

PROCEDURES AND SUGGESTIONS TO APPLICANTS

Borough of Lavallette Planning Board

Office of Secretary to the Planning Board

1306 Grand Central Avenue - Lavallette, NJ 08735
(732) 793-5105 or jdeutsch@lavallette.org
Office Hours: Wednesday & Thursday 9 a.m. to 3 p.m.
Office opens at 2:30 p.m. on Meeting dates

BEFORE SUBMITTING YOUR APPLICATION:

1. **Read** all instructions and forms in this handout and follow the suggestions as appropriate. The application forms request the minimum necessary information for the Board to make a fair and complete determination. Fill out the application carefully and completely. **Insufficient Information will only delay your hearing. All plans/maps must be FOLDED, not rolled; all reports must be bound.**

2. **Identify** the lot and block number of your property and the type of application, including all variances that are sought; this should preferably be included in a chart on the plans themselves. If you have not applied for a **Zoning Permit**, you must apply to the Zoning Officer who can assist in the identification of the variances that may be required under the zoning ordinance.

3. **Gather** all the information required and submit it to the Secretary of the Planning Board, or his or her representative, as one complete package together with the appropriate application fee and escrow. Two separate checks made payable to The Borough of Lavallette will be required. (An escrow is a separate account that covers due cost of review by the Board's Professional Engineer and Planner and their follow-up review or inspections. The Planning Board's Attorney is also paid from escrow for his work on your application. For more complex applications, the escrow may need to be replenished. Any unused balance, however, is returned to you after all activity on the application is complete.

4. **Submit** all applications for development to the Secretary of the Planning Board. There is no guarantee your application will be heard at the next available meeting since:

- a. The agenda may be filled with other applications.
- b. The review may find that your application is not complete and that additional work may be necessary on your part. The Secretary will inform you in writing of the date that your application will be heard after a review of your application and determination that it is complete.

SUBMITTING YOUR APPLICATION:

1. **Submit** fourteen (14) copies (3 originals must be notarized) of **Form A, Application to the Planning Board of the Borough of Lavallette** together with fourteen (14) collated copies of sealed plot plans, sealed architectural and building plans and any additional plans, reports, maps or data necessary for the Board to make a determination to the Secretary of the Planning Board. Also, please fill out and submit 3 copies of the appropriate Checklist with your application package.

2. **Submit** a check payable to the **Borough of Lavallette** for the non-refundable application fee as follows:

Land Use and Development Applications* (Subdivisions, conditional uses, etc.):

Minor subdivision - **\$500**

Preliminary major subdivision - **\$500 per lot**

Final major subdivision - **\$500 per lot**

Conditional use - **\$300**

Certificate of Nonconformance or Subdivision - **\$100**

Variance Applications*:

Appeals from Zoning Officer's order, requirement, decision, etc., Interpretation of Zoning Map or Ordinance or decision upon special questions - **\$300**

Application for bulk variances - **\$300**

A separate added fee for each additional bulk variance from which applicant seeks variance - **\$50 per variance**

When an application involves more than one of the above categories, the application fee shall be the sum of all fees for each category involved in the application.

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.

6. Corporate or other legal entity applicants must be represented by legal counsel at the hearing.

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, corporate or legal entity applicant **must** be represented by legal counsel at the hearing.
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.

ADJOURNMENTS

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

The first adjournment request may be made at any time. The matter must be placed on the agenda for the scheduled time and date. The Board may then carry the application to a date certain. If no exact date is presented by applicant. They must notice in accordance with the law for the new date.

PUBLICATION OF FINAL DECISION

A brief notice of every final decision shall be published in one of the official newspapers. The Secretary of the Planning Board will arrange publication of denials without separate charge to the applicant. The applicant shall arrange publication of approvals. The period of time in which an appeal of the decision may be made shall run from the first publication of the decision. The applicant shall submit proof of publication to the Secretary of the Planning Board.

ADDITIONAL GENERAL INFORMATION

REGULAR MEETINGS of the Planning Board of the Borough of Lavallette, NJ will be held at 7:00 p.m. in the Lavallette Municipal Building, 2nd floor, 1306 Grand Central Ave., Lavallette, NJ.

NOTE: Meeting dates are subject to change due to scheduling conflicts, holidays, inclement weather, cancellations, etc. Please inquire as to changes with the Planning Board Secretary or on our website: www.lavallette.org

- In the event that any development application requires more than two (2) hearing dates or should an applicant request and be granted a special meeting date, the Planning Board shall charge the Applicant an amount equal to the fee(s) that the Board pays to its Attorney and Planning Board Secretary. The cost of these services shall be charged against the initial deposit and such other additional deposits posted by the applicant
- **All APPLICATION FEES, ESCROW DEPOSITS AND PROPERTY TAXES** must be paid up-to-date before the application will be heard and before any **Zoning Permits, Construction Permits** and/or **Certificates of Occupancy** can be issued following any approval.
- **Any applications that are subject to CAFRA, NJ DEP. Ocean County Planning Board or NJ DOT jurisdiction may be delayed in obtaining any of the above permits until such time as the appropriate agency has acted.**

NOTE: These Instructions and Suggestions are an attempt to assist the applicant, and are not intended to be a complete list of requirements pursuant to the Municipal Land Use Law, other State Statutes and applicable ordinances of the Borough of Lavallette. The sole responsibility for presentation of the application and following procedural requirements is upon the applicant.