

Chapter 45

LAND USE PROCEDURES

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[HISTORY: Adopted by the Mayor and Council of the Borough of Wood-Ridge 2-16-1982 by Ord. No. 2-82. Other amendments noted where applicable.]

GENERAL REFERENCES

Violations and penalties — See Ch. 1, Art II.
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Zoning — See Ch. 248.

ARTICLE I
Title

§ 45-1. Title.

This chapter shall be known and may be cited as the "Land Use Procedures Ordinance of the Borough of Wood-Ridge."

ARTICLE II
Planning Board

§ 45-2. Establishment.

There is hereby established pursuant to P.L. 1975, c. 291, ¹ in the Borough of Wood-Ridge, a Planning Board of nine members, consisting of the following four classes:

- A. Class I: the Mayor.
- B. Class II: one of the officials of the municipality other than a member of the governing body, to be appointed by the Mayor, provided that if there is an Environmental Commission, the member of the Environmental Commission who is also a member of the Planning Board as required by N.J.S.A. 40:56A-1 shall be deemed to be the Class II Planning Board member if there are both a member of the Zoning Board of Adjustment and a member of the Board of Education among the Class IV or alternate members.

1. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

- C. Class III: a member of the governing body, to be appointed by it.
- D. Class IV: six other citizens of the municipality, to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, except that one member may be a member of a Zoning Board of Adjustment and one may be a member of the Board of Education. A member of the Environmental Commission who is also a member of the Planning Board as required by N.J.S.A. 40:56A-1 shall be a Class IV Planning Board member, unless there are 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 of the Environmental Commission shall be deemed to be the Class II member of the Planning Board.

§ 45-3. Terms of office.

- A. The term of the member composing Class I shall correspond with his official tenure. The terms of the members composing Class II and Class III shall be for one year or terminate at the completion of their respective terms 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 a Class IV member who is also a member of the Environmental Commission shall be for three years or terminate at the completion of his term of office as a member of the Environmental Commission, whichever comes first.
- B. The term of a Class IV member who is also a member of the Board of Education or the Board of Adjustment 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.
- C. The terms of all Class IV members first appointed pursuant to this chapter shall be so determined that, to

the greatest practicable extent, the expiration of such terms shall be evenly distributed over the first four years after their appointment as determined by resolution of the governing body; provided, however, that no term of any member shall exceed four years and further provided that nothing herein shall affect any present member of the Planning Board, all of whom shall continue in office until the completion of the terms for which they were appointed. Thereafter, all Class IV members shall be appointed for terms of four years, except as otherwise herein provided. All terms shall run from January 1 of the year in which the appointment was made, unless an appointment is made to fill an unexpired term.

§ 45-4. Alternate members. [Amended 1-17-2012 by Ord. No. 2012-4]

- A. There is hereby established pursuant to N.J.S.A. 40:55D-23.1 four alternate members of the Planning Board. Alternate members shall be appointed by the Mayor and shall meet qualifications of Class IV members. Alternate members shall be designated at the time of appointment by the Mayor as "Alternate No. 1," "Alternate No. 2," "Alternate No. 3," and "Alternate No. 4." The terms of the alternate members shall be for two years, except that the terms of the alternate members shall be such that the term of not more than two alternate members shall expire in any one year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two years. A vacancy occurring otherwise than by expiration of term shall be filled by the Mayor for the unexpired term only.
- B. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to

vote, Alternate No. 1 shall vote. If Alternate No. 1 is unavailable to cast a vote, then Alternate No. 2 shall vote in his stead and so on down the line.

§ 45-5. Vacancies in office.

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

§ 45-6. Organization.

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

§ 45-7. Attorney.

There is hereby created the office of Planning Board Attorney. The Planning Board may annually appoint and fix the compensation of, or agree upon the rate of compensation of, the Planning Board Attorney. The Board shall not, however, exceed, exclusive of gifts or grants, the amount appropriated by the governing body for said position.

§ 45-8. Experts and other staff.

The Planning Board may also employ or contract for the services of experts and other staff and services as it may deem necessary. The Board shall not, however, expend, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

§ 45-9. Powers and duties.

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

- A. To make and adopt and from time to time amend a Master Plan for the physical development of the Borough of WoodRidge, including any areas outside its boundaries which in the Board's judgment bear essential relation to the planning of the municipality, in accordance with the provisions of N.J.S.A. 40:55D-28.
- B. To administer the provisions of the Land Subdivision and Site Plan Review Ordinance of the Borough of Wood-Ridge² in accordance with the provisions of said ordinances and the Municipal Land Use Law, P.L. 1975, c. 291, N.J.S.A. 40:55D-1 et seq.
- C. To approve conditional use applications in accordance with the provisions of the Zoning Ordinance,³ pursuant to N.J.S.A. 40:55D-67.
- D. To participate in the preparation and review of programs or plans required by state or federal law or regulations.
- E. To assemble data on a continuing basis as part of a continuing planning process.
- F. To consider and make reports 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-26a and also to 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-26b.
- G. When reviewing applications for approval of subdivision plats, site plans or conditional uses, to grant to the same

2. Editor's Note: See Ch. 220, Subdivision of Land.

3. Editor's Note: See Ch. 248, Zoning.

extent and subject to the same restrictions as the Zoning Board of Adjustment:

- (1) Variances pursuant N.J.S.A. 40:55D-70c;
- (2) Direction pursuant to Section 25 of said Act⁴ for issuance of a permit for building or structure in the bed of a mapped street or public drainageway, flood control basin or public area reserved pursuant to Section 23 of said Act;⁵ and
- (3) Direction pursuant to Section 27 of said Act⁶ for issuance of a permit for a building or structure not related to a street.

Whenever relief is required 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.

- H. To perform such other advisory duties as are assigned to it by ordinance or resolution of the governing body for the aid and assistance of the governing body or other agencies or officers.
- I. Whenever the Planning Board shall have adopted any portion of the Master Plan, the governing body or other public agency having jurisdiction over the subject matter, before taking action necessitating the expenditure of any public funds, incidental to the location, character or extent of such project, shall refer the action involving such specific project to the Planning Board for review and recommendation in conjunction with such Master Plan and shall not act thereon without such recommendation, or

4. Editors Note: See N.J.S.A. 40:55D-34.

5. Editor's Note: See N.J.S.A. 40:55D-32.

6. Editor's Note: See N.J.S.A. 40:55D-36.

until 45 days have elapsed after such reference without receiving such recommendation. This requirement shall apply to action by a housing, parking, highway, special district or other authority, redevelopment agency, school board or other similar public agency, state, county or municipal [N.J.S.A. 40:55D-31 (Section 22)].

- J. At the request of the developer, the Planning Board shall grant an informal review of a concept plan for a development for which the developer intends to prepare and submit an application for development. The developer shall not be required to submit any fees for such an informal review. The developer 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.

§ 45-10. Minor subdivision classification.

- A. "Minor subdivision" shall be any subdivision of land which does not involve the creation of more than three lots, which does not involve the planned development, which does not involve any new street and which does not involve the extension of any off-tract improvements.
- B. The Planning Board may waive notice and public hearing of an application for development if the Planning Board or subdivision committee of the Board find that the application for development conforms to the definition of "minor subdivision" set forth in Subsection A of this section.
- C. Minor subdivision approval shall be deemed to be final approval of the subdivision by the Board, provided that the Board or said subcommittee may condition such approval on terms ensuring the provision of improvements pursuant to N.J.S.A. 40:55D-38, 55D-39, 55D-40 and 55D-53 (Chapter 291 of the Laws of 1975).

§ 45-11. Major subdivision classification.

- A. "Major subdivision" is any subdivision of land which is not classified as a minor subdivision.
- B. For all major subdivisions, the Planning Board shall hold a public hearing, with public notice given by publication in the official newspaper of the municipality, if there be one, or in a newspaper of general circulation in the municipality; and a notice of the hearing shall be given to the owners of all real property as shown on the current tax duplicate, located within 200 feet in all directions of the property which is the subject of such hearing and to other persons as required by N.J.S.A. 40:55D-12 and in following the procedures set forth in N.J.S.A. 40:55 D-12.
- C. As a condition of subdivision or site plan approval, the approving authority may require the installation and maintenance of on-tract improvements, and the regulations may require a developer to pay his pro rata share of the cost of off-tract improvements in accordance with N.J.S.A. 40:55D-42.

§ 45-12. Minor subdivision approval.

- A. Minor subdivision approvals shall be granted or denied within 45 days of the date of submission of a complete application to the Planning Board or within such further time as may be consented to by the applicant. **[Amended 10-20-1986 by Ord. No. 86-16]**
- B. Whenever review or approval of the application by the County Planning Board is required by N.J.S.A. 40:27-6.3, the Municipal Planning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.
- C. Approval of a minor subdivision shall expire 90 days from the date of Planning Board approval unless within such

period a plat in conformity with such approval and the provisions of the Map Filing Law,⁷ or a deed clearly describing the approved minor subdivision, is filed by the developer with the county recording officer, the Municipal Engineer, the Municipal Construction Official and the Municipal Tax Assessor. Any such plat or deed must be signed by the Chairman and Secretary of the Planning Board before it will be accepted for filing by the county recording officer.

- D. 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 years after the date of minor subdivision approval, provided that the approved minor subdivision shall have been duly recorded.

§ 45-13. Preliminary approval of major subdivisions.

- A. The developer shall submit to the administrative officer a plat and such other information as is reasonably necessary to make an informed decision as to whether the requirements necessary for preliminary approval have been met, provided that minor subdivisions shall not be subject to this section. The plat and any other engineering documents to be submitted shall be required in tentative form for discussion purposes for preliminary approval. If the application for development is found to be incomplete, the developer shall be notified within 45 days of submission of such application or it shall be deemed to be properly submitted.
- B. If the Planning Board required any substantial amendment in the layout of improvements proposed by the developer that have been the subject of a hearing, an amended application shall be submitted and proceeded upon, as in the case of the original application for development. The Planning Board shall, if the proposed

7. Editor's Note: See N.J.S.A. 46:23-9.9 et seq.

subdivision complies with the ordinance and the Municipal Land Use Law, grant preliminary approval to the subdivision.

- C. Upon submission of a complete application for a subdivision of 10 or fewer lots, the Planning Board shall grant or deny preliminary approval within 45 days of the date of such submission or within such further time as may be consented to by the developer. Upon submission of a complete application for a subdivision of more than 10 lots, the Planning Board shall grant or deny preliminary approval within 95 days of the date of such submission or within such further time as may be consented to by the developer. **[Amended 10-20-1986 by Ord. No. 86-16]**
- D. Whenever review or approval of the application by the County Planning Board is required by Section 5 of P.L. 1968, c. 285 (N.J.S.A. 40:27-6.3), the Municipal Planning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.

**§ 45-14. Time limit for exercise of ancillary powers.
[Amended 10-20-1986 by Ord. No. 86-16]**

Whenever the Planning Board is called upon to exercise its ancillary powers before the granting of a variance as set forth in § 45-9 of this chapter, the Planning Board shall grant or deny approval of the application within 95 days after submission by the developer of a complete application or within such further time as may be consented to by the applicant.

§ 45-15. Final approval of major subdivisions.

- A. Application for final subdivision approval shall be granted or denied within 45 days of submission of a complete

application or within such further time as may be consented to by the applicant.

- B. Whenever review or approval of the application by the County Planning Board is required by Section 5 of P.L. 1968, c. 285 (N.J.S.A. 40:27-6.3), the Municipal Planning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.
- C. Final approval of a major subdivision shall expire 95 days from the date of signing of the plat unless within such period the plat shall have been duly filed by the developer with the county recording officer. The Planning Board may, for good cause shown, extend the period for recording for an additional period not to exceed 190 days from the date of the signing of the plat.

§ 45-16. Preliminary site plan approval; minor site plan approval.

- A. The developer shall submit to the Secretary of the Planning Board, or to the Secretary of the Board of Adjustment in the case of a use variance, a site plan and such other information as is reasonably necessary to make an informed decision as to whether the requirements necessary for preliminary site plan approval have been met. The site plan and any engineering documents to be submitted shall be required in tentative form for discussion purposes for preliminary approval. If any architectural plans are required to be submitted for site plan approval, the preliminary plans and elevations shall be sufficient. If an application for development is found to be incomplete, the developer shall be notified in writing of determination of incompleteness within 45 days of deficiencies therein by the Board or the Board's designee from the submission of such application or it shall be deemed to be properly submitted.

- B. If the Planning Board or Board of Adjustment requires any substantial amendment in the layout of improvements proposed by the developer that have been the subject of a hearing, an amended application for development shall be submitted and proceeded upon, as in the case of the original application for development. The Planning Board shall, if the proposed development complies with this chapter and the Municipal Land Use Law, grant preliminary site plan approval.
- C. Upon the submission to the administrative officer of the Planning Board or the administrative officer of the Board of Adjustment in the case of a use variance, of a complete application for a site plan which involves 10 acres of land or less, and 10 dwelling units or less, preliminary approval shall be granted or denied within 45 days of the date of such submission or within such further time as may be consented to by the developer. Upon the submission of a complete application for a site plan which involves more than 10 acres or more than 10 dwelling units, the Planning Board shall grant or deny preliminary approval within 95 days of the date of such submission or within such further time as may be consented to by the developer. **[Amended 10-20-1986 by Ord. No. 86-16]**
- D. If an application for development conforms to the definition of "minor site plan," approval of same shall be deemed to be final approval of the site plan by the Board, provided that the Planning Board, or site plan subcommittee, if any, may condition such approval on terms insuring the provision of improvements pursuant to N.J.S.A. 40:55D-38, 55D-39, 55D-41 and 55D-53.
- E. Minor site plan approval shall be granted or denied within 45 days of the date of submission of a complete application to the administrative officer, or within such further time as may be consented to by the applicant. **[Amended 10-20-1986 by Ord. No. 86-16]**
- F. Whenever review or approval of the application by the County Planning Board is required by Section 8 of P.L.

1968, c. 285 (N.J.S.A. 40:27-6.6), the Municipal Planning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.

- G. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor site plan approval was granted shall not be changed for a period of two years after the date of minor site plan approval.

§ 45-17. Final site plan approval.

- A. The Planning Board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by ordinance for final approval and provided that the conditions of preliminary approval are met.
- B. Final approval shall be granted or denied within 45 days after submission of a complete application, or within such further time as may be consented to by the applicant.
[Amended 10-20-1986 by Ord. No. 86-16]
- C. Whenever review or approval of the application by the County Planning Board is required, the Municipal Planning Board shall condition any approval that it grants upon the timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.

§ 45-18. Time limit for simultaneous approvals.

The longest time period for action by the Planning Board, whether it is for subdivision, conditional use or site plan approval, shall apply.

§ 45-19. Effect of preliminary subdivision or site plan approval.

Preliminary approval of a major subdivision or a site plan shall, except as provided in Subsection D of this section, confer upon the applicant the following rights for a three-year period from the date of the preliminary 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 site plan approval pursuant to N.J.S.A. 40:55D-41, except that nothing herein shall be construed to prevent the municipality 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 subdivision plat or site plan, as the case may be.
- C. That the applicant may apply for and the Planning Board may grant extension 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. In the case of a subdivision of or site plan for an area of 50 acres or more, the Planning Board may grant the rights referred to in Subsections A, B and C above for such period of time, longer than three years as shall be determined by the Planning Board to be reasonable, taking into consideration the number of dwelling units and nonresidential floor area permissible under preliminary approval, economic conditions and the comprehensiveness of the development. The applicant may apply thereafter

and the Planning Board may thereafter grant an extension to preliminary approval for such additional period time as shall be determined by the Planning Board to be reasonable, taking into consideration the number of dwelling units and nonresidential floor area permissible under preliminary approval, the potential number of dwelling units and nonresidential floor area of the section or sections awaiting final approval, economic conditions and the comprehensiveness of the development, provided that if the design standards have been revised, such revised standards may govern.

§ 45-20. Effect of final subdivision or site plan approval.

- A. The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer pursuant to N.J.S.A. 40:55D-49, whether conditionally or otherwise, shall not be changed for a period of two years after the date of final approval, provided that, in the case of major subdivision, all rights conferred by this section shall expire if the plat has not been duly recorded within the time period provided. If the developer has followed the standards prescribed for final approval and, in the case of a subdivision, has fully recorded that plat as required in N.J.S.A. 40:55D-54, the Planning Board may extend such period of protection for an extension of one year but not to exceed three extensions. Notwithstanding any other provisions of this chapter, the granting of final approval terminates the time period of preliminary approval for the section granted final approval.
- B. In the case of a subdivision or site plan for a planned unit development or planned unit residential development or residential cluster of 50 acres or more or conventional subdivision or site plan for 150 acres or more, the Planning Board may grant the rights referred to in Subsection A of this section for such period of time longer than two years, as shall be determined by the Planning Board to be

reasonable taking into consideration the number of dwelling units and nonresidential floor areas permissible under final approval, economic conditions and the comprehensiveness of the development. The developer may apply for thereafter and the Planning Board may thereafter grant, an extension of final approval for such additional period of time as shall be determined by the Planning Board to be reasonable, taking into consideration the number of dwelling units and nonresidential floor area permissible under final approval, the number of dwelling units and nonresidential floor area remaining to be developed, economic conditions and comprehensiveness of the development.

§ 45-21. Power to grant exceptions; time limit for simultaneous approvals.

- 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 an ordinance adopted pursuant to this Article, 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 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 site plan review and approval of an ordinance adopted pursuant to this Article, 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.

- C. The Planning Board shall have the power to review and approve or deny conditional uses or site plans simultaneously with review for subdivision approval without the developer being required to make further application to the Planning Board or the Planning Board being required to hold further hearings. The longest time period for action by the Planning Board, whether it is for subdivision, conditional use or site plan approval, shall apply. Whenever approval of a conditional use is requested by the developer pursuant to this subsection, notice of the hearing on the plat shall include reference to the request for such conditional use.

§ 45-22. Procedure for filing of development applications by applicant. [Amended 10-20-1986 by Ord. No. 86-16]

Applications for development within the jurisdiction of the Planning Board pursuant to the provisions of P.L. 1975, c. 291,⁸ shall be filed with the administrative officer of the Planning Board. Applicant shall file at least 14 days before the date of the monthly meeting of the Board an original and eight copies of a sketch plat, an original and eight copies of applications for minor subdivision approval, an original and eight copies of application for major subdivision approval or an original and eight copies of an application for site plan review, conditional use approval or planned development. At the time of filing the application but in no event less than 10 days prior to the date set for hearing, the applicant shall also file all plot plans, maps or other papers required by virtue of any provision of this chapter or any rule of the Planning Board. The applicant shall obtain all necessary forms from the administrative officer of the Planning Board. The administrative officer of the Planning Board shall inform the applicant of the steps to be taken to initiate applications and of the regular meeting dates of the Board. The applicant shall pay any necessary filing fees established by the governing body.

8. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

§ 45-23. Signing of approved plats, site plans and conditional uses.

Approved plats for minor subdivision, preliminary major subdivisions and final major subdivision shall be signed by the Planning Board Chairman and Secretary. Approved site plans and conditional uses shall be signed by the Planning Board Chairman and Secretary.

§ 45-24. Citizens' Advisory Committee.

The Mayor may appoint one or more persons as a Citizens' Advisory Committee to assist or collaborate with the Planning Board in its duties, but such person or persons shall have no power to vote or take other action required of the Board. Such person or persons shall serve at the pleasure of the Mayor.

§ 45-25. Site Plan Review Advisory Board.

The Mayor may appoint a Site Plan Review Advisory Board for the purpose of reviewing all site plan applications and making recommendations to the Planning Board in regard thereto.

§ 45-26. Environmental Commission.

Whenever the Environmental Commission has prepared and submitted to the Planning Board and the Board of Adjustment an index of the natural resources of the municipality, the Planning Board or the Board of Adjustment shall make available to the Environmental Commission an informational copy of every application for development to either Board. Failure of the Planning Board or Board of Adjustment to make such informational copy available to the Environmental Commission shall not invalidate any hearing or proceeding.

§ 45-27. Rules and regulations.

The Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this chapter. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law of 1953 (N.J.S.A. 2A:67A-1 et seq.) shall apply.

ARTICLE III

Zoning Board of Adjustment**[Added 1-17-2012 by Ord. No. 2012-4⁹]****§ 45-28. Dissolution of Board.**

- A. The Zoning Board of Adjustment is dissolved in accordance with the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and the Planning Board shall exercise to the same extent and subject to the same restrictions all of the powers formerly exercised by the Zoning Board of Adjustment, but the Class I and the Class II members shall not participate in the consideration of applications for development which involve relief pursuant to Subsection d of Section 57 of P.L. 1975, c.291 (N.J.S.A. 40:55D-70).
- B. All references to the "Zoning Board," or "Board of Adjustment," or "Zoning Board of Adjustment" in any municipal ordinance are amended to refer to the "Planning Board" except where such reference is clearly inapplicable.

§ 45-29. through § 45-43. (Reserved)

9. Editor's Note: This ordinance also repealed former Art. III, Zoning Board of Adjustment, as amended.

ARTICLE IV
Provisions Applicable to Both Boards

§ 45-44. Conflicts of interest.

No member or alternate member of the Planning Board or Zoning Board of Adjustment¹⁰ shall act on any matter in which he has either directly or indirectly any personal or financial interest. Whenever any such member shall disqualify himself from acting on a particular matter, he shall not continue to sit with the Board on the hearing of such matter nor participate in any discussion or decision relating thereto. Any member other than a Class I member of the Planning Board, after a public hearing if he requests one, may be removed by the governing body for cause.

§ 45-45. Meetings.

- A. Meetings of both the Planning Board and Zoning Board of Adjustment¹¹ shall be scheduled no less often than once a month, and any meeting so scheduled shall be held as scheduled unless canceled for lack of applications for development to process.
- B. Special meetings may be provided for at the call of the Chairman or on the request of any two Board members, which meetings shall be held on notice to its members and the public in accordance with all applicable legal requirements.

10. Editor's Note: The Zoning Board of Adjustment was dissolved 1-17-2012 by Ord. No. 2012-4, and this ordinance provided that the Planning Board would exercise the same powers formerly exercised by the Zoning Board of Adjustment. See Art. III, Zoning Board of Adjustment, § 45-28, Dissolution of Board.

11. Editor's Note: The Zoning Board of Adjustment was dissolved 1-17-2012 by Ord. No. 2012-4, and this ordinance provided that the Planning Board would exercise the same powers formerly exercised by the Zoning Board of Adjustment. See Art. III, Zoning Board of Adjustment, § 45-28, Dissolution of Board.

- C. No action shall be taken at any meeting without a quorum being present.
- D. All actions shall be taken by majority vote of the members of the municipal agency present at the meeting, except as otherwise required by any provision of P.L. 1975, c. 291.¹²
- E. All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Law, P.L. 1975, c. 231.¹³ An executive session for the purpose of discussion and studying any matters to come before either Board shall not be deemed a regular or special meeting in accordance with these provisions.

§ 45-46. Minutes.

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

§ 45-47. Fees.

- A. Reasonable fees for applications, appeals or for the rendering of any service by the Planning Board or Zoning

12. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

13. Editor's Note: See N.J.S.A. 10:4-6 et seq.

Board of Adjustment¹⁴ or any member of their administrative staffs shall be provided for and adopted by ordinance.

- B. In the event that it becomes necessary for either Board to engage the services of legal, engineering, planning or other consultants to review plans, sketches, etc., and to submit reports or give opinions, the applicant shall be responsible to pay the charges made for such services. The charges of such consultants shall be reasonable and uniformly made. Such charges shall be paid by the applicant prior to final approval being given. At the discretion of the Boards, an amount in escrow may be required in anticipation of final charges. **[Added 10-20-1986 by Ord. No. 86-16]**

§ 45-48. Hearings.

- A. Rules. The Planning Board and Zoning Board of Adjustment¹⁵ shall make rules governing the conduct of hearings before such bodies, which rules shall not be inconsistent with the provisions of N.J.S.A. 40:55D-1 et seq. or of this chapter.
- B. Oaths. The officer presiding at the hearing or such person as he may designate shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties; and the provisions of the County and Municipal Investigations Law, P.L. 1953, c. 38 (N.J.S.A. 2A:67A-1 et seq.), shall apply.

14. Editor's Note: The Zoning Board of Adjustment was dissolved 1-17-2012 by Ord. No. 2012-4, and this ordinance provided that the Planning Board would exercise the same powers formerly exercised by the Zoning Board of Adjustment. See Art. III, Zoning Board of Adjustment, § 45-28, Dissolution of Board.

15. Editor's Note: The Zoning Board of Adjustment was dissolved 1-17-2012 by Ord. No. 2012-4, and this ordinance provided that the Planning Board would exercise the same powers formerly exercised by the Zoning Board of Adjustment. See Art. III, Zoning Board of Adjustment, § 45-28, Dissolution of Board.

- C. Testimony. 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.
- D. Evidence. Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence.
- E. Records. Each Board shall provide for the verbatim recording of the proceedings by either stenographic, mechanical or electronic means. The Board shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at his expense.
- F. Transcripts. The municipal agency, in furnishing a transcript of the proceedings to an interested party at his expense, shall not charge said interested party more than the maximum permitted in N.J.S.A. 2A:11-15. Said transcript shall be certified in writing by the transcriber to be accurate.

§ 45-49. Notice requirements for hearings.

Public notice of a hearing on an application for development shall be given, except for conventional site plan review, minor subdivisions, final approval pursuant to N.J.S.A. 40:55D-50 or minor site plan approval, and further provided that public notice shall be given in the event that relief is requested pursuant to N.J.S.A. 40:55D-60 or 55D-76 or part of an application for development otherwise excepted herein from public notice. The applicant should give notice thereof as follows:

- A. Public notice shall be given by publication in the official newspaper of the municipality at least 10 days prior to the date of the hearing.
- B. Notice of a hearing requiring public notice as above set forth shall be given to the owners of all real property as shown on the current tax duplicate or duplicates 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 condominium association, in the case of any unit owner whose unit has a unit above or below it; or to a horizontal property regime, in the case of any co-owner whose apartment has an apartment above or below it. Such notice shall be given by serving a copy thereof on the owner as shown on the said current tax duplicate or his agent in charge of the property or mailing a copy thereof by certified mail to the property owner at his address as shown on the said current tax duplicate. A return receipt is not required. 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, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation. Notice to a condominium association, horizontal property regime, community trust or homeowners' association, because of its ownership of common elements or areas located within 200 feet of the property which is the subject of the hearing, may be made in the same manner as to a corporation without further notice to unit owners, coowners or homeowners on account of such common elements. Notice of a hearing requiring public notice shall be given to public utilities and cable television companies in accordance with Subsection F hereof. **[Amended 5-11-1992 by Ord. No. 92-12]**
- C. Notice of hearings on applications for development involving property located within 200 feet of an adjoining municipality shall be given by personal service or certified mail to the Clerk of such municipality, which notice shall

be in addition to the notice required to be given pursuant to Subsection B of this section, to the owners of lands in such adjoining municipality which are located within 200 feet of the subject premises.

- D. Notice shall be given by personal service or certified mail to the County Planning Board of a hearing on an application for development of property adjacent to an existing County Master Plan, adjoining other county land or situate within 200 feet of a municipal boundary.
- E. Notice to state agencies. **[Amended 5-11-1992 by Ord. No. 92-12]**
- (1) Notice shall be given by personal service or certified mail to the Commissioner of Transportation of a hearing on an application for development of property adjacent to a state highway.
 - (2) Notice shall be given by personal service or certified mail to the Director of the Division of State and Regional Planning in the Department of Community Affairs of a hearing on an application for development of property which exceeds 150 acres or 500 dwelling units. Such notice shall include a copy of any maps or documents required to be on file with the Municipal Clerk pursuant to Section 6 of P.L. 1975, c. 291.¹⁶
- F. Notice to utilities. **[Amended 5-11-1992 by Ord. No. 92-12]**
- (1) Notice of hearings on applications for approval of a major subdivision or a site plan not defined as a "minor site plan" requiring public notice pursuant to this section shall be given by personal service or certified mail to the corporate secretary of all public utilities and the general manager of all cable television companies that own land or any facility or

16. Editor's Note: See N.J.S.A. 40:55D-10b.

that possess a right-of-way or easement within 200 feet in all directions of the property which is the subject of such hearing.

- (2) In addition to any notification requirement otherwise imposed under this section, an applicant seeking approval of a development which does not require notice, as provided in Subsection F(1) above, shall be required to provide notice, by personal service or certified mail, to the corporate secretary of any public utility and the general manager of any cable television company that possesses a right-of-way or easement situated within the property limits of the property which is the subject of the application for development approval under this subsection.
- G. All notices hereinabove specified in this section shall be given at least 10 days prior to the date fixed for hearing and the applicant shall file an Affidavit of Proof of Service with the Board holding the hearing on the application for development.
 - H. Any notice made by certified mail as hereinabove required shall be deemed to be complete upon mailing in accordance with the provisions of N.J.S.A. 40:55D-14.
 - I. Form of notice. All notices required to be given pursuant to the terms of this chapter shall state the date, time and place of the hearing, the nature of the matters to be considered and identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the Municipal Tax Assessor's office and the location and times at which any maps and documents for which approval is sought are available as required by law.
 - J. Notice pursuant to Subsections C, D, E and F of this section shall not be deemed to be required unless public notice as hereinabove set forth and notice pursuant to Subsection B of this section are requested.

§ 45-50. List of property owners furnished. [Amended 8-8-2000 by Ord. No. 2000-18; 11-12-2002 by Ord. No. 2002-17]

Pursuant to the provisions of N.J.S.A. 40:55D-12c, the Borough Clerk of the municipality shall, within seven days after receipt of a request therefor and upon receipt of payment of a fee not to exceed \$0.25 per name or \$10, whichever is greater, make and certify a list from the current tax duplicate of names and addresses of owners to whom the applicant is required to give notice pursuant to Article IV, § 45-49B, of this chapter.

§ 45-51. Decisions.

- A. Each decision on any application for development shall be reduced to writing and shall include findings of facts and conclusions of law based thereon.
- B. Failure of a motion to approve an application for development to receive the number of votes required for approval shall be deemed an action denying the application.
- C. The municipal agency may provide such written decision and findings and conclusions either on the date of the meeting at which the municipal agency takes action to grant or deny approval, or, if the meeting at which said action is taken occurs within the final 45 days of the applicable time period for rendering a decision on the application for development, within 45 days of such meeting by the adoption of a resolution of memorialization setting forth the decision and the findings and conclusions of the municipal agency thereon. An action resulting from the failure of a motion to approve an application shall be memorialized by resolution as provided above notwithstanding the time at which such action occurs within the applicable time period for rendering a decision on the application. The adoption of a resolution of memorialization pursuant to this subsection shall not be construed to alter the applicable time period for rendering

a decision on the application for development. Such resolution shall be adopted by a vote of the majority of the members of the municipal agency who voted for the action previously taken, and no other member shall vote thereon. Whenever a resolution of memorialization is adopted in accordance with this section, the date of such adoption shall constitute the date of the decision for purposes of the mailings, filings and publications required by §§ 45-51 and 45-52 of this Article. **[Amended 10-20-1986 by Ord. No. 86-16]**

- D. A copy of the decision shall be mailed by the Board within 10 days of the date of decision to the applicant or, if represented, to his attorney, without separate charge. A copy of the decision shall also be mailed to all persons who have requested it and who have paid the fee prescribed by the Board for such service. A copy of the decision shall also be filed in the office of the Municipal 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 those established for copies of other public documents in the municipality.

§ 45-52. Notice of decisions.

A brief notice of every final decision shall be published in the official newspaper of the municipality. Such publication shall be arranged by the Secretary of the Planning Board or Zoning Board of Adjustment,¹⁷ as the case may be, without separate charge to the applicant. Said notice shall be sent to the official newspaper for publication within 10 days of the date of any such decision.

17. **Editor's Note: The Zoning Board of Adjustment was dissolved 1-17-2012 by Ord. No. 2012-4, and this ordinance provided that the Planning Board would exercise the same powers formerly exercised by the Zoning Board of Adjustment. See Art. III, Zoning Board of Adjustment, § 45-28, Dissolution of Board.**

§ 45-53. Payment of taxes.

Pursuant to the provisions of N.J.S.A. 40:55D-39e and N.J.S.A. 40:55D-65h, every application for development submitted to the Planning Board or to the Zoning Board of Adjustment¹⁸ shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of such application or, if it is shown that taxes or assessments are delinquent on said property, any approvals or other relief granted by either Board shall be conditioned upon either the prompt payment of such taxes or assessments or the making of adequate provision for the payment thereof in such manner that the municipality will be adequately protected.

§ 45-54. Vote by member absent from portion of hearing.

When any hearing before the Planning Board or Board of Adjustment¹⁹ shall carry over two or more meetings, a member of the Board who was absent for one or more of the meetings shall be eligible to vote on the matter upon which the hearing was conducted, notwithstanding his absence from one or more of the meetings; provided, however, that such Board member has available to him a transcript or recording of the meetings from which he was absent and certifies in writing to the Board that he has read such transcript or listened to such recording.

18. **Editor's Note:** The Zoning Board of Adjustment was dissolved 1-17-2012 by Ord. No. 2012-4, and this ordinance provided that the Planning Board would exercise the same powers formerly exercised by the Zoning Board of Adjustment. See Art. III, Zoning Board of Adjustment, § 45-28, Dissolution of Board.

19. **Editor's Note:** The Zoning Board of Adjustment was dissolved 1-17-2012 by Ord. No. 2012-4, and this ordinance provided that the Planning Board would exercise the same powers formerly exercised by the Zoning Board of Adjustment. See Art. III, Zoning Board of Adjustment, § 45-28, Dissolution of Board.

§ 45-55. Appeals. [Amended 10-20-1986 by Ord. No. 86-16; 10-19-1987 by Ord. No. 87-29; 6-20-1988 by Ord. No. 88-9]

- A. Any interested party may appeal to the governing body any final decision of a Board of Adjustment²⁰ approving an application for development pursuant to Subsection 57d of the Municipal Land Use Law.²¹ Such appeal shall be made within 10 days of the date of publication of such final decision pursuant to N.J.S.A. 40:55D-10. The appeal to the governing body shall be made by serving the Municipal Clerk, in person or by certified mail, with a notice of appeal specifying the grounds thereof and the name and address of the appellant and name and address of his attorney, if represented. Such appeal shall be decided by the governing body only upon the record established before the Board of Adjustment.
- B. Notice of the meeting to review the record below shall be given by the governing body by personal service or certified mail to the appellant, to those entitled to notice of a decision pursuant to N.J.S.A. 40:55D-10 and to the board from which the appeal is taken at least 10 days prior to the date of the meeting. The parties may submit oral and written argument on the record at such meeting, and the governing body shall provide for verbatim recording and transcripts of such meeting pursuant to N.J.S.A. 40:55D-10.
- C. Transcripts; review by governing body.
- (1) The appellant shall, within five days of service of the notice of appeal pursuant to Subsection A hereof, arrange for a transcript pursuant to N.J.S.A. 40:55D-10 for use by the governing body and pay a deposit of \$50 or the estimated cost of such

20. Editor's Note: The Zoning Board of Adjustment was dissolved 1-17-2012 by Ord. No. 2012-4, and this ordinance provided that the Planning Board would exercise the same powers formerly exercised by the Zoning Board of Adjustment. See Art. III, Zoning Board of Adjustment, § 45-28, Dissolution of Board.

21. Editor's Note: See N.J.S.A. 40:55D-70d.

transcription, whichever is less; or, within 35 days of service of the notice of appeal, submit a transcript as otherwise arranged to the Municipal Clerk. Otherwise, the appeal may be dismissed for failure to prosecute.

- (2) The governing body shall conclude a review of the record below not later than 95 days from the date of publication of notice of decision below pursuant to N.J.S.A. 40:55D-10 unless the applicant consents in writing to an extension of such period. Failure of the governing body to hold a hearing and conclude a review of the record below and to render a decision within such specified period shall constitute a decision affirming the action of the board.

- D. The governing body may reverse, remand or affirm, with or without the imposition of conditions, the final decision of the Board of Adjustment²² approving a variance pursuant to N.J.S.A. 40:55D-70. The review shall be made on the record made before the Board of Adjustment.
- E. The affirmative vote of a majority of the full authorized membership of the governing body shall be necessary to reverse, remand or affirm, with or without conditions, any final action of the Board of Adjustment.²³
- F. An appeal to the governing body shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made unless the Board from whose action the appeal is taken certifies to the governing body, after the notice of appeal shall have been filed with

22. Editor's Note: The Zoning Board of Adjustment was dissolved 1-17-2012 by Ord. No. 2012-4, and this ordinance provided that the Planning Board would exercise the same powers formerly exercised by the Zoning Board of Adjustment. See Art. III, Zoning Board of Adjustment, § 45-28, Dissolution of Board.

23. Editor's Note: The Zoning Board of Adjustment was dissolved 1-17-2012 by Ord. No. 2012-4, and this ordinance provided that the Planning Board would exercise the same powers formerly exercised by the Zoning Board of Adjustment. See Art. III, Zoning Board of Adjustment, § 45-28, Dissolution of Board.

such Board, that by reasons of facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by order of the Superior Court on application upon notice to the Board from whom the appeal is taken and on good cause shown.

- G. The governing body shall mail a copy of the decision to the appellant or if represented then to his attorney, without separate charge, and for a reasonable charge to any interested party who has requested it, not later than 10 days after the date of the decision. A brief notice of the decision shall be published in the official newspaper of the municipality, if there be one, or in a newspaper of general circulation in the municipality. Such publication shall be arranged by the applicant unless a particular municipal officer is so designated by ordinance, provided that nothing contained herein shall be construed as preventing the applicant from arranging such publication if he so desires. The governing body may make a reasonable charge for its publication. The period of time in which an appeal to a court of competent jurisdiction may be made shall run from the first publication, whether arranged by the municipality or the applicant.
- H. Nothing in this chapter shall be construed to restrict the right of any party to obtain a review by any court of competent jurisdiction according to law.

§ 45-56. Disclosure of ownership interest.

- A. A corporation or partnership applying to a Planning Board or a Board of Adjustment²⁴ or to the governing body of a municipality for permission to subdivide a parcel of land into six or more lots or applying for a variance to construct

24. Editor's Note: The Zoning Board of Adjustment was dissolved 1-17-2012 by Ord. No. 2012-4, and this ordinance provided that the Planning Board would exercise the same powers formerly exercised by the Zoning Board of Adjustment. See Art. III, Zoning Board of Adjustment, § 45-28, Dissolution of Board.

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 ten-percent-or-greater interest in a partnership, subject to disclosure pursuant to Section 1 of this Act,²⁵ that corporation or partnership shall list the names and addresses of its stockholders holding 10% or more of its stock or ten-percent-or-greater interest in the partnership, as the case may be, and this requirement shall be followed by every corporate stockholder or partner in a partnership, until the names and addresses of the noncorporate stockholders and individual partners, exceeding the ten-percent ownership criterion established in this Act, have been listed.
- C. No Planning Board, Board of Adjustment²⁶ or municipal governing body shall approve the application of any corporation or partnership which does not comply with this Act.
- 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 ten-percent-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 the municipality in any court of

25. Editor's Note: "Section 1 of this Act" refers to § 1 of P.L. 1977, e.336. See N.J.S.A. 40:55 D-48.1.

26. Editor's Note: The Zoning Board of Adjustment was dissolved 1-17-2012 by Ord. No. 2012-4, and this ordinance provided that the Planning Board would exercise the same powers formerly exercised by the Zoning Board of Adjustment. See Art. III, Zoning Board of Adjustment, § 45-28, Dissolution of Board.

record in the state in a summary manner pursuant to the Penalty Enforcement Law (N.J.S.A. 2A:58-1 et seq.).²⁷

§ 45-56.1. Application submission requirements. [Added 7-9-2002 by Ord. No. 2002-8]

- A. The purpose of this section is to adopt a checklist outlining the requirements of submissions of all applications to the Planning Board and Zoning Board of Adjustment²⁸ of the Borough of Wood-Ridge. Such requirements shall be necessary to allow the Administrative Officer to rule on whether or not an application may be deemed complete and placed on the respective Board's agenda for a hearing.
- B. Procedural requirements.
- (1) Every application for development submitted to the Borough of Wood-Ridge for review by the Planning Board or Zoning Board of Adjustment²⁹ shall first be submitted to the Administrative Officer for a determination as to whether or not the application may be deemed complete. An application shall be deemed complete by the Administrative Officer if such application furnishes all required information as outlined in the Completion Checklist set forth in Schedule A below.³⁰ In the event that an applicant does not wish to supply all information as required in the Completion Checklist, applicant must request

27. Editor's Note: See now N.J.S.A. 2A:58-10 et seq. N.J.S.A. 2A:58-1 et seq. was repealed by L. 1999, c. 274.

28. Editor's Note: The Zoning Board of Adjustment was dissolved 1-17-2012 by Ord. No. 2012-4, and this ordinance provided that the Planning Board would exercise the same powers formerly exercised by the Zoning Board of Adjustment. See Art. III, Zoning Board of Adjustment, § 45-28, Dissolution of Board.

29. Editor's Note: The Zoning Board of Adjustment was dissolved 1-17-2012 by Ord. No. 2012-4, and this ordinance provided that the Planning Board would exercise the same powers formerly exercised by the Zoning Board of Adjustment. See Art. III, Zoning Board of Adjustment, § 45-28, Dissolution of Board.

30. Editor's Note: Said checklist is included at the end of this chapter.

that the specific submission requirement be waived. Each applicant shall be entitled to receive a copy of the Completion Checklist form.

- (2) The Administrative Officer shall notify each applicant, in writing, within 45 days of submission of the application, as to whether or not the application has been deemed complete and/or whether or not the application is deficient due to applicant's failure to furnish information as required pursuant to the Completion Checklist.

C. This section has been referred to the Land Use Agencies of the Borough of Wood-Ridge in accordance with the Municipal Land Use Act.³¹

ARTICLE V Miscellaneous Provisions

§ 45-57. Definitions.

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

§ 45-58. Repealer.

All sections of the Land Subdivision Ordinance, Zoning Ordinance, Site Plan Review Ordinance or any other ordinance of the Borough of Wood-Ridge which contains provisions contrary to the provisions of this chapter shall be and are hereby (to the extent of such inconsistency) repealed.

31. Editor's Note: See N.J.S.A. 40:55D:1 et seq.

§ 45-59. Pending applications.

All applications for development filed prior to the effective date of this chapter may be continued, but any appeals arising out of decisions made on any such application shall be governed by the provisions of §§ 45-43 and 45-55 of this chapter.

§ 45-60. Filing of copy of provisions.

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

§ 45-61. Enforcement. ³²

The governing body shall enforce this chapter and any regulations made and adopted hereunder. To that end, the governing body may require the issuance of specified permits, certificates or authorization as a condition precedent to the erection, construction, alteration, repair, remodeling, conversion, removal or destruction of any building or structure; the use or occupancy of any building, structure or land; and the subdivision or resubdivision of any land, and shall establish an administrative officer and offices for the purpose of issuing such permits, certificates or authorizations and may condition the issuance of such permits, certificates or authorizations upon the submission of such data, materials, plans, plats and information as is authorized hereunder and upon the express approval of the appropriate state, county or municipal agencies and may establish reasonable fees to cover administrative costs for the issuance of such permits, certificates and authorizations. In case any building or structure is erected, constructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this chapter or

32. Editor's Note: See also Ch. 1, General Provisions, Art. II.

other regulation made under authority conferred hereby, the proper local authorities of the municipality or an interested party, in addition to other remedies, may institute any appropriate action or proceedings, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

§ 45-62. Tolling of running of period of approval.

In the event that, during the period of approval heretofore or hereafter granted to an application for development, the developer is barred or prevented, directly or indirectly, from proceeding with the development otherwise permitted under such approval by a legal action instituted by any state agency, political subdivision or other party, to protect the public health and welfare or by a directive or order issued by any state agency, political subdivision or court of competent jurisdiction to protect the public health or welfare and the developer is otherwise ready, willing and able to proceed with said development, the running of the period of approval under this chapter or under any ordinance repealed by this chapter, as the case may be, shall be suspended for the period of time said legal action is pending or such directive or order is in effect.

LAND USE PROCEDURES

45 Attachment 1

Schedule A

Application Number _____

Checklist for Required Submissions to the Planning Board or
Zoning Board of Adjustment of the Borough of Wood-Ridge

All required submissions are to be made to the Administrative Officer and are due at the time of submission of the application.

	Complies	Deficient	Waiver Sought
I. REQUIREMENTS FOR ALL APPLICATIONS			
1. Information Sheet.			
2. Seven copies of the application form applicable to the type of approval requested, completely filled in. If any item is not applicable to the Applicant, it should be so indicated on the application form(s).			
3. (a) Applicant's affidavit that taxes are currently paid and up-to-date; or (b) Application for municipal determination of tax status and affidavit certifying that delinquent taxes shall be paid upon grant of approval by the Board and in conformance with ordinance requirements that the Board's final approval be conditioned upon payment of all subsequent taxes.			
4. Receipt indicating that all required fees (as set forth in the Fee Ordinance of the Borough of Wood-Ridge ¹) are paid.			
5. Fourteen copies of any required plot plan, site plan or subdivision plan completed in conformance with the requirements of all applicable ordinances of the Borough of Wood-Ridge and to be a maximum sheet size of 24 inches by 36 inches.			
6. If available prior to the hearing, 14 copies of any other supporting documentation which shall be presented to the Board in its consideration of the application.			

¹ Editor's Note: See Ch. 141, Fees.

WOOD-RIDGE CODE

	Complies	Deficient	Waiver Sought
I. REQUIREMENTS FOR ALL APPLICATIONS			
7. If Applicant is other than the owner of the subject property, a consent form executed by the owner authorizing the Applicant to proceed before the Board.			
8. Information as to ownership. If Applicant is a corporation or partnership, a list of 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, as required by N.J.S.A. 40:55D-48.1 and 40:55D-48.2.			
9. Names of proposed witnesses and their expertise, if any, if known at time of submission of application.			
10. Listing of all approvals including any variances, and/or exceptions being sought, with reference to the specific applicable ordinance provision(s) and an explanation of the reasons why such variance or exception is being requested.			
11. If public notice of the hearing on the application is required pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-12, and/or the ordinances of the Borough of Wood-Ridge, applicant shall submit a list of property owners within 200 feet of the subject property. The list shall include the names and addresses as shown on the municipal tax records. Applicant may apply to the administrative officer for a municipality-certified list of property owners within 200 feet of the subject property.			
12. Copies of any prior resolutions or other documentation regarding past decisions involving the property.			
13. Copies of any easements or deed restrictions or covenants affecting use of the premises.			
14. If Applicant is a corporation, name of attorney who shall be representing the Applicant.			
15. Applicant's affidavit that there are no delinquent water or sewer assessments levied against the property.			

LAND USE PROCEDURES

	Complies	Deficient	Waiver Sought
I. REQUIREMENTS FOR ALL APPLICATIONS			
16. A schedule of zoning requirements applicable to the property and a showing of whether or not the application is in conformance with such requirements. The schedule shall be indicated on the site plan. (This shall not be a requirement on applications for final major subdivision or site plan approval.)			
17. Except for final major subdivision or final site plan applications, floodplains and/or - wetlands delineated on the plans or, if none, certification by a licensed engineer that based on a review of the National Inventory Wetlands Map and a physical inspection of the premises, there are no wetlands or floodplains designated.			
18. Radial distance to nearest first aid and/or fire facility.			
19. A list, included in the application, of all other governmental agencies which must review the application and issue an approval thereon.			

WOOD-RIDGE CODE

ADDITIONAL REQUIRED SUBMISSIONS FOR
SPECIFIC TYPES OF APPLICATIONS

	Complies	Deficient	Waiver Sought
SUBDIVISION APPLICATION			
II. MINOR SUBDIVISION APPLICATION			
a) A signed and sealed survey prepared by a licensed surveyor drawn on a scale not less than 200 feet to the inch to enable the entire tract to be shown on one sheet. This survey shall show or include the following information:			
1. The location of that portion of the tract which is to be subdivided in relation to the entire tract.			
2. All existing structures and wooded areas within the portion to be subdivided and within 200 feet thereof.			
3. The names of all adjoining property owners			
4. The Tax Map sheet, block and lot numbers.			
5. All streets or roads and streams within 500 feet of the subdivision.			
6. Key map showing the entire subdivision and its relation to the surrounding areas using a 1,000-foot radius.			
7. Area in square feet of parcel to be subdivided and area of remainder parcel.			
8. Any road(s) to be dedicated.			
III. PRELIMINARY MAJOR SUBDIVISION APPLICATION			
a) The required submissions for this type of application shall consist of a plat drawn or reproduced at a scale of not less than one inch equals 50 feet and designed and drawn by a licensed New Jersey engineer. The plot shall include the following information:			
1. A key map showing the entire subdivision and its relation to surrounding areas using a 1,000-foot radius.			
2. The tract name, Tax Map sheet, block and lot numbers, date, reference meridian, graphic scale and the following names and addresses:			
(a) Name and address of record owner or owners.			
(b) Name and address of the subdivider.			

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	Complies	Deficient	Waiver Sought
(c) Name and address of person who - prepared the map.			
3. Acreage of the tract to be subdivided.			
4. Contours based on a one-foot internal and the high and low points and tentative cross-sections and center-line profiles for all proposed new streets.			
5. Plans of proposed utility layouts for storm and sanitary sewers and water service.			
6. Road cross-sections and construction details of pavements, curbs and storm drainage improvements and any proposed road dedications.			
7. Stormwater management design and calculations.			
8. Any driveways within 200 feet accessing the street on which the subject property is located.			
b) Landscaping plan.			
c) Lighting plan.			
d) Soil erosion and sediment control plan and details.			
IV. FINAL MAJOR SUBDIVISION APPLICATION			
a) A plat shall be submitted for this type of application and shall be drawn at the same scale as the preliminary plans. The final plat shall show the following:			
1. The date, name and location of the subdivision, name of owner, graphic scale and reference meridian.			
2. Tract boundary lines, right-of-way lines of streets, street names, easements and other rights-of-way, bearing and distances and curve data, land to be reserved or dedicated to public use, all lot lines and other site lines.			
3. The purpose and description of any easement or land reserved or dedicated to public use shall be designated.			
4. Block and lot numbers as assigned by the Borough Engineer if preliminary approval has been previously granted.			
5. Minimum building setback line on all lots and other sites.			
6. Location and description of all monuments.			

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	Complies	Deficient	Waiver Sought
7. Names of owners of adjoining land.			
8. Certification by engineer or surveyor.			
9. Owner's certification as to subdivision.			
10. Municipal approval signature spaces.			
b) Certification by Applicant that all conditions of any preliminary approval have been satisfied or if not, an explanation of what changes have been made along with copies of any governmental approvals required pursuant to any preliminary approvals.			
c) Certification by Applicant that any required performance bond and inspection fees have been posted with the Borough.			
V. REQUIREMENTS FOR SITE PLAN APPLICATIONS			
a) All site plans submitted shall be drawn at a scale not smaller than one inch equals 50 feet, shall be signed and sealed and shall contain the following information.			
1. Name and title of person preparing map.			
2. Date, scale and North point.			
3. Tax Map Sheet, block and lot number, zoning district and zoning information.			
4. Surrounding property lines and the names of owners of such properties.			
5. Topographical information and survey of existing utilities within 200 feet (utilities may be indicated by note on the plan).			
6. The location of all natural and man-made facilities on the subject property and adjoining properties within 200 feet and a showing of easements affecting the site.			
7. The location of existing and proposed structures and uses within 200 feet showing the ground area covered by said structures, including all setback dimensions. The type of structure proposed shall be illustrated by accompanying floor plans and by front, rear and side elevation sketches drawn to scale. The location of any outside storage facilities shall also be shown.			
8. On-site parking and loading spaces and facilities, including calculations.			
9. Proposed on-site circulation system for both pedestrians and vehicular traffic, - including sidewalks.			

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	Complies	Deficient	Waiver Sought
10. Any proposed and existing signs and descriptive schedules.			
11. The location and identification of any proposed recreation areas.			
12. Identification of the type and location of public and private utilities and services for water and sewage disposal.			
13. Estimate of proposed use staffing requirements of the operation as they affect parking.			
14. Proposed plans for stormwater management and calculations.			
15. Any driveways within 200 feet accessing the street on which the subject property is located.			
b) Certified property survey including owner's name.			
c) Lighting plan.			
d) A landscaping plan shall be provided and buffer areas should be shown.			
e) Soil erosion and sediment control plan.			
VI. PLANNED DEVELOPMENT OPTION APPLICATIONS			
a) APPLICATION FOR AN OVERALL PLAN. For an application for approval of an overall plan, Applicant shall submit the following:			
1. A land use plan.			
2. A traffic circulation plan.			
3. A drainage plan.			
4. A green space plan.			
5. An environmental impact statement.			
b) APPLICATION FOR PDO SECTIONS. For subsequent applications for portions of an already approved overall plan, Applicant shall submit the following:			
1. A certification by the Applicant that the plan submitted conforms with:			
a) The approved overall development plan;			
b) The permitted uses;			
c) The permitted densities;			
d) The development standards of the Planned Development Option as of the date of the overall approval.			
2. Landscape plan.			

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	Complies	Deficient	Waiver Sought
VII. PLANNED RETIREMENT COMMUNITY APPLICATIONS (PRC)			
a) APPLICATIONS FOR AN OVERALL PLAN.			
A. An application for approval of an overall plan shall require the submission of a comprehensive site development plan for the overall tract which shall meet the following requirements:			
1. The outline of the tract proposed for use as a PRC, including the dimensions.			
2. Name and title of person preparing map.			
3. Date, scale and North arrow.			
4. Tax Map Sheet, block number and zone district in which the property is located.			
5. The location of all natural and man-made features on the site.			
6. The general topography of the tract showing ten-foot interval contours.			
7. The general location of the proposed collector streets in the PRC and their connections to existing public roadways.			
8. The proposed land uses for the entire site including recreational areas.			
9. A schedule of land uses by estimated acreage, including the number of dwelling units by type of structure for residential uses and the estimated floor area of the commercial use areas.			
B. An environmental impact statement.			
b) APPLICATION FOR PRC SECTIONS			
A. Subsequent applications for sections of an already approved overall plan shall require submission of an engineering and improvement plan for each section. Such a plan must include a map for the development of the section setting forth the following:			
1. Topography of existing and proposed contours at one-foot intervals.			
2. Location of all dwelling units intended to be contained in one master deed, garages, parking areas, roads and sidewalks.			
3. Locations, profiles and widths of all proposed roads with complete horizontal and vertical controls.			
4. The locations, profiles, sizes of all water mains, sanitary sewers and storm drains, together with drainage calculations.			

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	Complies	Deficient	Waiver Sought
5. All buildings, structures and uses, other than dwellings permitted and required in Section 13025A and B.2			
6. Architectural plans indicating typical floor plans; front, side and rear elevations; general design or architectural style; and information on the types of materials to be used.			
7 The location design, size and type of signs and a description of their lighting mechanisms.			
B. Certification by Applicant that section plan is in conformance with the overall plan and does not exceed permitted sectional density and/or if any changes have been made, the reasons therefor.			
C. Certification by Applicant that the overall approved plat has been filed in the County Clerk's Office.			
D. Landscaping plan.			
VIII. VARIANCE APPLICATIONS			
1. Identification of all sections of Zoning Ordinance from which relief is sought.			
2. Statement of reasons why variance(s) is needed.			
3. For bulk variances involving single- or two-family residences, a sketch plat or survey showing:			
(a) Existing and proposed development.			
(b) Setbacks.			
(c) Lot and building dimensions.			
4. For "d" variance applications, statement of legal basis for grant of variance which must include:			
(a) A list and explanation of the specific special reason(s) advanced - demonstrating that the proposed variance would not cause detriment to the intent and purpose of the Borough Zoning Ordinance. ³			
(b) Explanation of how requested variance would be consistent with goals and provisions of Master Plan.			

² Editor's Note: So in original.

³ Editor's Note: See Ch. 248, Zoning.

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	Complies	Deficient	Waiver Sought
(c) Reasons why proposed development would pose no substantial harm to surrounding properties or the Borough generally.			
(d) If proposed use is not "inherently beneficial" list and explain the unique features of site giving raise to variance and indicate particular suitability of site, as compared to other locations in Borough, for proposed use.			
5. For "d" variances and on the variance portion of a bifurcated application, a concept plan showing:			
(a) Existing development.			
(b) Proposed development.			
(c) Existing and proposed building dimensions and locations.			
(d) Lot dimensions.			
(e) Location of structures on adjoining and surrounding lots.			
(f) Lot lines of adjoining and surrounding lots.			
(g) Ordinance required setback lines.			
(h) Access location(s).			
(i) Master Plan section(s) relative to site in question and Master Plan section(s) relative to proposed use (if any).			
(j) Area map showing vicinity and location.			