municipal Environmental Commission, the member of the Environmental Commission who is also a member of the Planning Board, as required by section 1 of P.L. 1968, c.245 (C. 40:56A-1), shall be a Class IV planning board member, unless there be among the Class IV or alternate members of the Planning Board both a member of the Zoning Board of Adjustment and a member of the Board of Education, in which case the member common to the Planning Board and municipal Environmental Commission shall be deemed a Class II member of the Planning Board.

Class IV Alternate Members

Two other citizens of the municipality may be appointed as alternate members. Alternate members shall be appointed by the mayor and shall meet the qualifications of Class IV members. Alternate members shall be designated at the time of appointment by the mayor as "Alternate No. 1" and "Alternate No. 2." The terms of the alternate members shall be for 2 years, except that the terms of the alternate members shall be such that the term of not more than one alternate member shall expire in any 1 year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed 2 years. A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only.

No alternate member shall be permitted to act on any matter in which he has either directly or indirectly any personal or financial interest. An alternate member may, after public hearing if he requests one, be removed by the governing body for cause.

Alternate members may participate in discussions of the proceedings 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.

- B. The term of the member composing Class I shall correspond to his official tenure. The term of the member comprising Class II shall be for one (1) year or terminate at the completion of his/her respective term of office, whichever occurs first except for a Class II member who is also a member of the Environmental Commission. The term of a Class II or Class IV member who is also a member of the Environmental Commission shall be for three (3) years or terminate at the completion of his term of office as a member of the Environmental Commission, whichever comes 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 shall be so determined that to the greatest practicable extent the expiration of such terms shall be distributed evenly over the first 4 years after their

appointment -- provided that the initial Class IV term of no member shall exceed 4 years. Thereafter, the Class IV term of each such member shall be 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. all terms shall run from January 1 of the year in which the appointment was made. 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. Nothing in this ordinance shall, however, be construed to affect the terms of any present members of the Planning Board, all of whom shall continue in office until the completion of the terms for which they were appointed.

- C. If a vacancy in any class shall occur otherwise than by expiration of a term, it shall be filled by appointment as above provided for the unexpired term.
- D. Nomination of officers shall be made from the floor at the annual organization meeting which shall be held on the first Thursday in January each year. A candidate receiving a majority vote of the members of the Planning Board present ( a quorum being present) shall be declared elected and shall serve for one year or until his successor shall take office. Vacancies in offices shall be filled immediately by the regular election procedure.
- E. The Officers of the Planning Board shall consist of a Chairperson, a Vice Chairperson and a Secretary. The Chairperson shall preside at all meetings and hearings of the Planning Board and shall have the duties normally conferred by parliamentary usage on such officers. The Chairperson shall be one of the citizen members of the Board. He or she shall have the privilege of discussing all matters before the Board and of voting thereon. The Vice Chairperson shall act for the Chairperson in his or her absence and shall be a citizen member of the Board.
- F. The Secretary shall keep the minutes and records of the Board, prepare the agenda of regular and special meetings with the Chairperson, provide notice of meetings to Board members, arrange proper and legal notice of meetings, attend to correspondence of the Board and perform such other duties as are normally carried out by a Secretary. The Secretary need not be a member of the Board. The Board may employ or dismiss a Secretary.
- G. The Planning Board may also employ or contract for and fix the compensation of such experts and other staff and services as it may deem necessary to aid the Board in its work. Appointments shall be made by a majority vote of the members of the Planning Board present (a quorum being present). The Board, however, shall not authorize expenditures which exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.
- H. The governing body shall make provisions in its budget and appropriate funds for the expenses of the Planning Board.
- I. The office of Planning Board Attorney is hereby created. The Planning Board may annually appoint to such office and fix compensation or rate of compensation of an attorney at law of New Jersey other than the municipal or Board of Adjustment attorney.

#### 85-120 Planning Board Meetings.

- A. The Planning Board will, at its meetings, conduct hearings and review applications and Committee reports. The applicant or applicant's representative will be advised in writing of

the meeting location, date, and time. The applicant or applicant's representative and his attorney must be present at the hearing to present the application and answer questions relating thereto.

- B. In addition to those required by law, the Board may, at its discretion, hold public hearings when it decides that such hearings will be in the public interest. Notice of such hearings shall be published in the official newspaper of the borough at least ten days before the time of public hearings. Such other notices as shall be required by law shall also be provided. A record shall be kept of those speaking before the Board.
- C. Meetings will be held every month when applications have been submitted for review and hearing.
- D. A majority of the membership of the Board of nine (9) shall constitute a quorum and the number of votes necessary to transact business shall be a majority vote of the members of the Planning Board present (a quorum being present). Voting shall be by roll call. A record of the roll call vote shall be kept as part of the minutes.
- E. Special meetings may be called by the Chairperson. The Chairperson shall also call such special meetings when requested to do so in writing by two or more members of the Board. The notice of such a meeting shall specify the purposes of such a meeting and no other business may be considered except by unanimous consent of the Board. The Secretary shall notify all members of the Board in writing not less than five days in advance of such special meetings.
- F. The following standing subcommittees shall be appointed by the Chairperson:
  - 1. Master Plan Committee
  - 2. Development Review Committee

The standing committees shall be appointed for one year and shall consist of four (4) members. Vacancies shall be filled immediately by the Chairperson of the Planning Board. Other special committees may be appointed by the Chairperson for purposes and terms which the Board approves.

The Development Review Committee meets prior to the regularly scheduled monthly meeting of the Planning Board. Unless advised to the contrary, the applicant and/or the applicant's representative should be present.

85-121 Powers and Jurisdiction of the Planning Board. The Planning Board shall have the powers listed below in addition to other powers established:

- A. Make, adopt, and, from time to time, amend a master plan for the physical development of the Borough, which shall include consideration of any areas outside its boundaries which, in the board's judgment, bear essential relation to the planning of the Borough according to the provisions of N.J.S.A. 40:55D-28.
- B. Administer the land subdivision and site plan review provisions of this ordinance and other development control ordinances of the Borough in accordance with the applicable provision thereof and the provisions of N.J.S.A. 40:55D-37 et seq.
- C. Participate in the preparation and review of programs or plans required by state or federal law or regulation.

- D. Assemble data on a continuing basis as part of a continuous planning process.
- E. Approve conditional use applications in accordance with the provision of this ordinance pursuant to N.J.S.A. 40:55D-67.
- F. Approve conditional uses, in accordance with the provisions of this ordinance including consideration of the following:
  - 1. That departures by the proposed development from zoning regulations otherwise applicable in the zoning district are reasonable under the circumstances of the particular conditional use and do not defeat the purpose of the zoning district in question.
  - 2. Any proposals for open space are proper in amount, location and purpose.
  - 3. That the physical design of the proposed development makes adequate provision for public services, control over vehicular and pedestrian traffic, and the amenities of light, air, and visual enjoyment.
  - 4. That the proposed conditional use will not have an unreasonably adverse impact upon the adjoining property and the area in which it is proposed to be established.
  - 5. The terms and conditions applicable to any approved conditional use are adequate to protect the interest of the general public as well as the property owners and its perspective users.
- G. From time to time, at the request of the governing body prepare or review a program of municipal capital improvement projects projected over a term of six years and recommend same to the governing body.
- H. Consider and make report to the governing body within 35 days after referral as to any proposed development regulation submitted to it pursuant to the provisions of N.J.S.A. 40:55D-26(a) and also pass upon other matters specifically referred to the Planning Board by the governing body pursuant to the provisions of N.J.S.A. 40:55D-26(b).
- I. Perform such other advisory functions as may be assigned to it by ordinance or resolution of the governing body.
- J. The Planning Board shall have such other powers as prescribed by law, including, but not limited to, the power to grant the following variances, to the same extent and subject to the same restrictions as the Zoning Board of Adjustment, when the Planning Board is reviewing applications for approval of subdivision plats, site plans or conditional uses:
  - 1. Variances pursuant to subsection 85-117C of this ordinance except variances for conditional uses;
  - 2. Direction for issuance of a permit for a building or structure in the bed or mapped street or public drainageway, flood control basin or public area; and
  - 3. Direction for issuance of a permit for a building or structure on a lot not abutting a street.

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.

The developer may elect to submit a separate application requesting approval of the variance or direction of the issuance of a permit, and a subsequent application for any required approval for a subdivision, site plan or conditional use. The separate approval of the variance or direction of the issuance of a permit, shall be conditioned upon grant of all required subsequent approvals by the Planning Board. No such subsequent approval shall be granted unless the approval can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and the zoning provisions of this Article.

85-122 Provisions Applicable to Both the Planning Board and the Zoning Board of Adjustment.

A. Meetings

1. Meetings of both the Planning Board and Zoning Board of Adjustment shall be scheduled no less often than once a month and shall be held as scheduled unless canceled for lack of pending applications.
2. Special meetings may be held at the call of the chair or at the request of any two (2) board members. The members of the respective board and the public shall be given notice of such meeting in accordance with all applicable legal requirements.
3. No action shall be taken at any meeting without a quorum being present, said quorum to be the majority of the full authorized membership of the board.
4. All actions shall be taken by majority vote of the members of the board present at the meeting except as otherwise required by a provision of N.J.S.A. 40:55D-1 et seq. A member of the board who was absent for one or more of the meetings at which a hearing was held shall be eligible to vote on a matter upon which the hearing was conducted, notwithstanding his absence from one or more of the meetings; provided, however, that a transcript or recording of all of the hearing from which he was absent exists; and provided, further, that such board member certifies in writing to the board that he has read such transcript or listened to such recording.
5. 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 Meeting Law C. 231, Laws of New Jersey, 1975. Such other notices as shall be required by law shall also be provided. An executive session for the purpose of discussing and studying any matters to come before either Board shall not be deemed a regular meeting or a special meeting in accordance with the provision of N.J.S.A. 40:55D-9.
6. Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the municipal agency and of the persons appearing by attorney, the action taken by the municipal agency, 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 Secretary of the Planning Board or the Municipal Clerk. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceedings concerning the subject matter of such minutes. Such interested party may be charged a reasonable fee for reproduction of the minutes for his use.

B. Public Notice and Hearing Structure

1. The Planning Board or Zoning Board of Adjustment shall hold a hearing on each application for development, or adoption, revision or amendment of the master plan. Each board shall make the rules governing such hearings. Applications for preliminary major subdivision approval, preliminary major site plan approval, conditional use approval, or variance relief require advertisement and legal notice as provided by Statute, Ordinance, Resolution and By-Laws. Applications for final major subdivision approval, final major site plan approval, minor subdivision approval and minor site plan approval would not require such notice. The Planning Board or Zoning Board cannot act upon applications requiring legal notice and advertisement unless and until the requirements governing each action have been met. The Development Review Committee will not review applications prior to when the requirements are met. The advertisement and legal notice requirements are as set forth in the Municipal Land Use Law as provided for in N.J.S. 40:55D-12 and in the case of condominium associations or horizontal property regime, in the case of any co-owner whose apartment has an apartment above or below it, in accordance with N.J.S. 40:55D-12B, notice of a hearing requiring public notice pursuant to N.J.S. 40:55D-12A shall be given to the owners of all real property as shown on the current tax duplicate located in the State and within 200 feet in all directions of the property which is the subject of such hearing; provided that this requirement shall be deemed satisfied by notice to the (i) condominium association, in the case of any unit in the same manner as a corporation, such notice being to the president, vice-president, secretary or other person authorized by appointment or by law to accept service on behalf of that condominium association and no further notice to unit owners, co-owners or home owners of the condominium association is required. There is a fee for the said list, and it takes up to seven (7) working days to prepare the list. Notices must also be sent to all other persons and bodies as required by law. Notices sent to those adjacent owners must be sent by certified mail, return receipt requested or must be by personal service. Notices must be mailed, or personally served, ten (10) days before the Board's hearing. Copies of both the list of property owners (as secured from the Borough Tax Office) and the original mailing receipts or photocopies thereof arranged in list order sequence must be delivered to the Administrative Official at least one (1) full week prior to the day of the scheduled hearing. Copies of the return receipts are to be delivered to the Secretary of the Planning Board three (3) days before the hearing. Affidavits of personal service and/or certified mailing return receipt requested must be filed at least one (1) week prior. Legal advertisement must be published in the Gazette Leader at least ten (10) days before the hearing. The notice form must be completed before delivery to the newspaper. A proof of publication will be presented to the applicant by the newspaper after the notice appears in the publication. This proof of publication must be presented to the Secretary of the Planning Board one (1) full week prior to the meeting at which the application is to be heard.
2. 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 Municipal Clerk. The applicant may produce other documents, records or testimony at the hearing to substantiate, clarify or supplement the previously filed maps and documents. Notwithstanding the foregoing, all items required for a complete application must be filed with the Secretary of the Planning Board at least forty-five (45) days before the hearing date.

3. Every application for development submitted to the Planning Board or 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.
4. The officer presiding at the hearings, 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 Municipality Investigations Law," P.L. 1953, c.38 (C.2A:67A-1 et seq.) shall apply.
5. 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.
6. Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence.

The Board shall not be bound by the strict rules of evidence, but it may exclude irrelevant, immaterial, incompetent, or unduly argumentative or repetitious testimony or evidence.

The Chairperson shall rule on all questions relating to the admissibility of evidence, which may be overruled by a majority of the Board.

7. The municipal agency shall provide for the verbatim recording of the proceedings by either stenographer, mechanical or electronic means at the developers expense.
8. 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 in the act for action by the municipal agency on the application for development; or
  - b. A memorializing resolution adopted at a meeting held not later than 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 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. 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.

9. A copy of the decision shall be mailed by the municipal agency within 10 days of the date of decision to the applicant or if represented then to his attorney, without separate charge, and to all who request a copy of the decision for a reasonable fee. A copy of the decision shall also be retained by the municipal agency and will be available upon request to the appropriate board secretary upon the payment of a reasonable fee.
10. A brief notice of the decision shall be published in the official newspaper of the municipality. Such publication shall be arranged by the Board Secretary; provided that nothing in this Ordinance shall be construed as preventing the applicant from arranging such publication if he so desires. The municipality may make a reasonable charge for its publication. The period of time in which an appeal of the decision may be made shall run from the first publication of the decision, whether arranged by the municipality or the applicant.

C. Notice of Applications

1. Public notice of a hearing shall be given by the applicant for the following applications for development:
  - a. Any request for a variance;
  - b. Any request for conditional use approval;
  - c. Any request for issuance of a permit to build within the bed of a mapped street or public drainageway or on a lot not abutting a street;
  - d. Any request for preliminary approval of a major site plan or subdivision plat; and
  - e. Any request for approval of a planned development.
2. The secretary of the Planning Board or Zoning Board of Adjustment, as the case may be, shall notify the applicant at least ten (10) working days prior to the public hearing at which the application will be discussed. Notice of a hearing requiring public notice shall be given by the applicant at least ten days prior to the date of the hearing in the following manner:
  - a. By publication in the official newspaper of the Borough.
  - b. To all owners of real property as shown on the current Tax Map duplicate, located in the State and within 200 feet in all directions of the property which is the subject of such hearings, notwithstanding N.J.S.A. 40:55D-12b in the case of a condominium unit owner, and a horizontal property regime owner, notice shall be required to be given to the individual unit owners and not simply served upon the Condominium Association. The Condominium Association may be served because of its ownership of common elements or areas located within 200 feet of the property which is the subject of the hearing, but not with respect to the ownership of the individual units.

- c. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice president, or secretary, or other person authorized by appointment or by law to accept service on behalf of the corporation.
  - d. To the Clerk of any adjoining municipality or municipalities when the property involved is located within 200 feet of said adjoining municipality or municipalities. Notice shall be given by personal service or certified mail.
  - e. To the County Planning Board when the application for development involved property adjacent to an existing county road or proposed road as shown on the county official map or the county master plan, adjoining other county land or situated within 200 feet of a municipal boundary. Notice shall be given by personal service or certified mail.
  - f. To the Commissioner of Transportation of the State of New Jersey when the property abuts a State highway. Notice shall be given by personal service or certified mail.
  - g. To the State Planning Commission for any hearing which involves an application for development of property which exceeds 150 acres or 500 dwelling units. The notice shall include a copy of any maps or documents required to be on file with the Municipal Clerk pursuant to N.J.S.A. 40:55D-10.
3. Upon the written request of an applicant the Borough tax collector shall, within seven (7) days, make and certify a list from current tax duplicates of names and addresses of owners within the Borough to whom the applicant is required to give notice. Failure to give notice to any lot owner not on the list obtained in such manner shall not invalidate any hearing or proceeding. A sum not to exceed the maximum set forth in N.J.S.A. 40:55D-12C may be charged for such lists.
  4. The applicant shall be responsible for giving proper notice to all property owners.
  5. The applicant shall file an Affidavit of Proof with the Planning Board or Zoning Board of Adjustment in accordance with the provisions of Section 85-122B.1. of this Ordinance.
  6. The notice shall state the date, time and place of the hearing and the nature of the matters to be discussed, including a precise description of any requested variances or design standards waivers; an 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's tax assessor's office; and the location and times at which any maps or documents for which approval is sought are available for inspection.

85-123 Appeal of Decisions. Any interested party may appeal to the Superior Court any final decision of the Zoning Board of Adjustment or Planning Board. There shall be no appeal to the governing body.

85-124 Notice of Decisions. Any decision of the Planning Board or Zoning Board of Adjustment when acting upon an application for development shall be given notice in the following manner:

- A. Within ten (10) days of the date of decision or date of memorialization a copy thereof shall be mailed without separate charge by the appropriate municipal authority to the applicant, or appellant or to any attorney by whom represented. A copy of the decision shall also be

mailed within ten (10) days to any interested party who has requested it and who has paid the fee prescribed by the municipal authority for such service.

- B. A brief notice of every decision shall be published in the official newspaper of the Borough. Such publication shall be arranged by the Secretary of the Planning Board, the Secretary of the Zoning Board or the Borough Clerk, as the case may be. The notice shall be sent to the official newspaper for publication within ten (10) days of the date of any such decision.
- C. A copy of the decision shall also be filed in the office of the Borough clerk, who shall make a copy of such filed decision available to any interested party upon payment of a fee calculated in the same manner as that established for copies of other public documents in the borough.

85-125 Fees. Fees for applications or for the rendering of any service by the Planning Board or Zoning Board of Adjustment or any member of their administrative staffs which is not otherwise provided by ordinance may be provided for and adopted as part of the rules of the Board and copies of said rules or of the separate fee schedule shall be available to the public.

85-126 Application by Corporation or Partnership.

- A. A corporation or partnership applying to the Planning Board or the Zoning Board of Adjustment or the governing body for permission to subdivide a parcel of land into six or more lots, or applying for a variance to construct a multiple dwelling of 25 or more family units or for approval of a site to be used for commercial purposes shall list the names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class or at least 10% of the interest in the partnership, as the case may be.
- B. If a corporation or partnership owns 10% or more of the stock of a corporation or 10% or greater interest in a partnership, either of which is subject to disclosure, that corporation or partnership shall list the names and addresses of its stockholders holding 10% or more of its stock or of 10% or greater interest in the partnership, as the case may be, and this requirement shall be followed by every corporate stockholder or partner in the said partnership, until the names and addresses of the non-corporate stockholders and individual partners exceeding the 10% ownership criterion have been listed.
- C. The Planning Board, Zoning Board of Adjustment, or the governing body shall not approve the application of any corporation or partnership which does not comply with Section 126A or Section 126B of this ordinance.
- D. Any corporation or partnership which conceals the names of the stockholders owning 10% or more of its stock, or of the individual partners owning a 10% or greater interest in the partnership, as the case may be, shall be subject to a fine of \$1,000 to \$10,000 which shall be recovered in the name of Wildwood Crest Borough in any court of record in the State in a summary manner pursuant to "The Penalty Enforcement Law" (N.J.S.A. 2A:58-1 et seq.)

85-127 Payment of Taxes. Pursuant to the provisions of N.J.S.A. 40:55D-39 and 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.

ARTICLE XVII  
DEVELOPMENT APPLICATION REVIEW PROCEDURE

85-128 Jurisdiction of Responsibility During Development Application Review. The Planning Board and Zoning Board of Adjustment have certain overlapping powers to expedite the review process. Their respective responsibilities are outlined below:

- A. The Planning Board shall have the power to grant subdivision or conditional use approval simultaneously with site plan approval.
- B. The Planning Board shall have the power to act in lieu of the Zoning Board of Adjustment and subject to the same extent and restrictions of the Zoning Board of Adjustment on the following matters when the Planning Board is reviewing applications for approval of subdivision plans, site plans or conditional uses. Whenever relief is requested pursuant to this subsection, public notice shall be given and shall include reference to the request for a variance or direction for issuance of a permit, as the case may be.
  - 1. Grant variances pursuant to N.J.S.A. 40:55D-70c.
  - 2. Direct, 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 drainageway, flood control basin or public area reserved pursuant to N.J.S.A. 40:55-32.
  - 3. Direct, pursuant to N.J.S.A. 40:55D-36, for issuance of a permit for a building or structure not related to a street.
- C. The Zoning Board of Adjustment shall have the power to grant, to the same extent and subject to the same restrictions as the Planning Board, site plan, subdivision or conditional use approval whenever the proposed development requires approval by the Zoning Board of Adjustment of a variance pursuant to N.J.S.A. 40:55D-70d.

85-129 Application Requirements.

- A. All applications for variance relief to the Zoning Board of Adjustment not involving any related site plan, subdivision or conditional use approval shall be filed at least forty-five (45) days prior to the meeting of the Board at which the discussion is desired. The filing shall include 15 copies of any maps and related material; 15 copies of the completed application form and checklist; and the fee in accordance with the fee ordinance of Wildwood Crest Borough. The Board shall act upon the application as stipulated by law.
- B. Informal Review by the Planning Board
  - 1. A concept plan of a proposed subdivision or site plan is not required but is encouraged for development proposals involving complex planning, engineering, and historic details. A prospective applicant desiring to submit a concept plan shall so notify the appropriate Board Secretary.
  - 2. A concept plan submission shall include sufficient detail to apprise the Planning Board of the nature of the proposed development. The filing of a concept plan shall include 15 copies of any maps and related materials, 15 copies of the completed application for and check list, and the fee in accordance with the fee ordinance of Wildwood Crest Borough.

3. At the request of an applicant, the Planning Board shall grant one (1) informal review of a concept plan for a development for which the developer intends to prepare and submit an application for development.
4. The applicant shall be required to submit fees for such an informal review. No professional review(s) will be undertaken unless the developer agrees to pay for said review(s).
5. The applicant shall not be bound by any concept plan for which review is requested, and the Planning Board shall not be bound by any such review.
6. An applicant desiring to have a concept plan informally reviewed by the Planning Board shall so notify the Planning Board Secretary at least twenty-five (25) days prior to the next regularly scheduled monthly meeting of the Planning Board. The Planning Board Secretary shall thereafter notify the developer of the time and place which has been scheduled by the Planning Board for the informal review.

85-130 Exception of Specific Subdivision and Site Plan Requirements.

- A. The Planning Board, 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 for subdivision review and approval of this ordinance if the literal enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.
- B. The Planning Board, when acting upon applications for preliminary or minor site plan approval, shall have the power to grant such exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions for subdivision review and approval of this ordinance if the literal enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

85-131 Submission of Minor Subdivision Plats and Minor Site Plans.

- A. The applicant shall submit to the Borough Clerk at least forty-five (45) days prior to the regularly scheduled monthly meeting of the Planning Board or Zoning Board of Adjustment a fee in accordance with the Borough's fee ordinance and fifteen (15) copies, each, of the application and the minor subdivision plat for a determination by the appropriate Board Secretary that the application is complete. The applicant shall submit to the Planning Board Secretary at least forty-five (45) days prior to the regularly scheduled monthly meeting of the Planning Board a fee in accordance with the Borough's fee ordinance and fifteen (15) copies, each, of the application and the minor site plan for a determination by the appropriate Board Secretary that the application is complete. The application must be submitted within the above time frame and must be in minimum complete form in order to be scheduled for Board action. The applicant should note that applications filed following this specified deadline will not be scheduled for the upcoming regular monthly meeting, but will be scheduled for the following month's meeting. The appropriate Board Secretary will so notice applicants filing applications after the cut-off date. The appropriate Board Secretary shall review the application package to insure it is, at the least, in minimum complete form and to properly classify the subdivision or site plan as a major or minor. Either upon submission, or in questionable cases, within eight (8) days following submission, the applicant shall be advised as to the classification determined to be correct and appropriate for the application. The applicant

should be aware that the Planning Board Development Review Committee, following its full review, may revise the classification of the application package. The appropriate Board Secretary may consult with the Borough Engineer, Board Attorney, Construction Official, and/or Planning Board Development Review Committee members for aid in classification. Upon determining that the application is complete, the appropriate Board Secretary shall request fifteen (15) additional copies and plans, and, upon receipt thereof, shall process the application, shall issue an application number, and shall place the item on the agenda. Once an application has been assigned a number, such number shall appear on all papers, maps, plats or plans and other documents submitted for processing in conjunction with the application. Where an application is deemed incomplete, a notice of incompleteness shall be sent, by the Clerk, to the applicant by certified mail return receipt requested. The appropriate Board Secretary shall provide notice to the Clerk of completeness or incompleteness so that such notice may be provided to the applicant.

- B. The Borough Clerk shall retain one copy, each, of the completed application and the minor subdivision plat or minor site plan and shall forward the remaining copies to the Secretary of the Planning Board if the application has been submitted to the Planning Board or to the Secretary of the Zoning Board of Adjustment if the application has been submitted to the Zoning Board of Adjustment. Upon receipt of the material, the Secretary of the Planning Board or the Secretary of the Zoning Board of Adjustment, as the case may be, shall distribute copies to Board members and for review and comment in the following manner, and those who receive such copies shall furnish a written report to the Board:
1. Borough Planning Board Secretary (one copy each of the minor plat or plan and the application)
  2. Borough Engineer (one copy each of the minor plat or plan and the application);
  3. Borough Tax Assessor (one copy each of the minor plat or plan and the application);
  4. Construction Official (one copy each of the minor plat or plan and the application);
  5. Cape May County Planning Board (one copy each of the minor plat or plan and the application);
  6. Borough Clerk (one copy each of the minor plat or plan and the application);
  7. Soil Conservation District (one copy each of the minor plat or plan and the application);
  8. At the direction of the Planning Board or Zoning Board of Adjustment, as the case may be, additional copies of the minor plat or plan shall be sent to other Borough, County or State agencies and officials.
  9. Other agencies as may be determined by the Planning Board, e.g. School Board Secretary, Clerk of adjoining towns, NJ DOT, CAFRA, and Borough Attorney.
  10. Planning Board or Zoning Board subcommittee members (one copy each of the minor plat or plan and the application).
- C. Each minor subdivision or minor site plan shall be drawn by, and shall bear the signature, seal, license number and telephone number of a professional engineer, professional architect, and/or land surveyor licensed to practice in the State of New Jersey; provided,

however, that all engineering data shall be signed and sealed by a professional engineer or architect for site plans, and a certified land surveyor for subdivision plans.

- D. Each submission shall be at a scale of one inch equals 20 feet. Each submission shall be on one of four of the following standard sheet sizes: 8" x 13"; 15" x 21"; 24" x 36"; 30" x 42". If one sheet is not sufficient to contain the entire territory, the map may be divided into sections to be shown on separate sheets of equal sizes, with reference on each sheet to the adjoining sheets.
- E. Each minor plat or site plan shall show the following information:
1. The plans shall be based on accurate information at a scale of not more than 1 inch equals 20 feet to enable the entire tract to be shown on one (1) sheet.
  2. A key map showing the entire tract to be subdivided or developed, giving the accurate location of all existing and proposed property and street lines, at a scale of one inch equals one thousand feet (1" = 1,000') or larger scale, showing the entire project and its relation to all features shown on the official map and master plan and located within one-quarter mile of the extreme limits of the site, and the zoning classification of the proposed subdivision or development and of adjacent land.
  3. Title block:
    - a. Name of subdivision or development, Wildwood Crest Borough and Cape May County;
    - b. Name, title, address and telephone number of subdivider, developer, and/or applicant. If a corporation or partnership is landowner or applicant of a plan, the principal address and name of those persons owning more than a 10% partnership interest or 10% of a corporation's stock shall be included, plus the principal office and name of president and secretary of the corporation or partnership.
    - c. Name, title, address and license number and seal of the professional or professionals who prepared the plat or plan;
    - d. Name, title, and address of the owner or owners of record;
    - e. Scale (written and graphic); and,
    - f. Date of original preparation and of each subsequent revision, and a list of the specific revisions on each sheet.
  4. Acreage figures, to the nearest tenth of an acre or square footage;
  5. North arrow;
  6. Certification that the applicant is the owner of the land or his properly authorized agent, or that the owner has given his consent under an option agreement;
  7. Place for signature of the Chairperson and Secretary of the Board.

The following legends shall be on the plan map:

- a. SUBDIVISION OR SITE PLAN OF \_\_\_\_\_  
LOT \_\_\_\_\_ BLOCK \_\_\_\_\_ ZONE \_\_\_\_\_  
DATE \_\_\_\_\_ SCALE \_\_\_\_\_  
APPLICANT \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
SUBDIVISION OR SITE PLAN CONTROL NO. \_\_\_\_\_
- b. I CONSENT TO THE FILING OF THIS SUBDIVISION/SITE PLAN WITH THE PLANNING BOARD OF THE BOROUGH OF WILDWOOD CREST.

\_\_\_\_\_  
(Owner) (Date)

- c. VERIFICATION THAT PAYMENT OF MUNICIPAL TAXES OR ASSESSMENTS IS CURRENT

\_\_\_\_\_  
(Borough Clerk) (Date)

- d. APPROVED BY THE PLANNING BOARD

\_\_\_\_\_  
(Chairperson) (Date)

\_\_\_\_\_  
(Board Secretary) (Date)

- 8. Existing block and lot number(s) of the lot(s) to be subdivided or developed as they appear on the Borough's tax map;
- 9. Tract boundary line, clearly delineated;
- 10. The location of existing and proposed property, streets, lot lines, dimensions, buildings and other structures (with an indication as to whether they will be retained or removed), parking spaces, loading areas, driveways, drainage ditches and pipes, watercourses, natural features such as wetlands, wooded areas and isolated trees more than five inches (5") in diameter, and topography within the portion to be subdivided and within two hundred (200) feet thereof at two (2) foot or smaller contour intervals. USGS topographic quadrant map series are acceptable;
- 11. The name of all adjoining property owners and those across existing or proposed streets as disclosed by the most recent borough tax list prepared by the Borough Tax Collector;
- 12. The tax map sheet, date of revision, block and lot numbers, and zone district of the tract proposed to be subdivided or developed, including district name and requirements;
- 13. All required setback lines and lot area of each lot in square feet and acreage. Lots shall be designated by letters for minor subdivisions and by consecutive numbers for

major subdivisions until given official lot number designations by the Borough Engineer;

14. All adopted master plan proposals affecting the proposed development;
15. Proposed buffer and landscaped areas;
16. Concerning minor subdivisions only, existing and proposed monuments;
17. Certificate from the Borough Tax Collector that all taxes and assessments are paid to date;
18. Road right-of-way dedication and improvement, as applicable;
19. Sight triangle easements, as applicable;
20. Deed descriptions, including metes and bounds, easements, covenants, restrictions, and roadway and sight triangle dedications;
21. The location and width of all existing and proposed utility easements;
22. Plans of proposed improvements and/or utility layouts as required by ordinance; and required letters from appropriate state and county agencies granting approval for the extension of utility service(s);
23. Proposed and existing signs (details);
24. Architectural or historic significance, if any;
25. Photographs of any unusual topographic, environmental, historic or physical aspect;
26. Location of existing buildings to remain or to be removed;
27. Traffic statement, including present and anticipated volumes, roadway capacity, network problems, and needed improvements;
28. Indicate improvement coverage and land area, number of units, square feet of construction, density and building coverage, number of employees, number of residents, and number of school children;
29. Schedule of desired development time frame from borough review function to completion and occupancy.
30. Information on solid waste disposal and recycling.

The Board may waive submission of any required exhibits in appropriate cases and for specific reasons. Request for such waivers shall accompany a minor subdivision or site plan application, stating the reasons that such a waiver is being requested.

The Board reserves the right to require additional information before granting approval when unique circumstances affect the tract and/or when the application for development poses special problems for the tract and the surrounding area. Such information may include, but not be limited to, drainage calculations and traffic analyses, provided, however, that no application shall be declared incomplete for lack of such additional information.

All documents submitted must be of sufficient clarity to be microfilmed.

No minor subdivision or minor site plan involving any street(s) requiring additional right-of-way width as specified in the master plan or official map and the street requirements of this ordinance shall be approved unless such additional right-of-way, either along one or both sides of said streets, as applicable, shall be deeded to the Borough or other appropriate governmental agency.

No minor subdivision or minor site plan involving any corner lot shall be approved unless a sight triangle easement shall be granted as specified in this ordinance.

Deed descriptions, including metes and bounds, easements, covenants, restriction, and roadway and sight triangle easement dedications shall be submitted for approval by the Board prior to filing with the County Recording Officer.

- F. Within 45 days from the date of submission of the application, the appropriate Board Secretary shall notify the applicant, as well as the Municipal Clerk, in writing that the application has been determined to be incomplete or shall certify that the submission constitutes a complete application. If the application is determined to be incomplete, the reasons for such determination shall be specified to the applicant and an appropriately revised plan may thereafter be submitted to the appropriate Board Secretary as in the first instance. If the appropriate Board Secretary neither certifies to the applicant that the application is complete nor notifies the applicant in writing that the application has been determined to be incomplete, then the application shall be considered certified complete and the period for action by the Board shall commence.
- G. The Board shall take action on minor subdivision and minor site plan applications within 45 days after the application has been certified complete by the appropriate Board Secretary or within such further time as may be consented to by the applicant, except in cases where a variance is requested in which case the Board shall take action within 120 days after the application has been certified complete by the appropriate Board Secretary. Failure of the Board to act within the prescribed time period shall constitute approval of the application.
- H. The Development Review Committee shall read any written report submitted concerning the application and shall itself review the submission to ascertain its conformity with the requirements of this ordinance. The Committee shall offer its recommendations to the Board at a regularly scheduled meeting of the Board within 30 days after the application has been certified complete.
- I. Where the remaining portion of the original tract is sufficient to be subdivided or developed further, the applicant may be required to submit a sketch of the entire remaining portion of the tract to show that the subdivision or development applied for, together with subdivision(s) or development(s) that may be submitted subsequently, will not create, impose, aggravate or lead to any such adverse effect.
- J. When a minor subdivision or minor site plan is approved by the Board, a notation to that effect, including the date of approval, shall be made on a master copy. A Resolution or Memorializing Resolution shall be passed. No further approval of the application shall be required. At least six (6) prints of the plat or plan and any related deed descriptions to be filed with the county recording officer shall be signed by the chairman and secretary of the Board (or, where either or both may be absent, the acting chairman or secretary) and returned to the applicant following approval. In the event the same is disapproved by the Board, the secretary of the Board, within ten days of memorialization of such action, shall notify the

applicant of such disapproval and forward the applicant a copy of the resolution adopted setting forth the reasons for the disapproval.

- K. Within 190 days from the date of approval by the Board of a minor subdivision, a plat map drawn in compliance the Map Filing Act, P.L. 190c. 141 (C.46:23-9.9 et seq.) shall be filed by the subdivider with the County Recording Officer. Unless so filed within 190 days, the approval shall expire and will require the submission of a new application.
- L. 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 by the Board, provided that the approved minor subdivision shall have been duly recorded. The same two (2) year protection shall apply to minor site plans and shall run from the date of minor site plan approval.
- M. Before the Secretary of the Board returns any approved minor subdivision or minor site plan to the applicant, the applicant shall provided additional copies of the plat or plan in such number as may be necessary in order to furnish one copy to each of the following:
  - 1. Borough Clerk.
  - 2. Borough Engineer.
  - 3. Borough Tax Assessor
  - 4. Construction Official.
  - 5. Cape May County Planning Board.
  - 6. Borough Tax Collector.
  - 7. Such other Borough, County or State agencies and officials as directed by the Board.

85-132 Submission of the Preliminary Major Subdivision Plats and Preliminary Major Site Plans.

- A. The applicant shall submit to the Borough Clerk at least forty-five (45) days prior to the regularly scheduled monthly meeting of the Planning Board or Zoning Board of Adjustment a fee in accordance with the Borough's fee ordinance and fifteen (15) copies, each, of the application and the major subdivision plat for a determination by the appropriate Board Secretary that the application is complete. The applicant shall submit to the Planning Board Secretary, at least forty five (45) days prior to the regularly scheduled monthly meeting of the Planning Board, a fee in accordance with the borough's fee ordinance and fifteen (15) copies each of the application and the preliminary plan or plat for a determination by the appropriate Board Secretary that the application is complete. The application must be submitted within the above time frame and must be in minimum complete form in order to be scheduled for Board action. The applicant should note that applications filed following this specified deadline will not be scheduled for the upcoming regular monthly meeting, but will be scheduled for the following month's meeting. The appropriate Board Secretary will so notice applicants filing applications after the cut-off date. The appropriate Board Secretary shall review the application package to insure it is, at the least, in minimum complete form and to properly classify the subdivision or site plan as a major or minor. Either upon submission, or in questionable cases, within eight (8) days following submission, the applicant shall be advised as to the classification determined to be correct and appropriate for the application. The applicant should be aware that the Planning Board Development Review Committee,

following its full review, may revise the classification of the application package. The appropriate Board Secretary may consult with the Borough Engineer, Board Attorney, Construction Official, and/or Planning Board Development Review Committee members for aid in classification. Upon determining that the application is complete, the appropriate Board Secretary shall request fifteen (15) additional copies and plans, and, upon receipt thereof, shall process the application, shall issue an application number, and shall place the item on the agenda. Once an application has been assigned a number, such number shall appear on all papers, maps, plats or plans and other documents submitted for processing in conjunction with the application. Where an application is deemed incomplete, a notice of incompleteness shall be sent, by the Clerk, to the applicant by certified mail return receipt requested. The appropriate Board Secretary shall provide notice to the Clerk of completeness or incompleteness so that such notice may be provided to the applicant.

- B. The Borough Clerk shall retain one copy, each, of the completed application and the preliminary subdivision plat or site plan and shall forward the remaining copies to the Planning Board if the application has been submitted to the Planning Board or to the Zoning Board of Adjustment. Upon receipt of the material, the Secretary of the Planning Board or the Secretary of the Zoning Board of Adjustment, as the case may be, shall distribute copies to Board members and for review and comment in the following manner, and those who receive such copies shall furnish a written report to the Board:
1. Borough Planning Board Secretary (one copy each of the application, the preliminary plat or plan, and any protective covenants or deed restrictions);
  2. Borough Engineer (one copy each of the application, the preliminary plat or plan, and any protective covenants or deed restrictions);
  3. Borough Tax Assessor (one copy each of the application, the preliminary plat or plan, and any protective covenants or deed restrictions);
  4. Construction Official (one copy each of the application and the preliminary plat or plan);
  5. Cape May County Planning Board (one copy each of the application and the preliminary plat or plan);
  6. Borough Clerk (one copy each of the application and the preliminary plat or plan);
  7. Soil Conservation District (one copy each of the application and the preliminary plat or plan);
  8. At the direction of the Planning Board or Zoning Board of Adjustment, as the case may be, copies of the preliminary plat or plan shall be sent to other Borough, County or State agencies and officials.
  9. Other agencies as may be determined by the Planning Board, e.g. School Board Secretary, clerk of adjoining towns, NJ DOT, CAFRA, and Borough Attorney.
  10. Planning Board or Zoning Board subcommittee members (one copy each of the application, the preliminary plat or plan, and any restrictive covenants or deed restrictions).
- C. Each preliminary plat or preliminary site plan shall be drawn by, and shall bear the signature, seal, license number and telephone number of a professional engineer, professional

architect, and/or land surveyor to practice in the State of New Jersey; provided, however, that all engineering data shall be signed and sealed by a professional engineer or architect for site plans, and a certified land surveyor for subdivision plans.

- D. Each submission shall be at a scale of one inch equals 20 feet. Each submission shall be on one of four of the following standard sheet sizes: 8+ " x 13"; 15" x 21"; 24" x 36"; 30" x 42". If one sheet is not sufficient to contain the entire territory, the map may be divided into sections to be shown on separate sheets of equal sizes, with reference on each sheet to the adjoining sheets.
- E. Each preliminary plat or site plan shall show the following information, as appropriate to a subdivision plat or site plan, unless the Board determines, and so notifies the applicant, that such information either is unnecessary or inapplicable to the particular subdivision or site plan:
  - 1. The preliminary plat, notwithstanding any other requirement stipulated by this ordinance, shall be clearly and legibly drawn or reproduced as a scale of not less than one inch equals 100 feet (1'=100'.) The preliminary site plan shall be drawn at a scale of one inch equals twenty feet (1"=20'), or a larger scale, and any supplemental plans that are necessary to properly depict the project. In the case of a complex project, a scale other than one inch equals 20 feet may be submitted provided that one copy of a photo-mechanical reduction to a scale of one inch equals fifty feet is submitted.
  - 2. A key map showing the entire tract to be subdivided or developed, giving the accurate location of all existing and proposed property and street lines, at a scale of one inch equals one thousand feet (1"=1000') or larger scale, showing the entire project and its relation to all features shown on the official map and master plan and located within one quarter mile of the extreme limits of the site, and the zoning classification of the proposed subdivision or development and of adjacent land.
  - 3. Title block:
    - a. Name of subdivision or development; Wildwood Crest Borough and Cape May County;
    - b. Name, title, address, and telephone number of subdivider, developer, and/or applicant. If a corporation or partnership is landowner or applicant of a plan, the principal address and name of those persons owning more than a 10% partnership interest or 10% of a corporation's stock shall be included, plus the principal office and name of president and secretary of the corporation or partnership;
    - c. Name, title, address, and license number and seal of the professional or professionals who prepared the plat or plan;
    - d. Name, title, and address of the owner or owners of record;
    - e. Scale (written and graphic); and
    - f. Date of original preparation and of each subsequent revision, and a list of the specific revisions on each sheet.
  - 4. Acreage figures, to the nearest tenth of an acre or square footage;

5. North arrow;
6. Certification that the applicant is the owner of the land or his properly authorized agent, or that the owner has given his consent under an option agreement;
7. Place for signature of the Chairperson and Secretary of the Planning Board.
8. The following legends shall be on the plan map:
  - a. SUBDIVISION OR SITE PLAN OF \_\_\_\_\_  
 LOT \_\_\_\_\_ BLOCK \_\_\_\_\_ ZONE \_\_\_\_\_  
 DATE \_\_\_\_\_ SCALE \_\_\_\_\_  
 APPLICANT \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 SUBDIVISION OR SITE PLAN CONTROL NO. \_\_\_\_
  - b. I CONSENT TO THE FILING OF THIS SUBDIVISION PLAT/SITE PLAN WITH THE PLANNING BOARD OF WILDWOOD CREST BOROUGH.  
  
 \_\_\_\_\_  
 (Owner) (Date)
  - c. VERIFICATION THAT PAYMENT OF MUNICIPAL TAXES OR ASSESSMENTS IS CURRENT  
  
 \_\_\_\_\_  
 (Borough Clerk) (Date)
  - d. APPROVED BY THE PLANNING BOARD  
  
 \_\_\_\_\_  
 (Chairman) (Date)  
  
 \_\_\_\_\_  
 (Board Secretary) (Date)
9. Existing tax sheet number(s) and existing block and lot number(s) of the lot(s) to be subdivided or developed as they appear on the borough tax map, and the proposed block and lot numbers as provided by the Borough Tax Collector upon written request.
10. The zoning district in which the parcel is located together with the district boundaries included within the boundaries of the parcel or within two hundred (200) feet therefrom. All setback lines, landscape strips, landscape buffers, building heights, and other bulk requirements shall be shown and dimensioned and tract boundary lines, clearly delineated.
11. Photographs of the property, where necessary, to show any unusual topographic, environmental, or physical aspect of the site. This would include, but not be limited to, vegetation, natural drainageways, wetlands, and existing structures and improvements.

12. The location of existing and required setback lines, streets within 500 feet of the development, the location of existing and proposed buildings, watercourses, railroads, bridges, culverts, drain pipes, and all natural features such as sand dune areas and other vegetation.
13. The location of all proposed permanent monuments.
14. Plans and profiles showing proposed utility layouts (sanitary sewers, storm drains, water, gas, electric, etc.) showing feasible connections to existing or proposed utility systems. Locations of fire hydrants and street lights shall be established with the aid of the Borough Fire Protection Official and the Borough Engineer, respectively.
15. Each block and lot shall be numbered in accordance with the system of numbers which will ultimately be the numbers shown on the Borough Tax Map.
16. Where brook, stream channel, shoreline improvements are proposed or required, the plans for such improvement shall be approved by the State Department of Environmental Protection or the Cape May County Planning Board, where applicable.
17. All proposed lot lines, dimensioned in feet and tenths, and the approximate area of all lots in square feet as well as any open spaces proposed to be dedicated for public use.
18. When the development of the subdivision or improvements are contingent upon improvements outside the boundaries of said subdivision, information shall be supplied by the developer prior to Planning Board consideration for preliminary approval that the improvements outside the development are installed and will be available to the developer.
19. Any open spaces proposed to be dedicated for public use or playgrounds or other public purpose and the location and use of all such property shall be shown on the plat.
20. The names and addresses of all property owners within 200 feet of the extreme limits of the tract as shown on the most recent tax list prepared by the Borough Tax Collector.
21. The existing and proposed contours, referred to U.S. Coast and Geodetic Survey Datum; at a contour interval of not less than two (2) feet. Existing contours are to be indicated by solid lines. Location of existing rock outcroppings, high points, water courses and drainageways, depressions, ponds, marshes, vegetation, wooded areas and other significant existing features.
22. The location and design of all signs, the size, nature of construction, height and orientation, including all identification signs, traffic and directional signs and arrows, free standing facade signs and time controls for sign lighting.
23. The location of all outdoor lighting (free standing or on building), the size, nature of construction, lumens, heights, area and direction of illumination, foot candles produced, typical manufacturer cuts illustrating style, and time controls proposed for outdoor lighting and display.

24. Where brook, stream channel or shoreline improvements are proposed, the following information shall be required:
  - a. When a stream is proposed for alteration, improvement, or relocation or when a drainage structure or fill is proposed over, under, in or along a running stream, a report shall be submitted on the status of review by the State Department of Environmental Protection, Division of Water Resources.
  - b. Cross sections of water courses and/or drainage swales at an appropriate scale showing the extent of flood plain, top of bank, normal water levels, and bottom elevations at locations required by the Borough Engineer.
  - c. The location and extent of drainage and conservation easements;
  - d. The location and type of adequate drainage provisions to reasonable reduce and minimize exposure to flood damage.
25. Plans for such improvements shall be approved by the State Department of Environmental Protection and/or the Cape May County Planning Board where applicable.
26. All proposed lot lines, dimensioned in feet and tenths, and the approximate area of all lots in square feet as well as acreage calculations for any open spaces proposed to be dedicated for public use.
27. Plans shall depict the location, design, and size of any on or off-site pedestrian parks and bicycle pathways, open space, common open space, plazas and recreation areas, or any other public use areas.
28. The location and species associations of all existing trees or groups of trees having a caliper of five (5) inches or more measured three (3) feet above the ground level.
29. All adopted Master Plan proposals affecting the proposed development.
30. Plans shall include the location, size, elevation, slope, and type of storm drainage structures, above or below grade, whether publicly or privately owned. Design calculations supporting the adequacy of proposed drainage structures and/or surface drainage shall be submitted. These designs shall depict storm water drainage on-site and off-tract, with manholes, inlets, pipe sizes, grades, inverts, and directions of flow. Locations of fire hydrants and street lights shall be established with the aid of the Borough Fire Protection Official and the Borough Engineer, respectively.
31. The proposed use or uses of the land, buildings, and structures.
32. Proposed solid waste and recycling.
33. All landscape strips, landscape buffers, and any deviation from requirements of this Ordinance shall be specifically shown.
34. For site plans, a survey map prepared by a licensed surveyor of New Jersey showing boundaries of the properties, line of all existing streets and roads, easements, rights-of-way, and areas dedicated to public use within two hundred (200) feet of the development. These shall be dimensioned and, where applicable, referenced as to direction.

35. Plans and plats shall reference any existing or proposed deed restrictions or exceptions concerning all or any portion of the parcel or plat. A copy of any protective covenants or deed restrictions applying to the land being subdivided or developed shall be submitted with the preliminary plat.
36. The distances measured along the right-of-way lines of existing streets abutting the property to the nearest intersection with other streets.
37. The quantitative aspects of the proposal such as number of units, square feet of construction, density, coverage, number of employees, number of residents and area of land, etc. Specifically identified on the site plan, in tabular form, shall be pertinent zoning data, indicating the bulk/area requirements of the zone in which the proposed development is located and how the proposed development responds to the zoning requirements.
38. The proposed buildings and structures and any existing structures to remain, with dimensions, setbacks, heights (in feet and stories), and first floor or grade elevations. Existing buildings and structures to be removed shall be indicated. Architectural or historic significance of any existing buildings to remain or to be removed shall be indicated.
39. The location and designs of any off-street parking areas, bicycle parking, service, trash or loading areas showing size and location of bays, aisles, barriers, landscaping, planters, maneuvering areas, and traffic patterns.
40. Plans, typical cross sections and details, center line profiles and tentative grades of all proposed streets and of existing streets abutting the tract based on USGS vertical datum or a more specified datum supplied by the Borough Engineer, including curbing, sidewalks, storm drains and drainage structures and utility service lines. Sight triangles, the radius of curb lines, and street sign locations shall be clearly indicated at all intersections.
41. All means of vehicular access to and egress and from the site onto public streets, showing the location of driveways and curb cuts, including the possible utilization of traffic signals, channelization, acceleration and deceleration lanes, additional width, and any other proposed device intended to control traffic.
42. Existing and proposed traffic patterns.
43. Traffic study including, but not limited to:
  - a. anticipated traffic volumes
  - b. capacity of existing and proposed roadways
  - c. traffic volume impact from other developments
  - d. roadway network problems, e.g. unsafe intersections, turns, grades
  - e. need for traffic signals and other improvements
44. A landscaping plan prepared by a registered landscape architect showing all proposed plant materials including all proposed screening and buffering. The location of all proposed plantings shall also be indicated and keyed into a legend listing the botanical and common names, the size at time of planting, and the total quantity of each plant.

45. Photographs of any unusual topographic, environmental, historic, or physical aspect.
46. Sketches, plans, and photographs of other known similar developments.
47. Sketch of typical building elevations indicating type of materials to be used.
48. The proposed use or uses of the land, buildings, and structures.
49. Schedule of desired development time frame from borough review function to completion and occupancy.
50. Proposals for soil erosion and sediment control as required by N.J.S.A. 4:24-39 et seq.
51. Scale model of proposed development.
52. Certification from the Borough Tax Collector that all taxes and assessments are paid to date.

The Board may waive submission of any required exhibits in appropriate cases and for specific subdivision plats or site plans. Requests for such waivers shall accompany the land development application, stating the reasons that such waivers are being requested.

The Board reserves the right to acquire additional information before granting preliminary approval when unique circumstances affect the tract and/or when the application for development poses special problems for the tract and the surrounding area. Such information may include, but not be limited to, drainage calculations and traffic analyses, provided, however, that no application shall be declared incomplete for lack of such additional information.

All documents submitted must be of sufficient clarity to be microfilmed.

#### F. Environmental Impact Assessment

1. The impact on the environment generated by land development projects necessitates a comprehensive analysis of the variety of problems that may result and the actions that can be taken to minimize these problems. The level of detail of such analyses required for various types of applications will vary depending on the size of the proposal, the nature of the site, the location of the project and the information already in the possession of the Borough.

Within this flexible context, an environmental impact assessment requirement shall apply as follows:

- a. Any variance application to the Zoning Board of Adjustment not involving a site plan or subdivision application shall not require an environmental impact assessment unless specifically requested by the Board. The Zoning Board of Adjustment shall inform the applicant of the reason for such requirement and specify any information that may be required.
- b. Any application for subdivision approval where two (2) lots or less are involved and all applications for minor site plan approval, either to the Planning Board or to the Zoning Board of Adjustment, as the case may be, shall not require an environmental impact assessment unless specifically

required by the appropriate Board. The Planning Board or Zoning Board of Adjustment, as the case may be, shall inform the applicant of the reason for such requirement and specify any information that may be required.

- c. All preliminary major subdivision and/or preliminary major site plan applications shall be accompanied by an environmental impact assessment.
2. Any required environmental impact assessment shall be prepared by a licensed professional planner. Material on file in the Borough pertinent to local conditions and other available material pertinent to evaluation of regional impacts shall be supplemented by original research to the extent needed to document fully the probable effect of the proposed development. All environmental impact assessments shall consist of written and graphic materials presented in the following format:
- a. A description of the proposed project shall clearly state its purpose and scope; the benefits to the public which will result from the proposed project, the suitability of the site for the intended use given the extent to which the site must be altered, the kinds of facilities to be constructed and the uses intended. The resident population, working population and visitor population shall be estimated. The compatibility or incompatibility of the proposed project shall be described in relation to the Borough's master plan.
  - b. The environmental conditions on the site shall be described, including the following items:
    - (1) Topography. A description of the topographic conditions of the site.
    - (2) Vegetation. A description and map of the existing vegetation on the site showing the location of major vegetative groupings and isolated trees greater than six (6) inches in diameter.
    - (3) Distinctive scenic and/or historic features. Those portions of the site that can be considered to have distinctive scenic and/or historic qualities shall be mapped and described.
    - (4) Existing development features. A description of any existing features on the site that are not considered to be part of the natural environment. This may include, but not necessarily be limited to, roads, housing units, accessory structures, utility lines, etc.
    - (5) Miscellaneous. An analysis shall be conducted of existing air quality and noise levels as prescribed by the New Jersey State Department of Environmental Protection and this ordinance.
  - c. Impact. A discussion of both the negative and positive impacts during and after construction, including specifically those negative impacts that are unavoidable. The specific concerns that shall be considered include the following:
    - (1) Soil erosion and sedimentation resulting from surface run-off.
    - (2) Flooding and flood plain disruption.
    - (3) Degradation of surface water quality.

- (4) Ground water pollution.
- (5) Sewage disposal.
- (6) Solid waste disposal.
- (7) Vegetation destruction.
- (8) Destruction or degradation of scenic, architectural, and/or historic features on and off site.
- (9) Air quality degradation.
- (10) Noise levels.

d. Environmental performance controls. The measures that will be employed during the planning, construction and operation phases which will minimize or eliminate negative impacts that could result from the proposed project shall be described. Of specific interest are:

- (1) Drainage plans, including soil erosion and sedimentation controls.
- (2) Water supply and water conservation proposals.
- (3) Energy conservation measures.
- (4) Noise reduction techniques.
- (5) Screening and landscaping intended to enhance the compatibility of the project with its surroundings.

e. Licenses, permits and other approvals required by law. The applicant shall list all known licenses, permits and other forms of approval required by law for the development and operation of the proposed project. The list shall include approvals required by the Borough, as well by agencies of the county, state and federal governments. Where approvals have been granted, copies of said approvals shall be attached. Where approvals are pending, a note shall be made to that effect.

f. Documentation. All publications, file reports, manuscripts or other written sources of information which were consulted and employed in the compilation of the environmental impact assessment shall be listed. A list of all agencies and individuals from whom pertinent information was obtained orally or by letter shall be listed separately. Dates and locations of all meetings shall be specified.

3. Disposition by the Board. The Board shall review the information furnished in the environmental impact assessment in the context of the overall design of the proposed development and the relationship of the proposed development to the environment.

G. Community Impact Statement

1. General provision. All applications for preliminary major subdivision or site plan approval shall be accompanied by a community impact assessment analyzing the proposed development and its expected impact upon the existing facilities and services. The information furnished within the community impact assessment shall serve to influence the design of the proposed development so that the provision of necessary municipal facilities can be coordinated with the construction of the proposed development; and/or to alert the appropriate public agencies to anticipated needs that may have to be satisfied in the near future.
    - a. Population impact. An analysis of the number of people expected to be added to the municipal population as a result of the proposed development according to the following age cohorts: pre-school aged children, school aged children, adults of child-bearing age, middle aged adults and persons of retirement age.
    - b. School impact. An analysis of the anticipated number of pupils who will be added to the student population in the municipality and anticipated operating and capital improvement costs.
  2. Facilities impact. Applicants evaluation as to the adequacy of the existing facilities to serve the proposed development, including the adequacy of existing public water facilities; public sewerage facilities; recreational facilities; and library facilities.
  3. Service impact. Applicants evaluation as to the adequacy of the existing public services to serve the proposed development and the impact of the development upon the services, including police protection; fire protection; solid waste disposal and street maintenance services.
  4. Utility impacts. Letters directed to the chairman of the Board and signed by a responsible official of the lighting agency, water company, and of any other utility company or governmental authority or district having jurisdiction in the area and which will provide utility service to the proposed development approving the design of each proposed utility installation and stating who will construct the facility so that service will be available prior to occupancy.
  5. Traffic impact. An analysis of the impact of the project on the road network including the capacity of the existing and proposed roadways in relation to the anticipated traffic volumes from the proposed development as well as any increases in traffic volumes expected from other developments within the area; and any existing and anticipated problem spots in the overall road network including unsafe intersections, turns or grades.
  6. Financial impact. An analysis of the revenues expected to be generated from the development compared to the anticipated costs which the proposed development is expected to generate. Revenues and costs shall be shown for the municipality, the municipal school system and the county.
- H. Action by the Approving Agency
1. Within 45 days following the date of submission of the application the appropriate Board Secretary either shall notify the applicant in writing that the application has been determined to be incomplete or shall certify that the submission constitutes a complete application. If the application is determined to be incomplete, the reasons for such determination shall be specified to the applicant and an appropriately

revised plan may thereafter be submitted to the appropriate Board Secretary as in the first instance. If the Secretary of the Planning Board or the Secretary of the Zoning Board of Adjustment, as the case may be, neither certifies to the applicant that the application is complete nor notifies the applicant in writing that the application has been determined to be incomplete, then the application shall be considered certified complete and the period for action by the Board shall commence.

2. The Planning Board shall take action on a preliminary major site plan application involving ten acres of land or less and ten dwelling units or less and/or a preliminary major site plan application involving ten acres of land or less and ten dwelling units or less and/or a preliminary major subdivision application involving ten lots or less within 45 days after the application has been certified complete by the Secretary of the Planning Board or the Secretary of the Zoning Board of Adjustment, as the case may be, or within such further time as may be consented to by the applicant. Failure of the Board to act within the prescribed time period shall constitute approval of the application; provided that any preliminary application including a request for variance relief shall be acted upon within 120 days after the application has been certified complete or within such further time as may be consented to by the applicant.
3. The Planning Board shall take action on a preliminary major site plan application involving more than ten acres of land or more than ten dwellings and/or a preliminary major subdivision application involving more than ten lots within 95 days after the application has been certified complete by the Planning Board Secretary or within such further time as may be consented to by the applicant. Failure of the Board to act within the prescribed time period shall constitute approval of the application.
4. If a preliminary site plan and/or preliminary subdivision application is being considered by the Zoning Board Adjustment simultaneously with an application for a "use" variance, the Zoning Board of Adjustment shall act on all aspects of the application within 120 days after the application has been certified complete by the secretary of the Zoning Board of Adjustment or within such further time as may be consented to by the applicant. Failure of the Board to act within the prescribed time period shall constitute approval of the application.
5. The Development Review Committee may review the submission to ascertain its conformity with the requirements of this ordinance. The Committee shall offer its recommendations to the Board at a regularly scheduled meeting of the Board within 30 days after the application has been certified complete.
6. Where the remaining portion of the original tract is sufficient to be subdivided or further developed, the applicant may be required to submit a sketch of the entire remaining portion of the tract to indicate that the subdivision or development applied for, together with such subsequent subdivision(s) or development(s) as may be submitted in the future, will not create, impose or aggravate or lead to any such adverse effect. Any requirements under this subsection shall be limited to those that will prevent the proposed development from causing any reasonably avoidable damage to any adjacent property or any environmental resource.
7. All hearing held on applications for preliminary major subdivision approval (and in certain cases, preliminary major site plan approval) shall require public notice of the hearing.
8. If the Board acts favorably on the preliminary plat or plan, the chairman and secretary of the Board (or, where either or both may be absent, the acting chairman or secre-

tary) shall affix their signatures to at least ten copies of the plat of plan with the notification that it has been approved.

9. Should minor revisions or additions to the plan be deemed necessary, the Board may grant preliminary approval subject to specified conditions and receipt of revised plans within thirty (30) days from the date of said approval. Should major revisions be deemed necessary, the Board shall require that an amended plan be submitted and acted upon as in the case of the original application for preliminary approval.
10. If the Board, after consideration and discussion of the preliminary plat or plan, determines that it is unacceptable, a notation shall be made by the chairman of the Board to that effect on the plat or plan and a resolution adopted setting forth the reasons for such rejection. One copy of the plat or plan and said resolution shall be returned to the applicant within ten (10) days of such determination.

I. Effect of Preliminary Approval

1. Preliminary approval shall confer upon the applicant the following rights for a period of three years from the date of such approval:
  - a. 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 dimensions; and off-tract improvements; and in the case of a site plan, any requirements peculiar to the site plan approval pursuant to N.J.S.A. 40:55D-41; except that nothing herein shall be construed to prevent the Borough from modifying by ordinance such general terms and conditions of preliminary approval as related to public health and safety.
  - b. That the applicant may submit for final approval, on or before the expiration date of preliminary approval, the whole or a section or sections of the preliminary plat or plan; and,
  - c. That the applicant may apply for, and the Board may grant, extensions on such preliminary approval for additional periods of at least one year, but not to exceed a total extension of two years, provided that if the design standards have been revised by ordinance, such revised standards may govern.
  - d. That the applicant may apply for, and the Board may grant, permission to install any or all of the improvements shown on the approved preliminary subdivision or site plan in accordance with all applicable design standards and subject to such of the requirements of Article XV and such other terms or conditions as the Board may deem necessary to protect the public interest.

85-133 Submission of Final Major Subdivision Plats and Final Major Site Plans.

A. Procedure for Submitting Final Plats and Final Plans

1. A final plat or final plan shall be submitted to the Borough Clerk within three (3) years after the date of preliminary approval or any authorized extension thereof. The applicant shall submit to the Borough Clerk at least forty-five (45) days prior to the first regularly scheduled monthly meeting of the Planning Board or Zoning Board of

Adjustment a fee in accordance with the Borough's fee ordinance, and fifteen (15) copies, each, of the application and final major subdivision plat for a determination of completeness by the appropriate Board Secretary. The applicant shall submit to the appropriate Board Secretary, at least forty five (45) days prior to the regularly scheduled monthly meeting of the Planning Board, a fee in accordance with the borough's fee ordinance and fifteen (15) copies each of the application and the preliminary plan or plat for a determination by the appropriate Board Secretary that the application is complete. The appropriate Board Secretary may enlist assistance from the Construction Official, Borough Engineer and Professional Planner to assist in determining completeness of the application and said Planning Board professionals shall report back to the appropriate Board Secretary within seven (7) days of the filing date whether the application is complete or noting items omitted and/or ordinances violated.

2. Upon determining that the application is complete, the appropriate Board Secretary shall request 15 additional copies and plans and, upon receipt thereof, shall retain one copy, each, of the final subdivision plat or site plan and the completed application and shall forward the remaining copies to the Secretary of the Planning Board if the application has been submitted to the Planning Board or to the Secretary of the Zoning Board of Adjustment if the application has been submitted to the Zoning Board of Adjustment. Upon receipt thereof, the Secretary of the Planning Board or the Secretary of the Zoning Board of Adjustment, as the case may be, shall distribute copies for review and comment in the following manner, and those who receive such copies shall furnish a written report to the Board:
  - a. Borough Planning Board Secretary (two copies, each, of the final plat or plan and the application);
  - b. Borough Engineer (one copy, each, of the final plat or plan and the application);
  - c. Borough Tax Assessor (one copy, each, of the final plat or plan and the application);
  - d. Construction Official (one copy, each of the final plat or plan and the application);
  - e. Cape May County Planning Board (two copies, each, of the final plat or plan and the application);
  - f. Borough Clerk (one copy, each of the final plat or plan and the application);
  - g. At the direction of the Planning Board or Zoning Board of Adjustment, as the case may be, additional copies of the final plat or plan shall be sent to other Borough, County, or State agencies and officials.
  - h. Planning Board or Zoning Board subcommittee members (one copy each of the final plat or plan and the application).

B. Details Required for Final Major Subdivision Plats and Final Major Site Plans

1. The approved preliminary plat or plan together with all proposed additions, changes, or departures therefrom, if applicable.

2. The final subdivision plat, notwithstanding any other requirements stipulated by this Ordinance or other Borough Ordinance, shall be drawn in ink on tracing cloth, mylar, or equal at a scale of one (1) inch equals twenty (20) feet, except where otherwise permitted by the Planning Board and in compliance with all the provisions of Chapter 141 of the Laws of 1960 (Map Filing Law.)
3. A section or staging plan, if proposed, indicating the portion of the tract proposed to be considered for final approval as part of the current application and the relationship thereof to the remaining land area, including all applicable features such as floor area, number of lots and dwelling units, parking spaces, building coverage, and open space areas.
4. Certification from the applicant or his professional engineer that all the provision of the final major subdivision or final site plans conform to the preliminary plan. Certification by a land surveyor licensed in the State of New Jersey as to accuracy of details of plat.
5. The following legends shall be on the plan map:
  - a. (If Improvements Installed)  
(Borough Engineer) (Date)
  
  - (If Bond Posted)  
(Borough Clerk) (Date)
  
  - b. VERIFICATION THAT PAYMENT OF MUNICIPAL TAXES OR ASSESSMENTS IS CURRENT  
  
(Borough Clerk) (Date)
6. Detailed soil erosion and sediment control proposals as required by N.J.S.A. 4:24-39 et seq.
7. Detailed architectural and engineering data including:
  - a. An architect's ground floor or other floor plans sufficient to show pedestrian, vehicular or other access as it relates to the final site plan together with illustrative building elevations to show height and intended materials; and typical illustrations of any signs visible to the general public.
  - b. Cross sections, profiles and established grades of all streets, aisles, lanes and driveways.
  - c. Plans and profiles of all storm and sanitary sewers and water mains.
  - d. All dimensions of the exterior boundaries of any subdivision balanced and closed to a precision of one to 5,000, and the dimensions of all lot lines to within one to 10,000. All dimensions, angles and bearings shall be tied to at least two permanent monuments not less than 300 feet apart and all information shall be indicated on the plat. At least one corner of the subdivi-

sion shall be tied horizontally to the New Jersey Grid Coordinate System and vertically to U.S.G.S. bench marks with the data on the plat as to how the bearings were determined.

8. A final drainage plan shall accompany the final plat. Such drainage plan shall show the same information as required on the preliminary plat with the addition that the individual lot grading shall be shown. Final grades shall be shown for each lot corner, all high and low points, and breaks in grade. If the use of drainage swales is intended, the elevation of these swales shall be shown. As a condition precedent to the issuance of certificates of occupancy, pursuant to the Borough's Building Code, the developer's engineer shall submit an as-built lot grading plan to the Construction Official bearing a certification that the lot grading complies with the approved final lot grading and soil erosion control plans.
9. Architectural elevations for all proposed buildings, walls, fences and signs, and samples of building materials to be used shall be submitted to the Planning Board for approval. Architectural elevation drawings shall include:
  - a. Fully dimensioned exterior buildings walls.
  - b. Architectural features and design.
  - c. Exterior doors and windows.
  - d. Exterior materials to be used and treatment of materials.
  - e. Roof design and method of screening air conditioning units, etc.
  - f. Fully dimensioned building signs.
  - g. Fully dimensioned retaining walls and fences.
10. The purpose of any easement or land reserved or dedicated to public use shall be designated, and the proposed use of sites other than residential shall be noted.
11. Certification that the applicant is agent or owner of the land, or that the owner has given consent under an option agreement.
12. When approval of a plat is required by any officer or body of such municipality, county, or state, approval shall be certified on the plat.
13. Microfilm copies of all site plans shall be submitted in a manner specified by the Planning Board Secretary.
14. The final submission shall be accompanied by the following documents:
  - a. Certification from the Borough tax collector that all taxes and assessments have been paid up to date;
  - b. The applicant's certification in writing to the Board that he has:
    - (1) Installed all improvements in accordance with the requirements of this ordinance; and/or

- (2) Posted a performance guarantee in accordance with the requirements of this ordinance.
  - c. A statement from the Borough Engineer that all improvements installed prior to the filing of the application are in accordance with the preliminary approval and have been inspected, and that such improvements meet the requirements of the Borough. Any improvements installed prior to application for final approval that do not either meet or exceed Borough standards shall be factored into the required performance guarantee.
15. Approximate date of project beginning/completion.
  16. Estimated cost of project.
  17. Photographs of the proposed project site showing front, side and rear views, including photographs of adjacent neighboring properties.
  18. Wetlands permit (N.J. Department of Environmental Protection N.J.S.A. 13:9A-1 et seq.).
  19. Coastal Area Facilities Approval (N.J. Department of Environmental Protection N.J.S.A. 13:19 et seq.).
  20. Curb-opening permit N.J. Department of Transportation.
  21. Cape May County Planning Board written report.

The Board may waive submission of any required exhibits in appropriate cases and for specific subdivision plats or site plans. Requests for such waivers shall accompany the land development application, stating the reasons that such waivers are being requested.

The Board reserves the right to require additional information before granting final approval when unique circumstances affect the tract and/or when the application for development poses special problems for the tract and the surrounding area. Such information may include, but not be limited to, drainage calculations and traffic analyses, provided, however, that no application shall be declared incomplete for lack of such additional information.

C. Action by the Approving Agency

1. Within 45 days from the date of submission of the application and at the direction of the Board, the appropriate Board Secretary shall either notify the applicant in writing that the application has been determined to be incomplete, or certify that the submission constitutes a complete application. If the application is determined to be incomplete, the reasons for such determination shall be specified to the applicant and an appropriately revised plan may thereafter be submitted to the appropriate Board Secretary as in the first instance. If the secretary of the Planning Board or the secretary of the Zoning Board of Adjustment, as the case may be, neither certifies to the applicant that the application is complete nor notifies the applicant in writing that the application has been determined to be incomplete, then the application shall be considered certified complete and the period for action by the Board shall commence.

2. The Board shall take action on a final site plan and/or final subdivision application within 45 days after the application has been certified complete by the appropriate Board Secretary or within such further time as may be consented to by the applicant. Failure of the Board to act within the prescribed time period shall constitute approval of the application.
3. The Planning Board shall approve the application for final plat/plan approval with or without conditions provided the following requirements are met:
  - a. That the detailed drawings and specifications meet all applicable Borough codes and ordinances
  - b. That the final plats/plans are substantially the same as the approved preliminary plats/plans
  - c. That bonds have been posted to ensure the installation of all improvements
  - d. That the applicant agrees in writing to all conditions of final approval
  - e. That proof has been submitted that all taxes and assessments for local improvements on the property have been paid
4. The Planning Board's "Development Review Committee" may review the submission to ascertain its conformity with the requirements of this Ordinance. The Committee shall offer its recommendations to the Board at a regularly scheduled meeting of the Board within 30 days after the application has been certified complete.
5. If the Board acts favorably on the final plan, the Borough Engineer and the Chairman and Secretary of the Board (or, where either or both may be absent, the acting chairman or secretary) shall affix their signatures to at least ten copies of the plat or plan with the notification that it has been approved. The applicant shall furnish such copies to the Board for signing. In the case of final subdivisions, only, the applicant shall include at least five mylar copies of the approved plat in addition to the ten (10) signed copies. In all cases, an appropriate Resolution or Memorializing Resolution shall have been passed by the Board.
6. After approval of the final plat or plan by the Board, the Secretary of the Board shall retain one copy (mylar, if applicable) of the signed plat or plan and shall furnish an additional copy to each of the following within ten days from the date of such approval:
  - a. Planning Board file;
  - b. Borough Engineer (one mylar, if applicable);
  - c. County Planning Board;
  - d. Construction Official;
  - e. Borough Tax Assessor;
  - f. Borough Clerk
  - g. The applicant (two mylars, if applicable); and

- h. Such other Borough, County or State agencies and officials as directed by the Board.
7. Within 95 days from the date of signing of the plat, the applicant shall file a copy of the same with the Cape May County Clerk. In the event of failure to file within said 95 days, the approval of the major subdivision shall expire and any further proceedings shall require the filing of a new application as in the first instance. The Board, for good cause shown, may extend the time for filing for an additional 95 days.
  8. If the Board, after consideration and discussion of the final plat or plan, disapproves the submission, a notation to that effect shall be made by the chairman of the Board on the plat or plan. The secretary of the Board, within ten days of such action, shall notify the applicant of such disapproval and forward the applicant a copy of the adopted resolution setting forth the reasons for the disapproval.
  9. Final approval shall terminate the time period of preliminary approval for the section granted final approval and shall guarantee the applicant that the zoning requirements applicable to the preliminary approval and all other rights conferred upon the applicant as part of preliminary approval shall not be changed for a period of two (2) years after the date of final approval.
  10. Final approval shall expire two (2) years from the date of final approval unless the applicant has secured a building permit to commence construction. The Planning Board may extend final approval, and the protection offered under this Article herein, for one (1) year. Up to three (3) such one-year extensions may be granted.
  11. The Planning Board may grant final approval, subject to conditions not necessarily limited to the following:
    - a. Grant final approval only for designated geographic sections of the development.
    - b. Grant final approval for certain work but require resubmission for final approval for designated elements such as, but not limited to such items as: landscaping, signs, or street furniture, and require approval of these elements as a prerequisite for a certificate of occupancy.
    - c. Condition the granting of a certificate of occupancy subject to the applicant or developer or subsequent heirs or assignees meeting certain requirements within a designated period of time, not to exceed one (1) year, from the date of issuance of the certificate of occupancy. This may include, but is not limited to, such items as the installation of landscaping, erection of signs, installation of improvements, or re-evaluation of circulation patterns.
    - d. Before recording of final subdivision plats or as a condition of final site plan approval or as a condition to the issuance of a zoning permit, the approving authority may require and shall accept in accordance with the standards adopted by ordinance for the purpose of assuring the installation and maintenance of on-tract improvements:
      - (1) The furnishing of a performance guarantee in favor of the municipality in an amount no to exceed one hundred twenty (120%) percent of the cost of installation for improvements it may deem

necessary or appropriate including: streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyor's monuments, as shown on the final map and required by the "Map Filing Law," P.L. 1960, c.141 (C.46:23-9.9 et seq.), water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion control and sedimentation control devices, public improvements of open space and, in the case of site plans only, other on-site improvements and landscaping.

- (2) Provision for a maintenance guarantee to be posted with the governing body for a period not to exceed two (2) years after final acceptance of the improvement, in an amount not to exceed fifteen (15%) percent of the cost of the improvement. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the municipality for such utilities or improvements.
  - (3) If the required improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the municipality for the reasonable cost of the improvements not completed or corrected and the municipality may, either prior to or after the receipt of the proceeds thereof, complete such improvements.
- e. The amount of any performance guaranty may be reduced by the Borough Commissioners by resolution, when portions of the improvements have been certified by the Borough Engineer to have been completed. The time allowed for installation of the improvements for which the performance guaranty has been provided may be extended by the Borough Commissioners by resolution. As a condition or part of any such extension, the amount of any performance guaranty shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation as determined as of the time of the passage of the resolution.
  - f. Upon substantial completion of all required appurtenant utility improvements, and the connection of same to the public system, the obligor shall notify the Borough Commissioners in writing, by certified mail addressed in care of the Borough Clerk, of the completion or substantial completion of improvements and shall send a copy thereof to the Borough Engineer. Thereupon, the Borough Engineer shall inspect all improvements of which such notice has been given and shall file a detailed report, in writing, with the Borough Commissioners indicating either approval, partial approval or rejection of such improvements with a statement of reasons for any rejection. The cost of the improvements as approved or rejected shall be set forth.
  - g. The Borough Commissioners shall either approve, partially approve or reject the improvements on the basis of the report of the Borough Engineer and shall notify the obligor, in writing by certified mail, of the contents of said report and the action of said approving authority with relation thereto no later than sixty-five (65) days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the

obligor shall be released from all liability pursuant to its performance guaranty, except for that portion adequately sufficient to secure provisions of the improvement not yet approved; provided that 30% of the amount of the performance guaranty posted may be retained to ensure completion of all improvements. Failure of the Borough Commissioners to send or provide such notification to the obligor within sixty-five (65) days shall be deemed to constitute approval of the improvements, and the obligor and surety, if any, shall be released from all liability pursuant to such performance guaranty.

- h. The obligor shall reimburse the municipality of all reasonable inspection fees paid to the municipal engineer for the foregoing inspection of the improvements; provided that the municipality may require of the developer a deposit for all or a portion of the reasonably anticipated fees to be paid to the municipal engineer for such inspection.

85-134 Use and Bulk Variance Application Checklist.

Note: See Section 85-129A for further details of submission requirements and procedures.

\_\_\_\_\_ Application form (15 copies).

\_\_\_\_\_ Plats of plans (15 copies) signed and sealed by a N.J.P.L.S. or N.J.P.E., as required, and folded into eighths with title block revealed.

\_\_\_\_\_ Scale of not less than 1" = 20' on one of the following standard sheet sizes (8+1/2" x 13"; 15" x 21"; 24" x 36" or 30" x 42").

\_\_\_\_\_ Key map no less than 1" = 1000'.

\_\_\_\_\_ Name of subdivision or development, Borough of Wildwood Crest, Cape May County.

\_\_\_\_\_ Name, title, address and telephone number of subdivider or developer.

\_\_\_\_\_ Name, title, address and license number of the professional or professionals who prepared the plat or plan.

\_\_\_\_\_ Name, title and address of the owner of owners of record.

\_\_\_\_\_ Scale.

\_\_\_\_\_ Date of original preparation and of each subsequent revision thereof and a list of specific revisions entered on each sheet.

\_\_\_\_\_ Acreage figures (both with and without areas within public rights-of-way), to the nearest tenth of an acre or square footage.

\_\_\_\_\_ North arrow.

\_\_\_\_\_ Approval signature lines.

\_\_\_\_\_ Existing block and lot number(s) of the lot(s) to be subdivided or developed as they appear on the Borough Tax Map.

\_\_\_\_\_ Subdivision or development boundary line (heavy solid line).

\_\_\_\_\_ The location of existing and proposed property lines (with bearings and distances), streets, structures (with their numerical dimensions and an indication as to whether existing structures will be retained or removed), parking spaces, loading areas, driveways, watercourses, railroads, bridges, culverts, drain pipes, any natural features such as wetlands and treed areas, both within the tract and within two hundred feet (200') of its boundary.

\_\_\_\_\_ Owner certification.

\_\_\_\_\_ The location and width of all existing and proposed utility easements, the use(s) for which they are intended to be limited, and the manner in which the easements will be controlled.

\_\_\_\_\_ Zoning districts affecting the tract, including district names and requirements.

\_\_\_\_\_ All adopted master plan proposals affecting the proposed development.

- \_\_\_\_\_ Proposed buffer and landscaped areas.
- \_\_\_\_\_ Delineation of flood plains, including both floodway and flood fringe areas.
- \_\_\_\_\_ Delineation of wetlands and wetland buffers.
- \_\_\_\_\_ Contours as shown on the U.S.G.S. topographic sheets.
- \_\_\_\_\_ Marshes, ponds and land subject to flooding within the tract and within one hundred feet (100') thereof.
- \_\_\_\_\_ The names of all adjacent property owners as they appear on the most recent tax list prepared by the Borough Tax Collector.
- \_\_\_\_\_ Certification from the Borough Tax Collector that all taxes and assessments are paid to date.
- \_\_\_\_\_ Concerning minor subdivisions only, existing and proposed monuments.
- \_\_\_\_\_ Road right-of-way dedication and improvements, as applicable.
- \_\_\_\_\_ Sight triangle easements, as applicable.
- \_\_\_\_\_ Deed descriptions, including metes and bounds, easements, covenants, restrictions, and roadway and sight triangle dedications.

The use and bulk variance application checklist could be used with regard to applications for conditional uses. In such cases the applicant shall supply a statement of all applicable general requirements for conditional uses and all applicable special requirements for the proposed conditional use which is the subject of the application. There shall also be attached to the checklist a statement by the applicant of all facts and circumstances relied upon by the applicant to establish that all required general and specific conditional use requirements are being satisfied. There shall be specific reference to each of the general conditional use requirements applicable to the proposed development.

The Board may waive submission of any required exhibits in appropriate cases and for specific reasons. Requests for such waivers shall accompany the application, stating the reasons that such waivers are being requested.

The Board reserves the right to acquire additional information before granting approval when unique circumstances affect the tract and/or when the application for development poses special problems for the tract and the surrounding area. Such information may include, but not be limited to, drainage calculations and traffic analyses, provided, however, that no application shall be declared incomplete for lack of such additional information.

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Signature & Title of person completing checklist Date

85-135 Concept Plan Checklist.

Note: See Section 85-129B for further details of submission requirements and procedures.

\_\_\_\_\_ Application form and plans for completeness review (3 copies).

\_\_\_\_\_ Application form (15 copies).

\_\_\_\_\_ Plats or plans (15 copies) signed and sealed by a N.J.P.L.S. or N.J.P.E., as required, and folded into eighths with title block revealed.

\_\_\_\_\_ Scale of not less than 1" = 20' on one of the following standard sheet sizes (8+1/2" x 13"; 15" x 21"; 24" x 36" or 30" x 42").

\_\_\_\_\_ Key map no less than 1" = 1000'.

\_\_\_\_\_ Name of subdivision or development, Borough of Wildwood Crest, Cape May County.

\_\_\_\_\_ Name, title, address and telephone number of subdivider or developer.

\_\_\_\_\_ Name, title, address and license number of the professional or professionals who prepared the plot or plan.

\_\_\_\_\_ Scale (written and graphic).

\_\_\_\_\_ Date of original preparation and of each subsequent revision thereof and a list of specific revisions entered on each sheet.

\_\_\_\_\_ Acreage figures (both with and without areas within public rights-of-way), to the nearest tenth of an acre or square footage.

\_\_\_\_\_ North arrow.

\_\_\_\_\_ Certification that applicant is the owner of the land or his properly authorized agent, or that the owner has given his consent under an option agreement.

\_\_\_\_\_ Existing block and lot number(s) of the lot(s) to be subdivided or developed as they appear on the Borough Tax Map.

\_\_\_\_\_ Subdivision or development tract boundary lines, clearly delineated.

\_\_\_\_\_ The location of existing and proposed property lines, streets, structures (with their numerical dimensions and an indication as to whether existing structures will be retained or removed), parking spaces, loading areas, driveways, drainage ditches and pipes, watercourses, railroads, bridges, culverts, any natural features such as wetlands, wooded areas and isolated trees.

\_\_\_\_\_ Contours as shown on the U.S.G.S. topographic sheets, but no less than two (2) foot intervals.

\_\_\_\_\_ The name of all adjoining property owners and those across existing or proposed streets as disclosed by the most recent borough tax list prepared by the Borough Tax Collector.

\_\_\_\_\_ The tax map sheet, date of revision, block and lot numbers, and zone district of the tract proposed to be subdivided or developed, including district name and requirements.

- \_\_\_\_\_ All required setback lines and lot area of each lot in square feet and acreage. Lots shall be designated by letters for minor subdivisions and by consecutive numbers for major subdivisions until given official lot number designations by the Borough Engineer.
- \_\_\_\_\_ All adopted master plan proposals affecting the proposed development.
- \_\_\_\_\_ Proposed buffer and landscaped areas.
- \_\_\_\_\_ Certificate from the Borough Tax Collector that all taxes and assessments are paid to date.
- \_\_\_\_\_ Road right-of-way dedication and improvement, as applicable.
- \_\_\_\_\_ Sight triangle easements, as applicable.
- \_\_\_\_\_ Deed descriptions, including metes and bounds, easements, covenants, restrictions, and roadway and sight triangle dedications.
- \_\_\_\_\_ The location and width of all existing and proposed utility easements.
- \_\_\_\_\_ Plans of proposed improvements and/or utility layouts as required by ordinance; and required letters from appropriate state and county agencies granting approval for the extension of utility service(s).
- \_\_\_\_\_ Proposed and existing signs (details).
- \_\_\_\_\_ Architectural or historic significance, if any.
- \_\_\_\_\_ Photographs of any unusual topographic, environmental, historic or physical aspect.
- \_\_\_\_\_ Location of existing buildings to remain or to be removed.
- \_\_\_\_\_ Traffic statement, including present and anticipated volumes, roadway capacity, network problems, and needed improvements.
- \_\_\_\_\_ Number of units.
- \_\_\_\_\_ Square feet of construction.
- \_\_\_\_\_ Density and building coverage.
- \_\_\_\_\_ Number of employees.
- \_\_\_\_\_ Number of residents.
- \_\_\_\_\_ Number of school children.
- \_\_\_\_\_ Schedule of desired development time frame from borough review function to completion and occupancy.
- \_\_\_\_\_ Information on solid waste disposal and recycling.

The Board may waive submission of any required exhibits in appropriate cases and for specific reasons. Requests for such waivers shall accompany a concept plan application, stating the reasons that such a waiver is being requested.

The Board reserves the right to acquire additional information when unique circumstances affect the tract and/or when the application for development poses special problems for the tract and the surrounding area. Such information may include, but not be limited to, drainage calculations and traffic analyses, provided, however, that no application shall be declared incomplete for lack of such additional information.

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Signature & Title of person  
completing checklist

Date

85-136 Minor Subdivision Plat and Minor Site Plan Checklist.

Note: See Section 85-131 for further details of submission requirements and procedures.

\_\_\_\_\_ Application form and plans for completeness review (3 copies).

\_\_\_\_\_ Application form (15 copies).

\_\_\_\_\_ Plats or plans (15 copies) signed and sealed by a N.J.P.L.S. or N.J.P.E., as required, and folded into eighths with title block revealed.

\_\_\_\_\_ Scale of not less than 1" = 20' on one of the following standard sheet sizes (8+1/2" x 13"; 15" x 21"; 24" x 36" or 30" x 42").

\_\_\_\_\_ Key map no less than 1" = 1000'.

\_\_\_\_\_ Name of subdivision or development, Borough of Wildwood Crest, Cape May County.

\_\_\_\_\_ Name, title, address and telephone number of subdivider or developer.

\_\_\_\_\_ Name, title, address and license number of the professional or professionals who prepared the plot or plan.

\_\_\_\_\_ Scale (written and graphic).

\_\_\_\_\_ Date of original preparation and of each subsequent revision thereof and a list of specific revisions entered on each sheet.

\_\_\_\_\_ Acreage figures (both with and without areas within public rights-of-way), to the nearest tenth of an acre or square footage.

\_\_\_\_\_ North arrow.

\_\_\_\_\_ Certification that applicant is the owner of the land or his properly authorized agent, or that the owner has given his consent under an option agreement.

\_\_\_\_\_ Existing block and lot number(s) of the lot(s) to be subdivided or developed as they appear on the Borough Tax Map.

\_\_\_\_\_ Subdivision or development tract boundary lines, clearly delineated.

\_\_\_\_\_ The location of existing and proposed property lines, streets, structures (with their numerical dimensions and an indication as to whether existing structures will be retained or removed), parking spaces, loading areas, driveways, drainage ditches and pipes, watercourses, railroads, bridges, culverts, any natural features such as wetlands, wooded areas and isolated trees.

\_\_\_\_\_ Contours as shown on the U.S.G.S. topographic sheets, but no less than two (2) foot intervals.

\_\_\_\_\_ The name of all adjoining property owners and those across existing or proposed streets as disclosed by the most recent borough tax list prepared by the Borough Tax Collector.

\_\_\_\_\_ The tax map sheet, date of revision, block and lot numbers, and zone district of the tract proposed to be subdivided or developed, including district name and requirements.

- \_\_\_\_\_ All required setback lines and lot area of each lot in square feet and acreage. Lots shall be designated by letters for minor subdivisions and by consecutive numbers for major subdivisions until given official lot number designations by the Borough Engineer.
- \_\_\_\_\_ All adopted master plan proposals affecting the proposed development.
- \_\_\_\_\_ Proposed buffer and landscaped areas.
- \_\_\_\_\_ Certification from the Borough Tax Collector that all taxes and assessments are paid to date.
- \_\_\_\_\_ Road right-of-way dedication and improvement, as applicable.
- \_\_\_\_\_ Sight triangle easements, as applicable.
- \_\_\_\_\_ Deed descriptions, including metes and bounds, easements, covenants, restrictions, and roadway and sight triangle dedications.
- \_\_\_\_\_ The location and width of all existing and proposed utility easements.
- \_\_\_\_\_ Plans of proposed improvements and/or utility layouts as required by ordinance; and required letters from appropriate state and county agencies granting approval for the extension of utility service(s).
- \_\_\_\_\_ Proposed and existing signs (details).
- \_\_\_\_\_ Architectural or historic significance, if any.
- \_\_\_\_\_ Photographs of any unusual topographic, environmental, historic or physical aspect.
- \_\_\_\_\_ Location of existing buildings to remain or to be removed.
- \_\_\_\_\_ Traffic statement, including present and anticipated volumes, roadway capacity, network problems, and needed improvements.
- \_\_\_\_\_ Number of units.
- \_\_\_\_\_ Square feet of construction.
- \_\_\_\_\_ Density and building coverage.
- \_\_\_\_\_ Number of employees.
- \_\_\_\_\_ Number of residents.
- \_\_\_\_\_ Number of school children.
- \_\_\_\_\_ Schedule of desired development time frame from borough review function to completion and occupancy.
- \_\_\_\_\_ Information on solid waste disposal and recycling.

The Board may waive submission of any required exhibits in appropriate cases and for specific reasons. Requests for such waivers shall accompany a concept plan application, stating the reasons that such a waiver is being requested.

The Board reserves the right to acquire additional information when unique circumstances affect the tract and/or when the application for development poses special problems for the tract and the surrounding area. Such information may include, but not be limited to, drainage calculations and traffic analyses, provided, however, that no application shall be declared incomplete for lack of such additional information.

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Signature & Title of person  
completing checklist

Date

85-137 Preliminary Major Subdivision Plats and Preliminary Major Site Plan Checklist.

Note: See Section 85-132 for further details of submission requirements and procedures.

\_\_\_\_\_ Application form and plans for completeness review (3 copies).

\_\_\_\_\_ Application form (15 copies).

\_\_\_\_\_ Plats or plans (15 copies) signed and sealed by a N.J. Professional Engineer and folded into eighths with title block revealed.

\_\_\_\_\_ Scale of not less than 1" = 20' on one of the following standard sheet sizes (8+1/2" x 13"; 15" x 21"; 24" x 36" or 30" x 42").

\_\_\_\_\_ Key map no less than 1" = 1000'.

\_\_\_\_\_ Name of subdivision or development, Borough of Wildwood Crest, Cape May County.

\_\_\_\_\_ Name, title, address and telephone number of subdivider or developer.

\_\_\_\_\_ Name, title, address and license number of the professional or professionals who prepared the plat or plan.

\_\_\_\_\_ Name, title and address of the owner or owners of record.

\_\_\_\_\_ Scale (written and graphic).

\_\_\_\_\_ Date of original preparation and of each subsequent revision thereof and a list of specific revisions entered on each sheet.

\_\_\_\_\_ Acreage figures, to the nearest tenth of an acre or square footage.

\_\_\_\_\_ North arrow.

\_\_\_\_\_ Certification that the applicant is the owner of the land or his properly authorized agent, or that the owner has given his consent under an option agreement.

\_\_\_\_\_ Place for signature of the Chairperson and Secretary of the Planning Board.

\_\_\_\_\_ Existing tax sheet number(s) and existing block and lot number(s) of the lot(s) to be subdivided or developed as they appear on the borough tax map, and the proposed block and lot numbers as provided by the Borough Tax Collector upon written request.

\_\_\_\_\_ The zoning district in which the parcel is located together with the district boundaries included within the boundaries of the parcel or within two hundred (200) feet therefrom.

\_\_\_\_\_ Photographs of the property, where necessary, to show any unusual topographic, environmental, or physical aspect of the site. This would include, but not be limited to, vegetation, natural drainageways, wetlands, and existing structures and improvements.

\_\_\_\_\_ The location of existing and required setback lines, streets within 500 feet of the development, the location of existing and proposed buildings, watercourses, railroads, bridges, culverts, drain pipes, and all natural features such as sand dune areas and other vegetation.

- \_\_\_\_\_ The location of all proposed permanent monuments.
- \_\_\_\_\_ Plans and profiles showing proposed utility layouts (sanitary sewers, storm drains, water, gas, electric, etc.) showing feasible connections to existing or proposed utility systems. Locations of fire hydrants and street lights shall be established with the aid of the Borough Fire Protection Official and the Borough Engineer, respectively.
- \_\_\_\_\_ Each block and lot shall be numbered in accordance with the system of numbers which will ultimately be the numbers shown on the Borough Tax Map.
- \_\_\_\_\_ Where brook, stream channel, shoreline improvements are proposed or required, the plans for such improvement shall be approved by the State Department of Environmental Protection or the Cape May County Planning Board, where applicable.
- \_\_\_\_\_ All proposed lot lines, dimensioned in feet and tenths, and the approximate area of all lots in square feet as well as any open spaces proposed to be dedicated for public use.
- \_\_\_\_\_ When the development of the subdivision or improvements are contingent upon improvements outside the boundaries of said subdivision, information shall be supplied by the developer prior to Planning Board consideration for preliminary approval that the improvements outside the development are installed and will be available to the developer.
- \_\_\_\_\_ Any open spaces proposed to be dedicated for public use or playgrounds or other public purpose and the location and use of all such property shall be shown on the plat.
- \_\_\_\_\_ The names and addresses of all property owners within 200 feet of the extreme limits of the tract as shown on the most recent tax list prepared by the Borough Tax Collector.
- \_\_\_\_\_ The existing and proposed contours, referred to U.S. Coast and Geodetic Survey Datum; at a contour interval of not less than two (2) feet. Existing contours are to be indicated by solid lines. Location of existing rock outcroppings, high points, water courses and drainageways, depressions, ponds, marshes, vegetation, wooded areas and other significant existing features.
- \_\_\_\_\_ The location and design of all signs, the size, nature of construction, height and orientation, including all identification signs, traffic and directional signs and arrows, free standing facade signs and time controls for sign lighting.
- \_\_\_\_\_ The location of all outdoor lighting (free standing or on building), the size, nature of construction, lumens, heights, area and direction of illumination, foot candles produced, typical manufacturer cuts illustrating style, and time controls proposed for outdoor lighting and display.
- \_\_\_\_\_ Where brook, stream channel or shoreline improvements are proposed, the following information shall be required:
  - a. When a stream is proposed for alteration, improvement, or relocation or when a drainage structure or fill is proposed over, under, in or along a running stream, a report shall be submitted on the status of review by the State Department of Environmental Protection, Division of Water Resources.
  - b. Cross sections of water courses and/or drainage swales at an appropriate scale showing the extent of flood plain, top of bank, normal water levels, and bottom elevations at locations required by the Borough Engineer.

- c. The location and extent of drainage and conservation easements;
- d. The location and type of adequate drainage provisions to reasonable reduce and minimize exposure to flood damage.

\_\_\_\_\_ Plans for such improvements shall be approved by the State Department of Environmental Protection and/or the Cape May County Planning Board where applicable.

\_\_\_\_\_ All proposed lot lines, dimensioned in feet and tenths, and the approximate area of all lots in square feet as well as acreage calculations for any open spaces proposed to be dedicated for public use.

\_\_\_\_\_ Plans shall depict the location, design, and size of any on or off-site pedestrian parks and bicycle pathways, open space, common open space, plazas and recreation areas, or any other public use areas.

\_\_\_\_\_ The location and species associations of all existing trees or groups of trees having a caliper of five (5) inches or more measured three (3) feet above the ground level.

\_\_\_\_\_ All adopted Master Plan proposals affecting the proposed development.

\_\_\_\_\_ Plans shall include the location, size, elevation, slope, and type of storm drainage structures, above or below grade, whether publicly or privately owned. Design calculations supporting the adequacy of proposed drainage structures and/or surface drainage shall be submitted. These designs shall depict storm water drainage on-site and off-tract, with manholes, inlets, pipe sizes, grades, inverts, and directions of flow. Locations of fire hydrants and street lights shall be established with the aid of the Borough Fire Protection Official and the Borough Engineer, respectively.

\_\_\_\_\_ The proposed use or uses of the land, buildings, and structures.

\_\_\_\_\_ Proposed solid waste and recycling.

\_\_\_\_\_ All landscape strips, landscape buffers, and any deviation from requirements of this Ordinance shall be specifically shown.

\_\_\_\_\_ For site plans, a survey map prepared by a licensed surveyor of New Jersey showing boundaries of the properties, line of all existing streets and roads, easements, rights-of-way, and areas dedicated to public use within two hundred (200) feet of the development. These shall be dimensioned and, where applicable, referenced as to direction.

\_\_\_\_\_ Plans and plats shall reference any existing or proposed deed restrictions or exceptions concerning all or any portion of the parcel or plat. A copy of any protective covenants or deed restrictions applying to the land being subdivided or developed shall be submitted with the preliminary plat.

\_\_\_\_\_ The distances measured along the right-of-way lines of existing streets abutting the property to the nearest intersection with other streets.

\_\_\_\_\_ The quantitative aspects of the proposal such as number of units, square feet of construction, density, coverage, number of employees, number of residents and area of land, etc. Specifically identified on the site plan, in tabular form, shall be pertinent zoning data, indicating the bulk/area requirements of the zone in which the proposed development is located and how the proposed development responds to the zoning requirements.

\_\_\_\_\_ The proposed buildings and structures and any existing structures to remain, with dimensions, setbacks, heights (in feet and stories), and first floor or grade elevations. Existing buildings and

structures to be removed shall be indicated. Architectural or historic significance of any existing buildings to remain or to be removed shall be indicated.

\_\_\_\_\_ The location and designs of any off-street parking areas, bicycle parking, service, trash or loading areas showing size and location of bays, aisles, barriers, landscaping, planters, maneuvering areas, and traffic patterns.

\_\_\_\_\_ Plans, typical cross sections and details, center line profiles and tentative grades of all proposed streets and of existing streets abutting the tract based on USGS vertical datum or a more specified datum supplied by the Borough Engineer, including curbing, sidewalks, storm drains and drainage structures and utility service lines. Sight triangles, the radius of curb lines, and street sign locations shall be clearly indicated at all intersections.

\_\_\_\_\_ All means of vehicular access to and egress and from the site onto public streets, showing the location of driveways and curb cuts, including the possible utilization of traffic signals, channelization, acceleration and deceleration lanes, additional width, and any other proposed device intended to control traffic.

\_\_\_\_\_ Existing and proposed traffic patterns.

\_\_\_\_\_ Traffic study including, but not limited to:

- a. anticipated traffic volumes
- b. capacity of existing and proposed roadways
- c. traffic volume impact from other developments
- d. roadway network problems, e.g. unsafe intersections, turns, grades
- e. need for traffic signals and other improvements

\_\_\_\_\_ A landscaping plan prepared by a registered landscape architect showing all proposed plant materials including all proposed screening and buffering. The location of all proposed plantings shall also be indicated and keyed into a legend listing the botanical and common names, the size at time of planting, and the total quantity of each plant.

\_\_\_\_\_ Photographs of any unusual topographic, environmental, historic, or physical aspect.

\_\_\_\_\_ Sketches, plans, and photographs of other known similar developments.

\_\_\_\_\_ Sketch of typical building elevations indicating type of materials to be used.

\_\_\_\_\_ The proposed use or uses of the land, buildings, and structures.

\_\_\_\_\_ Schedule of desired development time frame from borough review function to completion and occupancy.

\_\_\_\_\_ Proposals for soil erosion and sediment control as required by N.J.S.A. 4:24-39 et seq.

\_\_\_\_\_ Scale model of proposed development.

\_\_\_\_\_ Certification by the Borough Tax Collector that all taxes and assessments are paid to date.

\_\_\_\_\_ Environmental Impact Statement.

\_\_\_\_\_ Community Impact Statement.

The Board may waive submission of any required exhibits in appropriate cases and for specific subdivision plats or site plans. Requests for such waivers shall accompany the land development application, stating the reasons that such waivers are being requested.

The Board reserves the right to acquire additional information before granting preliminary approval when unique circumstances affect the tract and/or when the application for development poses special problems for the tract and the surrounding area. Such information may include, but not be limited to, drainage calculations and traffic analyses, provided, however, that no application shall be declared incomplete for lack of such additional information.

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Signature & Title of person  
completing checklist

Date

85-138 Final Major Subdivision Plats and Final Major Site Plan Checklist.

Note: See Section 85-133 for further details of submission requirements and procedures.

\_\_\_\_\_ Application form and plans for completeness review (3 copies).

\_\_\_\_\_ Application form (15 copies).

\_\_\_\_\_ Plats or plans (15 copies) signed and sealed by a N.J.P.L.S. or N.J.P.E., as required, and folded into eighths with title block revealed.

\_\_\_\_\_ Scale of not less than 1" = 20' on one of the following standard sheet sizes (8+1/2" x 13"; 15" x 21"; 24" x 36" or 30" x 42").

\_\_\_\_\_ The approved preliminary plat or plan together with all proposed additions, changes or departures therefrom, if applicable.

\_\_\_\_\_ All additional details required at the time of preliminary approval.

\_\_\_\_\_ A section or staging plan, if proposed.

\_\_\_\_\_ Certification from the applicant or his professional engineer that all the provisions of the final major subdivision or final site plans conform to the preliminary plan. Certification by a land surveyor licensed in the State of New Jersey as to accuracy of details of the plat.

\_\_\_\_\_ Place for signature of the Chairperson and Secretary of the Planning Board.

\_\_\_\_\_ Detailed soil erosion and sediment control proposals as required by N.J.S.A. 4:24-39 et seq.

\_\_\_\_\_ Detailed architectural and engineering data including:

- a. An architect's ground floor or other floor plans sufficient to show pedestrian, vehicular or other access as it relates to the final site plan together with illustrative building elevations to show height and intended materials; and typical illustrations of any signs visible to the general public.
- b. Cross sections, profiles and established grades of all streets, aisles, lanes and driveways.
- c. Plans and profiles of all storm and sanitary sewers and water mains.
- d. All dimensions of the exterior boundaries of any subdivision balanced and closed to a precision of one to 5,000, and the dimensions of all lot lines to within one to 10,000.

\_\_\_\_\_ A final drainage plan shall accompany the final plat.

\_\_\_\_\_ Architectural elevations for all proposed buildings, walls, fences and signs, and samples of building materials to be used shall be submitted to the Planning Board for approval. Architectural elevation drawings shall include:

- a. Fully dimensioned exterior buildings walls.
- b. Architectural features and design.
- c. Exterior doors and windows.

- d. Exterior materials to be used and treatment of materials.
- e. Roof design and method of screening air conditioning units, etc.
- f. Fully dimensioned building signs.
- g. Fully dimensioned retaining walls and fences.

\_\_\_\_\_ The purpose of any easement or land reserved or dedicated to public use shall be designated, and the proposed use of sites other than residential shall be noted.

\_\_\_\_\_ Certification that the applicant is agent or owner of the land, or that the owner has given consent under an option agreement.

\_\_\_\_\_ When approval of a plat is required by any officer or body of such municipality, county, or state, approval shall be certified on the plat.

\_\_\_\_\_ Microfilm copies of all site plans shall be submitted in a manner specified by the Planning Board Secretary.

\_\_\_\_\_ The final submission shall be accompanied by the following documents:

- a. Certification from the Borough tax collector that all taxes and assessments have been paid to date;
- b. The applicant's certification in writing to the Board that he has:
  - (1) Installed all improvements in accordance with the requirements of this ordinance; and/or
  - (2) Posted a performance guarantee in accordance with the requirements of this ordinance.
- c. A statement from the Borough Engineer that all improvements installed prior to the filing of the application are in accordance with the preliminary approval and have been inspected, and that such improvements meet the requirements of the Borough. Any improvements installed prior to application for final approval that do not either meet or exceed Borough standards shall be factored into the required performance guarantee.

\_\_\_\_\_ Approximate date of project beginning/completion.

\_\_\_\_\_ Estimated cost of project.

\_\_\_\_\_ Photographs of the proposed project site showing front, side and rear views, including photographs of adjacent neighboring properties.

\_\_\_\_\_ Wetlands permit (N.J. Department of Environmental Protection N.J.S.A. 13:9A-1 et seq.).

\_\_\_\_\_ Coastal Area Facilities Approval (N.J. Department of Environmental Protection N.J.S.A. 13:19 et seq.).

\_\_\_\_\_ Curb-opening permit N.J. Department of Transportation.

\_\_\_\_\_ Cape May County Planning Board written report.

The Planning Board may waive submission of any required exhibits in appropriate cases and for specific subdivision plats or site plans. Requests for such waivers shall accompany the land development application, stating the reasons that such waivers are being requested.

The Board reserves the right to acquire additional information before granting final approval when unique circumstances affect the tract and/or when the application for development poses special problems for the tract and the surrounding area. Such information may include, but not be limited to, drainage calculations and traffic analyses, provided, however, that no application shall be declared incomplete for lack of such additional information.

\_\_\_\_\_  
Signature & Title of person  
completing checklist

\_\_\_\_\_  
Date

ARTICLE XVIII  
 GUARANTEES, INSPECTIONS AND OFF-TRACT IMPROVEMENTS

85-139 Fees.

A. Every application for development shall be accompanied by a check payable to the Borough of Wildwood Crest in accordance with the following fee schedule:

| 1. | <u>Subdivisions</u>                                     | <u>Application Fee</u>                           | <u>Escrow Deposit</u> |
|----|---|--|-----------------------|
| a. | Minor (creating 1 or 2)                                 | \$500  | \$800                 |
| b. | Major Preliminary                                       | \$500  | \$1000                |
| c. | Major Final   | \$300  | \$650                 |
| d. | Informal Concept Plat                                   |  |                       |
|    | (1) Minor Plat  | \$100  | \$200                 |
|    | (2) Major Plat  | \$150  | \$300                 |
| 2. | <u>Site Plans</u>                                       |  |                       |
| a. | Minor Plat  | \$500  | \$1000                |
| b. | Major Preliminary                                       | \$750  | \$1200                |
| c. | Major Final   | \$300  | \$750                 |
| d. | Informal Concept Plan                                   |  |                       |
|    | (1) Minor Plan  | \$150  | \$300                 |
|    | (2) Major Plan  | \$150  | \$300                 |
| 3. | <u>Appeal and Variance Application</u>                  |  |                       |
| a. | Appeals<br>(40:55D-70a)                                 | \$300  | \$300                 |
| b. | Interpretation<br>(40:55D-70b)                          | \$300  | \$500                 |
| c. | Variance<br>Hardship(40:55D-70c) or<br>Use (40:55D-70d) | \$500  | \$600                 |
| d. | Permit<br>(40:55D-34 & 35)                              | \$300  | \$300                 |
| f. | <del>Signs</del>  | (Deleted 12/07, Ord. 1048 – Moved to Chapter 39) |                       |
| 4. | <u>Conditional Use</u>                                  | \$300  | \$500                 |

|     |   |  |                     |
|-----|---|--|---------------------|
| 5.  | <u>Special Meeting at Applicant's Request</u>   | \$500  | ---                 |
| 6.  | <u>Certified List of Property Owners</u>  | \$0.25/name or \$10.00, whichever is greater   |                     |
| 7.  | <u>Copy of Minutes, Transcripts, or Decisions</u>                                       | \$0.75 per page for the first 10 pages<br>\$0.50 per page for pages 11 to 20<br>\$0.25 per page for page 21 and over |                     |
| 8.  | <u>Copies of Audio Recordings</u>   | \$25   |                     |
| 9.  | <u>Minor or Major Amendments, Site Plans or Subdivision Applications</u>                | 50% of original fee  | 50% of original fee |
| 10. | <u>Request for Extension of Preliminary or Final Site Plan or Subdivision Approvals</u> | \$200  | \$100               |
| 11. | <u>Request for Re-approval of Site Plan or Subdivision Applications</u>                 | 50% of original fee  | 50% of original fee |

(Revised 12/07, Ord. 1048)

B. Application of escrow fees.

1. The application fees and escrow fees recited hereinabove are minimums which must accompany the application. An application shall not be deemed complete until the application fee and escrow fee required have been paid. The appropriate Board Secretary shall exercise his/her discretion in establishing the figure required for the escrow fund in the event the project will require more time for review than has been provided for the figures recited hereinabove or the project is of a nature that is not expressly included in one (1) of the aforementioned categories.
2. Application fees and escrow fees must be submitted in separate checks payable to the Borough of Wildwood Crest. The escrow fee shall be forwarded by the appropriate Board Secretary to the Treasurer of the Borough of Wildwood Crest for deposit into a developer's escrow account. The application fees shall be deposited into the Planning Board account until the end of the month, at which time the moneys shall be submitted to the Treasurer of the Borough of Wildwood Crest for deposit into the general account of the Borough.
3. Funds shall be applied to professional costs charged to the Borough by professional consultants (planner, engineer, attorney, and any other consultant or specialist retained by the Board) for services, including but not limited to professional opinions and attendance at meetings, or review regarding the development application. Additional funds may be required when the original amount is depleted by sixty (60%) percent and the development application is still in progress. The amount of additional funds needed shall be determined by the appropriate Board Secretary.

4. If the applicant has failed to pay any amounts due, the borough may stop construction until such amounts and penalties equal to an interest payment on unpaid bills of one and one half percent per month, plus borough legal fees, and collection charges necessary to recover any unpaid bills, are paid. No construction permit or certificate of occupancy may be issued if such amounts are due and payable. In addition, all escrow charges which are due and owing shall become a lien on the premises, with respect to which said charges are required, and shall remain so until paid. Said overdue charges shall accrue the same interest from time to time as taxes upon real estate in the borough. The borough shall have the same remedies for the collection thereof with interest, costs, and penalties as it has by law for the collection of taxes upon real estate.
  5. All escrow amounts not actually used shall be refunded to the applicant upon his request and upon the recommendation of the Planning Board and/or Zoning Board of Adjustment. Failure by the applicant to request unused escrow funds for a period of two (2) years shall render the moneys within the applicant's account non-refundable. The appropriate Board Secretary shall so notify the Treasurer who will transfer the remaining escrow from that applicant's account into the general treasury. A detailed accounting of all moneys expended from the escrow fund shall be available to the applicant upon request.
- C. The applicant shall agree to pay all costs associated with borough review and action on the application beyond the initial application charge.
  - D. Where one application for development includes several approval requests, the sum of the individual required fees shall be paid.
  - E. Each applicant for subdivision or site plan approval shall agree in writing to pay all reasonable costs for professional review and processing of the application and for inspection of the improvements. All such costs for review and inspection must be paid before any approved plat, plan or deed is signed or any construction permit is issued and all remaining costs must be paid in full before any occupancy of the premises is permitted or a Certificate of Occupancy issued.
  - F. If an applicant desires a court reporter, the cost for taking testimony and transcribing it and providing a copy of the transcript to the borough shall be at the expense of the applicant who shall arrange for the reporter's attendance.

85-140 Guarantees and Inspections.

- A. Performance Guarantee Estimate
  1. No final application for development (whether for an entire tract or a section thereof) shall be approved by the Board until the satisfactory completion and performance of all required public improvements have been certified to the Board by the Borough Engineer, unless the owner shall have filed with the Borough a performance guarantee assuring the installation of said public improvements on or before an agreed date. Such performance guarantee may be in the form of a performance bond which shall be issued by a Bonding or surety company approved by the governing body; a certified check, returnable to the subdivider after full compliance; or any other type of surety approved by the Municipal Attorney.
  2. It is the intention of the governing body that residents living in each new section of a development be provided with lot and/or dwelling unit as well as tract area improve-

ments that are as complete as possible. In order to accomplish this objective, and except as hereafter provided, all remaining improvements shall be completed as to each category set forth in the performance guarantee to a percentage extent equal to the percent of lots and/or dwelling units which have been conveyed in any manner.

3. The performance guarantee shall be prepared by the applicant's engineer and submitted to the Borough Engineer for review. The performance guarantee shall be approved by the Municipal Attorney as to form, sufficiency and execution. Such performance guarantee shall run for a period to be fixed by the Planning Board but, in no case, for a term of more than three (3) years. However, with the consent of the owner and the surety, if there be one, the governing body may by resolution extend the term of such performance guarantee for an additional period not to exceed three (3) years. The amount of the performance guarantee may be reduced by the governing body by resolution when portions of the required improvements have been installed. The provisions of N.J.S. 40:55D-53 shall govern as to the conditions of extensions, releases, partial releases and inspection fees.

B. Approval by Borough Attorney

1. The owner shall present two (2) copies of the performance guarantee, in an amount equal to 120 percent of the approved performance guarantee estimate, for approval by the Borough Attorney as to form and execution.
2. The Borough Attorney shall notify the secretary of the Board that the performance guarantee is properly executed and can be placed on the agenda of the Board's next meeting.

C. Bonding and Cash Requirements

1. The performance guarantee shall be made payable to, and deposited with, Wildwood Crest Borough and shall be in the form of either cash, a certified check, or other financial instrument acceptable to the Borough Attorney, or a performance bond in which the owner shall be principal provided by an acceptable surety company licensed to do business in the State of New Jersey. The Borough shall issue its receipts for such deposits and shall cause the same to be deposited in a bank named by the municipality in the name of the Borough. The said deposits shall be retained as security for completion of all requirements and shall be returned to the owner upon completion of all required work, or, in the event of default on the part of the owner, shall be used by the Borough to pay the cost and expense of obtaining completion of all requirements.
2. Ten (10) percent of the amount of the approved performance guarantee estimate shall be deposited by the owner in cash with the Borough. The remaining 90 percent may be in cash or surety bond. In the event of default, the ten percent fund herein mentioned shall be first applied to the completion of the requirements and the cash or surety bond shall thereafter be resorted to, if necessary, for the completion of the requirements. The cash or surety bond shall recite the foregoing provisions.

D. Inspection and Tests

1. All improvements and utility installations shall be inspected during the time of their installation by the Borough Engineer. On-site private improvements relating to drainage, landscaping and circulation as shown on an approved final subdivision or site plan, shall also be subject to inspection and approval by the Borough Engineer. The

cost of said inspection shall be the responsibility of the owner who shall deposit with the Borough treasurer, by cash or certified check, the inspection charge fee as stated in the Borough Fee Ordinance.

2. In no case shall any improvements or utility installation be done without permission from the Borough Engineer. At least two (2) working days notice shall be given to the Borough Engineer prior to any construction so that he or a qualified representative may be present at the time the work is to be done.
3. Streets shall not be paved with a wearing course until all heavy construction is completed. Shade trees shall not be planted until all grading and earth moving is completed. The seeding of grass and the placing of the surveyor's monuments shall be among the last operations. No underground installations shall be covered until inspected and approved by the Borough Engineer.
  - a. Roadway sub-grade prior to placing sub-base material and/or bituminous stabilized base course material.
  - b. The bituminous stabilized base course material after complete compaction and prior to applying bituminous material tack coat for the bituminous concrete surface course.
  - c. Bituminous concrete surface course material while it is being laid.
  - d. Finished bituminous concrete surface course pavement.
  - e. Concrete curb and sidewalks, when the forms are laid and the sub-grade is leveled and tamped prior to placing concrete, also during the placing and finishing of the concrete.
  - f. Such inspections as the Borough Engineer shall deem necessary of the pipe drains, inlets, municipal utilities lines and appurtenances, etc. while pipes, etc., are being laid and prior to back filling trenches, inlets and manholes while being constructed.
4. The Borough Engineer's office shall be notified after each of the following phases of the work has been completed so that he or a qualified representative may inspect the work:
  - Road sub-grade.
  - Curb and gutter forms.
  - Curbs and gutters.
  - Road paving.
  - Sidewalk forms.
  - Sidewalks.
  - Drainage pipes and other drainage construction.
  - Street name signs.
  - Monuments.
  - Sanitary sewers.
  - Detention and/or retention basins.
  - Topsoil, seeding and plantings.
5. Inspection by the Borough of the installation of improvements and utilities shall not operate to subject Wildwood Crest Borough to any future liability, including liability for

claims or suits, that may arise because of defects or negligence during construction or at any time thereafter; it being recognized that the responsibility to maintain safe conditions at all times during construction and to provide proper utilities and improvements is upon the owner and his contractors, if any.

6. Upon the completion or substantial completion of all required utility improvements, and the connection of same to the public system, the obligor may notify the governing body in writing, by certified mail in care of the Borough Clerk, of the completion or substantial completion of the improvements and shall simultaneously send a certified copy of such notice to the Borough Engineer. Within thirty (30) working days following receipt of the notice, the Borough Engineer shall inspect all the improvements of which such notice has been given and file a detailed report, in writing, within ten (10) working days after the inspection to the governing body, indicating either approval, partial approval or rejection of such improvements with a statement of the reasons for any total or partial rejection. The costs of the improvements as approved or rejected shall be set forth.
- E. Release. The governing body shall approve, partially approve or reject the improvements, on the basis of the report from the Borough Engineer, and shall notify the obligor, in writing, by certified mail, of the contents of the engineer's report and the action of the governing body not later than 65 days after the receipt of the notice of the obligor of the completion or substantial completion of the improvements. Failure of the governing body to send or provide such notification to the obligor within 65 days shall be deemed to constitute approval of the improvements and the obligor and surety, if any, shall be released from all liability pursuant to the performance guarantee for such improvements.
1. Where partial approval is granted, except as set forth hereinafter, the obligor shall be released from all liability pursuant to the performance guarantee for such improvements, except for that portion deemed to be required to secure provision of the improvements not yet approved. The Borough may retain 30 percent of the performance guarantee posted to ensure the completion of all improvements and that said 30 percent may be applied against all improvements, regardless of when completed.
  2. If any portion of the required improvements is rejected, the obligor shall complete such improvements and, upon completion, shall notify the governing body and same procedures shall be followed as in the first instance.
- F. Conditions and Acceptance of Improvements. The approval of any application for development by the Borough shall in no way be construed as acceptance of any street or drainage system, or any other improvement, nor shall such approval obligate the Borough in any way to exercise jurisdiction over such street or drainage system or other improvement. No improvement shall be accepted by the governing body unless and until all of the following conditions are met:
1. The Borough Engineer shall have certified in writing that the improvements are complete and that they comply with the requirements of this chapter;
  2. The final application for development shall have been approved by the Board;
  3. The owner shall have filed with the governing body a maintenance guarantee in an amount equal to not more than 15 percent of the cost of installing the improvements, to run for a period of two (2) years. The procedures and requirements governing such maintenance guarantee shall be identical with the procedures and requirements

for a performance guarantee set forth in this ordinance. The requirements for a maintenance guarantee may be waived by the governing body only if the Borough Engineer has certified that the improvements have been in continuous use for not less than two (2) years from the date the Borough Engineer certified completion of such improvements and that during this period the owner has maintained the improvements in a satisfactory manner; and

4. Prior to the acceptance by the Borough of any street or other improvement in a subdivision, or release of performance bond covering same, there shall be filed with the Borough Engineer a deed of dedication containing a metes and bounds description of all easements; two (2) paper prints, plus one (1) reproducible polyester film tracing (matte finish, base thickness-0.003 inches), "as built" plans and profiles drawn to a scale of one (1) inch equals five (5) feet vertically, which plans and profiles shall be based on a final survey and shall be in the U.S. Coast and Geodetic Control Survey datum. Such drawing shall show how streets and other improvements were actually constructed or installed. The following data must be shown with measurements from the property lines:
  - a. Plans and profiles of the streets showing elevations as constructed and reference bench marks.
  - b. Plans and profiles of sanitary storm sewers showing elevations of inverts of manholes and catch basins and elevations of inlet gratings and manhole rims; also locations of sanitary sewer laterals dimensioned from main and reference dimensions to "T" or "Y" connections from manholes.

Upon submission of the deeds for easements and the "as built" plans and profiles to the Borough Engineer, the governing body will consider the acceptance of any improvement and final release of the performance guaranty covering same within a period of not less than thirty (30) nor more than sixty (60) days following the submission by the developer of said deed and "as built" plans.

#### 85-141 Off-Tract Improvements.

- A. Improvements required. Developers shall be required, as a condition for approval of a subdivision or site plan, to pay their pro rata share of the cost of providing reasonable and necessary street improvements and water, sewerage and drainage facilities and easements located outside the property limits of the subdivision but necessitated or required by construction or improvements within the subdivision. The following criteria shall be utilized in determining a developer's proportionate or pro rata share of necessary off-tract improvements.
- B. Improvements to be constructed at sole expense of developer. In cases where the reasonable and necessary need for an off-tract improvement or improvements is necessitated or required by the proposed development application where no other property owners receive a special benefit thereby, the applicant may be required, as a condition of approval, at the applicant's sole expense, to provide for and construct such improvements as if such were an on-tract improvement in the manner provided hereafter and otherwise provided by law.
- C. Other improvements. In cases where the need for any off-tract improvement is necessitated by the proposed development application and where it is determined that properties outside the development will also be benefited by the improvement, the following criteria shall be utilized in determining the developer's proportionate share of such improvements:

1. Sanitary sewers. For distribution facilities, including the installation, relocation or replacement of collector, trunk and interceptor sewers and the installation, relocation or replacement of other appurtenances associated therewith, the applicant's proportionate share shall be computed as follows:

a. The capacity and the design of the sanitary sewer system shall be based on Rules and Regulations for the Preparation and Submission of Plans for Sewerage Systems, New Jersey Department of Environmental Protection.

b. Developer's pro rata share.

(1) The capacity of the existing system to service the entire improved drainage area shall be computed. If the system is able to carry the total developed drainage basin, no improvement or enlargement cost will be assigned to the developer. If the existing system does not have adequate capacity for the total developed drainage basin, the prorated enlargement or improvement share shall be computed as follows:

$$\frac{\text{Total enlargement or improvement cost}}{\text{Developer's cost}} = \frac{\text{Total tributary gallons per day}}{\text{Development gallons per day}}$$

(2) If it is necessary to construct a new system in order to develop the subdivision, the prorated enlargement share to the developer shall be computed as follows:

$$\frac{\text{Total project cost}}{\text{Total project cost}} = \frac{\text{Total tributary gallons per day to new system}}{\text{Total tributary gallons per day to new system}}$$

(3) The plans for the improved system or extended system shall be prepared by the developer's engineer. All work shall be calculated by the developer and approved by the Borough Engineer.

2. Roadways. For street widening, alignment, channelization of intersections, construction of barriers, new or improved traffic signalization, signs, curbs, sidewalks, trees, utility improvement uncovered elsewhere, the construction or reconstruction of new or existing streets and other associated streets or traffic improvements, the applicant's proportionate cost shall be determined as follows:

a. The Borough Engineer shall provide the applicant's engineer with the existing and anticipated peak-hour flows for the off-tract improvement.

b. The applicant shall furnish a plan for the proposed off-tract improvement, which shall include the estimated peak-hour traffic generated by the proposed development. The ratio of the peak-hour traffic generated by the proposed development to the future peak-hour traffic shall form the basis of the proportionate share. The prorated share shall be computed as follows:

$$\frac{\text{Total cost of the roadway improvement}}{\text{Total cost of the roadway improvement}} = \frac{\text{Future peak-hour}}{\text{Future peak-hour}}$$

$$\frac{\text{and/or extension}}{\text{Developer's cost}} = \frac{\text{traffic}}{\text{Future peak-hour traffic generated by the development}}$$

3. Drainage improvements. For storm water and drainage improvements, including the installation, relocation or replacement of storm drains, culverts, catch basins, manholes, rip-rap or improved drainage ditches and appurtenances thereto and the relocation or replacement of other storm drainage facilities or appurtenances associated therewith, the applicant's proportionate share shall be determined as follows:

- a. The capacity and the design of the drainage system to accommodate storm water runoff shall be based on a method described in Urban Hydrology for Small Watershed Technical Release 55, Soils Conservation Service, U.S. Department of Agriculture, January 1975, as amended, and shall be computed by the developer's engineer and approved by the Borough Engineer.
- b. The capacity of the enlarged, extended or improved system required for the subdivision and areas outside of the developer's tributary to the drainage system shall be determined by the developer's engineer, subject to approval of the Borough Engineer. The plans for the improved system shall be prepared by the developer's engineer and the estimated cost of the enlarged system calculated by the Borough Engineer. The prorated share for the proposed improvement shall be computed as follows:

$$\frac{\text{Total enlargement or improvement cost of drainage facilities}}{\text{Developer's cost}} = \frac{\text{Total tributary cubic ft. per second}}{\text{Development cubic ft. per second}}$$

- D. Escrow accounts. Where the proposed off-tract improvement is to be undertaken at some future date, the moneys required for the improvement shall be deposited to the credit of the Borough in a separate account until such time as the improvement is constructed. If the off-tract improvement is not begun within ten (10) years of deposit, all moneys and interest shall be returned to the applicant.
- E. Computation of pro rata share. In any case in which an applicant shall not provide the approving authority with the estimates of a traffic consultant and/or consulting engineer with regard to estimated improvement costs and all other information necessary to proportion costs, the approving authority may rely on the estimates of the Borough Engineer.

ARTICLE XIX  
ADMINISTRATION, ENFORCEMENT, VIOLATIONS, AND PENALTIES

85-142 Administration. These rules, regulations and standards shall be considered the minimum requirements for the protection of the public health, safety, and welfare of the citizens of the Borough of Wildwood Crest. Any action taken by the appropriate municipal agency, under the terms of this ordinance, shall give primary consideration to the above mentioned matters and to the welfare of the entire community. However, if the applicant or his agent can clearly demonstrate that, because of peculiar conditions pertaining to his land, the literal enforcement of one (1) or more of these regulations is impracticable or will exact undue hardship, the appropriate municipal agency may permit one or more exceptions as may be reasonable and within the general purpose and intent of the rules, regulations, and standards established by this ordinance.

Section 85-143- Enforcement . (Entire Section 85-143 Rev. 12/06, Ord. No. 1022)

- A. For any and every violation of the provisions of this ordinance but excluding illegal or unsafe signs, the owner, contractor or other person or persons interested as lessee, tenants or otherwise in any building or premises where such violations have been committed or shall exist and who refuse to abate such violation within seventy-two (72) hours after written or verbal notice has been provided. The Borough reserves the right to immediately remove any sign determined to be a threat to public health, safety or welfare.
- B. This ordinance shall be administered and enforced by the zoning officer or any authorized representative of the Borough of Wildwood Crest or any proper officer of the Borough of Wildwood Crest.  
The construction official shall cause any site improvements, building or structure to be inspected or examined and to order in writing compliance with the terms of this ordinance from a construction standpoint. For purposes of such inspection, the construction official shall have the right to enter any building or premises during reasonable hours, subject to due process of law.

85-143 Enforcement.

- A. For any and every violation of the provisions of this ordinance, the owner, contractor, or other person or persons interested as lessee, tenants, or otherwise, in any building or premises where such violations have been committed or shall exist, and who refuses to abate such violation within five (5) days after written notice has been served upon him, either by registered mail or by personal service, shall be subject to a fine.
- B. This ordinance shall be administered and enforced by the Zoning Officer of the Borough of Wildwood Crest or any proper officer of the Borough of Wildwood Crest. All zoning and building permits, and certificates of occupancy as required by this Ordinance shall be issued by the Construction Official.

The Construction Official shall cause any site improvements, building, or structure to be inspected or examined and to order in writing compliance with the terms of this ordinance. For purposes of such inspection the Construction Official shall have the right to enter any building or premises during reasonable hours, subject to due process of law.

85-144 Certificate of Occupancy.

- A. The following shall be unlawful until a certificate of occupancy shall have been applied for and issued by the Construction Official:
  - 1. Occupancy and use of a building erected, reconstructed, restored, altered, or moved, or any change in use of an existing building;
  - 2. Occupancy, use, or any change in use of vacant land;
  - 3. Any change in use of a non-conforming use; and
  - 4. Occupancy and use of any enlargement to an existing structure.

A certificate of occupancy shall be deemed to authorize, and is required for, both initial occupancy and the continued occupancy and use of the building or land to which it applies.

- B. It shall be the duty of the Construction Official to issue a certificate of occupancy only when:
  - 1. The structure or part(s) thereof and the proposed use of the structure(s) and land conform to this ordinance and all other applicable codes and ordinances of the Borough;
  - 2. Prior conditional use, site plan, subdivision and variance approvals, as may be necessary, have been granted by the appropriate municipal agency or municipal agencies in accordance with the provisions of this ordinance and the proposed structure or part(s) thereof and the proposed use of the structure(s) and land comply with all conditions and requirements imposed as part of such approvals;
  - 3. All local taxes and assessments on the property have been paid; and
  - 4. A letter from each utility company has been received by the Borough stating that the utility has been inspected, has been installed in accordance with the approved plan and is ready for use.

- C. A fee shall be charged for each certificate of occupancy in accordance with the fee ordinance of the Borough of Wildwood Crest.
- D. A certificate of occupancy shall be granted or denied in writing within 20 days from the date that a written notification is filed with the Construction Official that the erection of the structure is completed, unless additional time is agreed upon by the applicant in writing. If the application is denied the Construction Official shall state the reason for such denial on two (2) copies of the application and return one (1) copy to the applicant.
- E. With respect to any finally approved subdivision and/or site plan or subsection thereof, a certificate of occupancy shall be issued only upon completion of such portion of the following improvements as may be deemed by the Borough Engineer to be needed to serve the premises being offered for occupancy:
  - 1. Curbs.
  - 2. All utilities.
  - 3. Water supply and sewerage treatment facilities, which shall be functioning and servicing the property in question.
  - 4. Storm drainage facilities.
  - 5. Rough grading of the property.
  - 6. Base course of the street or streets serving the property.
  - 7. Base course of driveways and parking areas.
  - 8. Street names and traffic regulatory signs.
- F. With respect to any individual residential lot within a subdivision, a certificate of occupancy shall be issued only upon the completion of the following improvements, in addition to those listed herein above, to the extent the same are required as part of a subdivision approval:
  - 1. Sidewalks.
  - 2. Driveway aprons.
- G. A copy of any issued certificate of occupancy shall be kept on file at the premises affected and shall be shown to the Construction Official upon request.
- H. A temporary certificate of occupancy may be issued by the Construction Official for any structure or use for which approval has been granted although not all conditions of said approval have been complied with. Such temporary certificate of occupancy shall be issued only in extenuating circumstances and only subject to specific terms and conditions including, but not limited to, a timetable for achieving full compliance with all such conditions and for the completion of all required improvements and the receipt of a performance guarantee assuring the installation of the improvements as indicated on the approved plat or plan.

85-145 Violations and Penalties.

Any person violating any of the provisions of this ordinance shall, upon conviction, be punished by a fine of not less than \$100.00 or more than \$1,250.00 and/or by imprisonment for a term not

exceeding six (6) months or community service not exceeding ninety (90) days. Every day that such offense continues after notice thereof shall be deemed a separate offense. (Rev. 12/06, Ord. No. 1022)

The owner of any building or structure, lot or land, or part thereof, and/or the tenant or occupant of any building or structure, lot or land, or part thereof, where anything in violation of this ordinance shall be placed or shall exist or be suffered, allowed or permitted to exist; and any architect, builder, developer, contractor, agent, person or corporation engaged in connection therewith and who assists in the commission of any such violation, shall each be guilty of a separate violation, and upon conviction thereof shall each be liable to the fine or imprisonment or both specified above.

In case any building or structure is erected, constructed, reconstructed, altered, moved or converted; or any building, structure or land is used in violation of or contrary to the provisions of this ordinance, the Borough may institute an action to enjoin or any other appropriate action or proceeding to prevent such erection, construction, reconstruction, alteration, conversion or use. However, nothing in this ordinance shall be construed to restrict the right of any party to obtain a review by any court of competent jurisdiction according to law.

85-146 Selling Land Before Final Subdivision Approval. If, before final subdivision approval has been granted, any person, as owner or agent, transfers or sells or agrees to transfer or sell any land which forms a part of a subdivision for which municipal approval is required in accordance with the provision of this ordinance, except pursuant to an agreement expressly conditioned on final subdivision approval, such person shall be subject to a penalty not to exceed \$1,000 and each lot disposition so made be deemed a separate violation. In addition to the foregoing, the borough may initiate and maintain a civil action for injunctive relief and/or to set aside and invalidate any conveyance made pursuant to such a contract or sale, if a certificate of compliance has not been issued in accordance with N.J.S.A. 40:55D-56.

ARTICLE XX  
VALIDITY OF ORDINANCE

- 85-147 Separability. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.
- 85-148 Construction and Application of Regulations. These rules, regulations and standards shall be considered the minimum requirements for the protection of the public health, safety and welfare of the citizens of the Borough of Wildwood Crest. Any action taken by the governing body and the Planning Board, under the terms of this ordinance, shall give primary consideration to the above mentioned matters and to the welfare of the entire community. However, if the subdivider or his agent can clearly demonstrate that, because of peculiar conditions pertaining to his land, the literal enforcement of one (1) or more of these regulations is impracticable or will exact undue hardship, the Planning Board and the Zoning Board of Adjustment may permit such variance or variances as may be reasonable and within the general purpose and intent of the rules, regulations and standards established by this ordinance.
- 85-149 Repealer. All ordinances or parts thereof inconsistent with the terms of this ordinance are hereby repealed insofar as such inconsistency exists.
- 85-150 Effective Date. This Ordinance shall become effective ten (10) days after final passage. Publication shall be made as provided by law.

## APPENDIX\*

### PLANNING & ZONING BOARD MEETING ORGANIZATION

#### Planning Board

- A. Regular meetings shall be held on the first Thursday of each month at 7:00 p.m. at the Crest Pier, Ocean Avenue between Crocus and Heather Roads, except when such day is a recognized holiday. In that event, an alternative meeting date will be established at the beginning of the year when the Board prepares its annual schedule. If there are no applications pending before the Board in a particular month, the meeting scheduled for that month may be cancelled.
- B. All meetings of the Planning Board shall proceed as follows:
  1. Roll call and declaration of quorum
  2. Flag salute
  3. Statement by the presiding officer concerning notices, as required by the Open Public Meeting Act
  4. Reading and approval of minutes of previous meeting
  5. Approval of pending resolutions
  6. Completion of unfinished business reports
  7. Reports of committees
  8. Hearing of applications
  9. Assigning order of future hearings
  10. Review correspondence
  11. Comments from Commissioners and public
  12. Payment of bills
  13. New business
  14. Adjournment

#### Zoning Board

- A. Regular meetings shall be held on the third Tuesday of each month at 7:30 PM in the municipal court, unless such day shall be a recognized holiday. In that event, the regular meeting shall be held on the third Wednesday of that month.
- B. All meetings of the Zoning Board shall proceed as follows:
  1. Roll call and declaration of quorum

2. Flag salute
3. Statement by the presiding officer concerning notices, as required by the Open Public Meeting Act
4. Reading and approval of minutes of previous meeting
5. Approval of pending resolutions
6. Completion of unfinished business reports
7. Reports of committees
8. Hearing of applications
9. Assigning order of future hearings
10. Review correspondence
11. Comments from Commissioners and public
12. Payment of bills
13. New business
14. Adjournment

\* All items set forth in the appendix relating to Planning Board and Zoning Board matters have been included with the Land Development Ordinance as a convenience for the party submitting applications to the respective Boards. Items in the appendix shall not be considered as items incorporated into the Land Development Ordinance itself and may be modified by amendment of Board By-Laws. No Land Development Ordinance Amendment is required to change such items.