

Use or “Special Reasons” variances application:

- a) Residential - **\$400** per dwelling unit
- b) Other uses - **\$450** per lot; with minimum fee of **\$450** and maximum fee of **\$4,000**
- c) Special Meeting held on a non-scheduled meeting night - **\$1,500**
- d) Time Extension - **\$100**

Site Plan Application:

- a) Preliminary Discussion - **\$250**
- b) Minor Site Plan - **\$350**
- c) Major Site Plan –
 - Preliminary Plat: **\$350** plus **\$50** per unit
 - Final Plat: **\$350** plus **\$50** per unit
- d) Revised or amended Minor, preliminary Major and/or Final Major Site Plan: 50% of original fee

3. Submit a check payable to The **Borough of Lavallette** covering an initial deposit to an **escrow** account for your application as follows:

Variances pursuant to N.J.S.A. 40:55D-(c) or (d) - **\$2,000**

Minor subdivision or re-subdivision - **\$600 per lot**

Preliminary Major subdivision application - **\$500 per lot**

Final Major subdivision - **\$350 per lot**

Revisions to Preliminary or Final subdivision - **\$300 per lot**

Conditional use - **\$1,250**

Time Extensions (Subdivisions or variances) - **\$150 per lot**

Appeal of application for interpretation pursuant to N.J.S.A. 40:55D-70(a) or (b) - **\$500**

Minor Site Plan **\$750**

Preliminary Major Site Plan: **\$1,000**, plus **\$100** per dwelling unit in the case of multiple-family units and/or \$0.10 per gross square footage of building area in the case of non-residential buildings.

Final major site plan: **\$500** plus **\$50** per dwelling unit in the case of multiple-family units and/or \$0.05 per gross square footage of building area in the case of non-residential buildings.

NOTE: Make sure you read and sign item 19 of Form A, which indicates the **conditions** of the escrow account.

4. The Board Secretary will obtain Proof of Paid Taxes from the Tax Collector and utility payments. You will be contacted immediately if there are outstanding taxes and/or utilities, and the application review will not continue until payment has been made.

5. Applicants who are owners of a condominium should either have the condominium association apply to the Planning Board or obtain a notarized affidavit from the Condominium Association showing that the association approves of the application and all of its particulars. A copy of the Master Deed should also be provided.

COMPLETENESS REVIEW:

1. The Secretary of the Planning Board will review your application package for compliance with the submission requirements, fees, escrow, and other administrative requirements.

2. The Planning Board Engineer will perform a technical review of the subdivision, conditional use, or variance application and will recommend whether or not your application may be deemed complete.

PLEASE NOTE: Any revised application, plans, maps, or documents are to be filed with the Board Secretary a **minimum of 10 calendar days before the next meeting** on the application.

3. When your application has been deemed complete, the Planning Board Secretary will inform you in writing of a hearing date. Do not assume that you are on the next month's agenda. Your application will be deemed complete or incomplete within 45 days of submission as required by law.

4. Upon notification by the Secretary that your application will be heard on a specific date, you are to publish and serve Notice of Hearing according to law as follows:

- A. Obtain** a copy of **Form B (Additional Notices)**, together with a Property Owners list for your specific property from the Planning Board Secretary with a check made payable to The **Borough of Lavallette** for **\$10**.

- B. Obtain** a copy of **Form C**, Notice of Hearing On Appeal Or Application, from the Board Secretary in order to send to each property owner within 200 feet of your property plus a copy to send to each of the appropriate organizations listed on **Form B**.
- C. Send** by certified mail, a copy of Form C to each property owner and other appropriate organizations. Alternatively, you may hand deliver Form C making sure you obtain a copy signed by the property owner in the space provided. Obtain a copy of **Form D, Affidavit of Service**, have the form notarized, and submit it with all proof of mailings (white certified mail receipts) to the Planning Board Secretary no later than three (3) days prior to the public hearing date. YOU DO NOT NEED TO SUBMIT THE RETURN RECEIPT (GREEN CARDS).
- D.** You must publish **Form C, Notice of Hearing on Appeal or Application** at least ten (10) days prior to the Planning Board Hearing date in the Ocean Star, 421 River Ave., Point Pleasant Beach, NJ 08742 or the Asbury Park Press, Asbury Park, NJ. The notice must describe the nature of the use of the property and must specify the sections of the Zoning Ordinance from which relief is sought.

Obtain a notarized copy of **Affidavit of Publication** from the newspaper and submit it to the Board Secretary no later than three (3) days prior to the meeting date.

NOTE: The applicant is not to give Public Notice of a hearing until the Secretary of the Planning Board deems the application complete and you have been notified of a hearing date.

PUBLIC HEARING PROCESS:

1. The Lavallette Planning Board is hearing your application as a *quasi-judicial* body, that is, the Board must take testimony and exhibits and make findings of fact and draw legal conclusions from the facts as produced by the testimony and other evidence presented at the public hearing in much the same way that a court would do. Thus, at your hearing, you and your witnesses will be asked (under oath) to describe to the Board the development and/or changes, modifications and/or improvements you propose to make and, if applicable, why you are entitled to relief according to law. The burden of proof is upon you, the applicant, to establish the elements of your case. The Board will reach a determination on your case based upon the findings of fact and, the proofs according to law.
2. If you are a residential property owner, you must appear in person and/or be represented by an attorney at your public hearing. However, applicants are cautioned that, particularly with **applications involving requests for variances and conditional use permits, there are specific requirements imposed by the Laws of the State of New Jersey**, and you may wish to consider seeking adequate legal advice. A business, condominium property or corporate owner **must** be represented by an attorney.
3. Following your testimony and that of each of your witnesses, any interested party will be given the opportunity to “cross examine” their testimony. When you have presented all of your testimony, all interested parties will be given an opportunity to speak out for or against your application.
4. When your application has been heard fully, the Board will make a determination based upon testimony from the applicant, professionals, and witnesses plus reports and reviews by various departments and outside agencies having jurisdiction over the matter. The Planning Board Attorney will be asked to prepare a Resolution of Approval or Denial. This resolution will be memorialized (acted upon) at the following meeting. You do not need to be present at the memorialization.
5. You must apply for a **Zoning Permit** after the resolution has been memorialized and before any construction permits can be issued or occupancy takes place.

ADJOURNMENTS

Adjournment requests for application hearings are based on good cause or emergent circumstances.

The first adjournment request may be made at any time. Any further adjournment requests must be made in writing to the Planning Board Secretary with copies mailed (regular mail) to all neighboring property owners on the mailing list at least five (5) days in advance of your new hearing date.

