

APPLICATION PACKET

**Borough of Stone Harbor
Zoning Board of Adjustment
9508 Second Avenue
Stone Harbor, New Jersey 08247
(609)368-6814**

COVER PAGE/FORM INDEX

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APPLICATION OUTLINE

Stone Harbor Zoning Board of Adjustment FORM A-2

1. Introduction.

The purpose of this Outline is to highlight some of the requirements involved in applications made to the Stone Harbor Zoning Board of Adjustment for variance applications or other action. This Outline is not a complete summary of all legal and procedural requirements. All applications involve not only Zoning Board of Adjustment regulations and local ordinances, but also county and state laws and regulations, which are beyond the scope of this outline.

The applicant should not rely on the Application Outline alone, and should not hesitate to consult an attorney and/or planner. The following publications offer more complete information:

- Zoning Ordinance of the Borough of Stone Harbor
- New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.
- Zoning Board “Rules of Procedure” (copy attached)

2. Information Sources:

- Borough Zoning Officer, Borough Hall, 8:30 am to 4:00 pm, (609) 368-6813
- Zoning Board Secretary, Borough Hall, 8:30 am to 4:00 pm (609) 368-5102

3. Submission Requirements/Number of Copies

The original application, plus Twelve (12) copies (a total of Thirteen copies), must be submitted to the Zoning Officer along with drawings, plats, and other supporting documents. Each set shall not exceed 8 ½ x 11” in size (**FOLDED**). Payment of the application fee and the escrow fee is required at the time of submission.

4. Proof of Payment of Taxes

Every application shall be accompanied by a request for proof and certification by the Borough Tax Collector that no taxes or assessments for local improvements are delinquent on the property which is the subject of such application (RGO § 345.30). It is the applicant’s responsibility to ensure that proof of said payments is delivered to the Zoning Officer at least five (5) days before the hearing.

5. Determination of Completeness

The application is marked received by the Zoning Officer upon receipt, but official action and the time calculations commence only after it is declared complete in accordance with Chapter 345. If no determination regarding completeness is made within forty-five (45) days of receipt, the application will be automatically deemed complete.

6. Hearing Date

Upon a finding of completeness, the Board Secretary shall set a hearing date and notify the applicant of same in writing. The hearing date shall be within one hundred twenty (120) days of the date the application is determined to be complete. The Board Secretary shall distribute copies of the application, drawings, plat and documents to the Board Members, Alternates, Engineer (if applicable), and Solicitor for review. See "Rules of Procedure" for the hearing procedure.

7. Public Notice:

Pursuant to the New Jersey Municipal Land Use Law, many applications require a newspaper advertisement and other notices such as the notification by Certified Mail or personal service to owners of all property located within 200 feet of the subject property. The Tax Assessor will supply a list of the names and mailing addresses of such property owners for a fee. The applicant must comply with applicable notification requirements. Proof of notification must be submitted to the Board Secretary at least five (5) days before the hearing, if applicable.

8. Engineer's Report

Prior to the hearing date, the Board Engineer shall prepare a report as to the applicant's compliance with RGO Chapter 560, Zoning, and forward same to the Zoning Board Secretary; provided that the Board may waive this requirement at the applicant's request or upon the Board's initiative.

9. Additional Requirements

Approval by the Stone Harbor Zoning Board of Adjustment is conditioned upon the applicant's receipt of all required county, state and other approvals.

APPLICATION FOR ZONING BOARD ACTION

Stone Harbor Zoning Board of Adjustment FORM A-10

Case Number _____ Hearing Date _____

FOR OFFICE USE ONLY		
Date Received		By:
Review Deadline		By:
Incomplete		By:
Complete		By:
Hearing Deadline		By:

Property Information

Street Address _____

Block & Lot No(s) _____

Zoning District _____ Dimensions _____

Applicant's Name & Address* _____

Owner's Name & Address: _____

- * If Applicant is not Owner, attach authorization of owner or Agreement of Sale.
- * If applicant is a corporation, partnership, or other business entity, list on attached Form A-12 all stockholders or partners owning ten percent (10%) or more of the Applicant, and their respective addresses.

1. Specify which power(s) the Zoning Board is required to exercise:

- | | |
|--|------------------------------|
| () Hardship Variance | N.J.S.A. 40:55D-70(c)(1) |
| () Broad "C" Variance | N.J.S.A. 40:55D-70(c)(2) |
| () Special Reasons Variance | N.J.S.A. 40:55D-70(d)(_____) |
| () Approval of Minor Subdivision | N.J.S.A. 40-55D-47 |
| () Approval of Major Subdivision | N.J.S.A. 40-55D-48 |
| () Granting of Conditional Use | N.J.S.A. 40-55D-67 |
| () Granting of Site Plan Approval | N.J.S.A. 40-55D-37 |
| () Interpretation of Zoning Map or Ordinance | N.J.S.A. 40:55D-70(b) |
| () Building Permit in mapped street, etc. | N.J.S.A. 40:55D-76(a) |
| () Appeal from decision of Administrative Officer | N.J.S.A. 40:55D-70(a) |
| () Other – Specify _____ | |

2. List all drawings, plot plans, plats, maps, or other documents filed with this application pursuant to N.J.S.A. 40-55D-10(b):

3. Present use of Subject Property (describe) _____

4. Proposed use of Subject Property (describe) _____

5. If subdivision is proposed, is the subdivision to be filed by deed or plat? _____

6. If subdivision is proposed, provide number of:

Existing Lots: _____ Proposed Lots: _____

7. Have any variances or zoning interpretations previously been obtained from the Planning Board or Zoning Board of Adjustment for the subject property? If so, explain and attach a copy of all resolutions, etc.

9. Have all other governmental approvals been obtained? _____. If not, indicate what other governmental approvals have been, or are being applied for.

10. Have any of the lands in question been classified as environmentally impacted or sensitive area(s)? _____ Or wetlands? _____

11. Provide the approximate cost of Project (including "hard" and "soft" costs): \$ _____.

12. Provide the name, address and phone numbers of the following, if applicable:

Applicant's Attorney: _____

Applicant's Engineer: _____

Applicant's Planner: _____

Other Professionals: _____

13. Attached hereto as Schedule I is a detailed narrative description of the entire Application, including but not limited to (1) the present size, location and character of the Subject Property; and (2) the proposed development for which approval is sought.
14. Are any variances requested as part of this application? _____. If so, the applicant must attach a narrative identified as "Schedule II", setting forth (i) the specific ordinance requirements from which relief is sought; (ii) the basis for the variances pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-70; and (iii) the reasons why the requested variances should be granted, with specific reference to the basis upon which the applicant asserts both the "positive" and "negative" criteria have been established as required by N.J.S.A. 40:55D-70.
15. Are any waivers requested as part of this application? _____. If so, the applicant must attach a list of requested waivers identified as "Schedule III", setting forth the specific provisions from which waivers are sought and the reasons why the requested waivers should be granted.

I hereby certify that all answers and information set forth herein are true to the best of my knowledge.

Date

Signature of Applicant

APPOINTMENT OF AGENT
(Optional)

Stone Harbor Zoning Board of Adjustment
FORM A-11

Applicant's Name & Address: _____

Owner's Name & Address: _____

Subject Property - Street Address: _____

Block & Lot No(s). _____

The Applicant hereby appoints _____

as Applicant's Agent for all purposes concerning the above-referenced Zoning Board Application, and does agree to accept, as Applicant's own act and deed, all acts performed by said Agent concerning the matter.

Date _____

Applicant

Date _____

Applicant

**CERTIFICATE OF OWNERSHIP OF APPLICANT
AS REQUIRED BY NEW JERSEY LAW
(N.J.S.A. 40:55D-48, et. seq.)**

**Stone Harbor Zoning Board of Adjustment
FORM A-12**

Listed below are names and addresses of all owners of 10% or more of stock/interest in the undersigned applicant corporation, partnership, or other business entity*:

NAME	ADDRESS
1)	_____
2)	_____
3)	_____
4)	_____
5)	_____
6)	_____
7)	_____
8)	_____
9)	_____
10)	_____

* Applicant shall submit an additional form A-12 for each business entity identified above.

Signature of Officer/Partner

Date

Name of Applicant Corporation/Partnership

REAL ESTATE TAX STATUS REPORT

Stone Harbor Zoning Board of Adjustment FORM A-13

Property Information

Street Address _____ Block/Lot _____

Applicant's Name & Address: _____

Owner's Name & Address: _____

Applicant must submit this form with Application. The Board Secretary or Administrative Officer will forward this form to the Tax Collector for completion.

TO BE COMPLETED BY THE BOROUGH TAX COLLECTOR

Are taxes delinquent on any property involved? _____

Are assessments for local improvements delinquent? _____

Is a Borough lien on the property in effect? _____

☐ I hereby certify that no tax or assessment delinquency exists for the involved property through the date of _____, 20____.

☐ A review of the Borough's records indicates the following tax or assessment delinquency:

Stone Harbor Tax Collector

Date: _____

FINANCIAL DISCLOSURE STATEMENT
(Escrow Fees)

Stone Harbor Zoning Board of Adjustment
FORM A-14

Pursuant to local ordinance, I understand that additional escrow fees may be charged at a later date: I herewith agree to pay these additional charged fees. If I fail to pay these fees when requested, I understand that the Borough will also charge reasonable attorney's fees for the collection of these fees.

(Please Print Name)

(Daytime Phone)

(Billing Address)

(Signature)

(Date)

Note: This application will be deemed incomplete if all information above is not fully completed.

**REQUEST FOR CERTIFIED PROPERTY OWNERS' LIST
(Addresses within 200')**

**Stone Harbor Zoning Board of Adjustment
FORM A-17**

Submit to Tax Assessor's Office with Ten (\$10.00) Dollar Fee

Applicant: _____

Block: _____

Lot: _____

Property Location: _____

I authorize the Tax Assessor's Office to compile a listing of property owners (including adjacent municipalities and utility owners) and mailing addresses located within a 200-foot radius of the above-mentioned property.

Authorized Signature

Date

☐ Please call me when the list is complete at: _____

☐ Please mail the list to the following address: _____

NOTICE OF APPLICATION FOR ZONING BOARD ACTION

Stone Harbor Zoning Board of Adjustment FORM A-18

TO BE SERVED BY THE APPLICANT ON OWNERS OF PROPERTY LOCATED WITHIN
200 FT. OF SUBJECT PROPERTY AND PUBLISHED IN THE OFFICIAL NEWSPAPER.
MAILING AND PUBLICATION MUST BE COMPLETED
AT LEAST 10 DAYS BEFORE THE HEARING DATE

PLEASE TAKE NOTICE that the undersigned has filed an Application for Development with the Zoning Board of Adjustment of the Borough of Stone Harbor, New Jersey, requesting (provide description of requested approval including a detailed description of all requested variances):

for the premises known as _____
(Block No.) (Lots No(s))

located at _____
(Address)

A public hearing has been scheduled for _____, 20_____, at 6:00 p.m., in the Municipal Building at 9508 Second Avenue, Stone Harbor, New Jersey, at which time you may appear either in person or by attorney, and present any objection which you may have to the granting of this application. Letters will not be accepted in lieu of personal appearance at this hearing.

Maps and documents, if any, relating to this Application will be available for public inspection beginning not less than ten (10) days prior to the hearing date in the office of the Zoning Officer, Municipal Building, 9508 Second Avenue, Stone Harbor, New Jersey 08247, during regular business hours.

This Notice is sent to you by the Applicant by order of the Zoning Board of Adjustment in compliance with N.J.S.A. 40:55D-1, et seq.

Applicant's Name and Address

AFFIDAVIT OF MAILING AND PUBLICATION

Stone Harbor Zoning Board of Adjustment FORM A-19

Property Information

Street Address _____ Block/Lot _____

Applicant's Name & Address: _____

Owner's Name & Address: _____

STATE OF NEW JERSEY) ss:
COUNTY OF CAPE MAY)

_____, of full age, being duly sworn
according to law, on his/her oath, deposes and says:

1. I am the _____ in the
above captioned matter.

2. Attached hereto as EXHIBIT A is the certified list received from the Tax Assessor of all property owners and other parties to whom notice was required to be sent, showing the names and addresses of the persons served and the lot and block numbers of each person's property as same appear on the current Stone Harbor Tax Assessment List.

3. On _____, 20____, at least ten (10) days prior to the hearing date for this application, I gave notice to all property owners on the said Exhibit A by certified mail, return receipt requested. Copies of the certified mail receipts are attached hereto as EXHIBIT B.

4. A copy of the Notice of Hearing mailed to the property owners identified on Exhibit A is attached hereto as EXHIBIT C.

5. The Notice of Hearing on Application for Development was also published in _____, the official newspaper of the municipality on _____, 20____. Attached hereto as EXHIBIT D is a Proof of Publication received from the said official newspaper.

Print Name

Sign Name

Sworn and subscribed to before
me this ____ day of _____, 20____.

Notary Public
My commission Expires:

RULES OF PROCEDURE

Stone Harbor Zoning Board of Adjustment FORM A-50

The following Rules of Procedure have been adopted by the Stone Harbor Zoning Board of Adjustment (the "Board"), pursuant to N.J.S.A. 40:55D-8. The Municipal Land Use Law of the State of New Jersey, the ordinances of the Borough of Stone Harbor, and other applicable statutes and laws are incorporated herein by reference.

PRE- HEARING

1. **FILING APPLICATIONS FOR DEVELOPMENT** – Initial contact for basic guidance may be directed to the Zoning Board of Adjustment Administrative Officer, who is also the Stone Harbor Zoning Official, in Borough Hall. Applications for Development (which includes subdivisions, site plans, conditional uses, variances, etc.) shall be filed with the Administrative Officer of the Board on forms available from the Administrative Officer. Filing shall not be deemed to have been effective until all submissions are received by the Administrative Officer, including the payment of any filing fees and escrow fees which may be required. If an application is found to be deficient, the Applicant will be notified by the Administrative Officer. Official action and time calculations commence only when the application and all required submissions are received by the Administrative Officer. Unless otherwise permitted by the Administrative Officer, an original and 12 copies (total of 13), stapled in sets, folded 8 ½" x 11", of every document supporting the application, must be filed. Contemporaneous with the filing of an application herein applicant shall submit all application materials (**e.g. applications, plans, reports, project summary, checklist, exhibits to be used at the hearing, and other materials**) electronically by way of email to the Board Secretary at the email listed for the Board Secretary on the Zoning Board website, <https://stoneharbornj.org/departments/construction/>. Such applications shall be filed by the party having an interest in the development, his agent, or his attorney. All requests for action by the Board shall, to the extent practical, contain the information required on the Application for Development, shall contain a detailed statement of the action desired by the Board, and shall be filed in the manner set forth herein, together with any fees as may be required.
2. **FILING OF APPEALS** – Appeals to the Zoning Board of Adjustment, in accordance with N.J.S.A. 40:55D-72, shall be made within twenty (20) days of a decision or act appealed from, by filing a Notice of Appeal on a form approved by the Zoning Board of Adjustment with the Administrative Officer from whom the appeal is taken, and by filing an ORIGINAL and ELEVEN (1 + 11) COPIES of such Notice, together with all supporting documents, with the Secretary of the Zoning Board of Adjustment, Borough of Stone Harbor, together with any fee as may be provided for by ordinance. Appeals may be filed by any interested party, or his agent or attorney, provided that such interested party or his agent or attorney, appears and be prepared to proceed at the Hearing of the Appeal before the Board.
3. **DETERMINATION OF COMPLETENESS** - The application shall be dated by the Administrative Officer upon receipt, provided that all required submissions must accompany the application. In accordance with Chapter 345. The Administrative Officer shall make a

formal determination regarding the application's completeness (with the assistance of the Board Engineer, if necessary) within forty-five (45) days of receipt.

4. **DETERMINATION OF HEARING DATE** – Once the application has been deemed complete, the Board Secretary shall set a hearing date and notify the applicant in writing. The hearing date shall be no later than one hundred twenty (120) days from the date the application is deemed complete.
5. **DISTRIBUTION OF MATERIAL** – At least five (5) days prior to the hearing date, the Board Secretary shall distribute copies of the application, drawings, plats, and other submissions to the Board members and Board Solicitor.
6. (a) **APPOINTMENT OF AGENT** – Any person acting as an agent for a party filing any application shall have first filed with the Secretary of the Board evidence of the appointment of his agency on a form approved by the Board (Form A-11).

(b) **CORPORATION OR PARTNERSHIP** – If owner is a corporation or partnership, the names of all stockholders or partners owning 10% or more of applicant's business, must accompany the application.
7. **NOTICE** – (Applicant's Responsibility) – Applicant shall give the appropriate pre-hearing notices where required under N.J.S.A. 40:55D-12.

Public notice shall be given by the applicant's placing a notice in the official newspaper of this municipality, using the form provided by the Board Secretary or any other form that complies with the Municipal Land Use Law. An Affidavit of Publication, signed by an official of the newspaper, must be presented to the Board Secretary, five (5) days prior to the Hearing.

Personal notice or notice by Certified Mail (where required) shall be given to all owners of real property as shown on the current tax duplicate, located within 200 feet in all directions of the property which is the subject of the Hearing, including properties located in adjacent municipalities and utility owners. Notice shall be given on forms supplied by the Board or otherwise compliant with the Municipal Land Use Law by personally serving a copy thereof upon the property owner, or his agent in charge of said property, or by mailing a copy thereof by Certified Mail to the property owner at this address as shown on said current tax duplicate (proof of mailing required by the Board). Notice to a partnership may be made by service upon any partner; and notice to a corporation may be made by service upon its president, vice president, secretary or person authorized by appointment or law to accept service on behalf of the corporation. An Affidavit of Service, including a listing of the names and addresses of the property owners notified by Certified Mail, must be presented to the Board Secretary five (5) days prior to the Hearing (form is available from the Board).

Notice of all hearings 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, and an Affidavit of such service shall be presented to the Board prior to the Hearing.

Notice of a hearing involving property adjacent to a state highway shall be given by personal service or Certified Mail, Return Receipt Requested, to the Commissioner of Transportation, State of New Jersey, and an Affidavit of Service shall be presented to the BOARD prior to

the Hearing. Notice to a condominium association shall be given in accordance with N.J.S.A. 40:55D-12.

Notwithstanding the above, applicants shall refer to and comply with the provisions of N.J.S.A. 40:55D-12, et seq.

8. **PROOF OF PAYMENT OF TAXES.** Every application submitted shall include proof and certification by the Borough Tax Collector that no taxes or assessments for local improvements are delinquent on the property which is the subject of such application (Stone Harbor RGO § 345.30)
9. **MAPS, DRAWINGS, PLATS AND DOCUMENTS** – Pursuant to N.J.S.A. 40-55D-10(b), any maps or documents for which approval is sought at a Hearing, shall be on file and available for public inspection at least ten (10) calendar days prior to the date of the Hearing, during normal business hours, in the office of the Administrative Officer (Zoning Officer).

For subdivision applications, in addition to copies of drawings, etc., required with the application, the following copies of the subdivision plat (drawing) are required at or before the Hearing for signature upon approval:

- a. Four (4) paper prints of the subdivision plat (drawing) FOLDED 8 ½" x 11"
- b. One (1) linen print of the subdivision plat – ROLLED, not folded
- c. One (1) Mylar type copy of the subdivision plat – ROLLED, not folded

If the application is approved:

Item "a" goes to the Zoning Official, Tax Assessor, Tax Collector and Zoning Board of Adjustment file, with copies of the DECISION.

Items "b" and "c" are immediately signed and returned to the applicant for his filing with the County Clerk. Secretary to obtain a signed receipt for these drawings, using Form B-6.

Resubmission of the above Mylar, linen and paper prints is required for signature and distribution if a revision of the drawings is required as a result of the Hearing procedure.

10. **MAJOR AND MINOR SUBDIVISIONS** – Applications for Development requesting subdivision approval shall be accompanied by a survey (plat) showing the existing and proposed lots and boundaries, and any existing structures and easements, certified by a Licensed Engineer of the State of New Jersey. The plat shall indicate square footage of the lot and subject structures and also the coverage percentages, and any other information required under local law or State statute. Pursuant to N.J.S.A. 40-55D-47, unless otherwise directed by the Chairman of the Board, the Board as a whole shall act as a subdivision committee under N.J.S.A. 40-55D-47. County Planning Board approval or review is required on all subdivisions.

DEFINITION OF MINOR AND MAJOR SUBDIVISIONS: A minor subdivision is that division of an existing parcel of land (which may consist of one or more Tax Map lots) into two (2) parcels (each of which may contain portions of one or more existing Tax Map lots), and which meets the further provisions of the Municipal Land Use Law definition of minor subdivisions. A major subdivision is any other subdivision of land.

HEARINGS AND MEETINGS

1. **TIMES AND PLACE** – The Board shall hold its regular monthly meeting, provided there is business to be brought before the Board, on the First Monday of each month at 6:00 p.m. in the Borough Hall, second floor, 9508 Second Avenue, Stone Harbor, New Jersey, unless revised from time to time by appropriate notice.
2. **THE AGENDA** – The Agenda for the meeting shall be substantially as follows:
 - a. Call to order.
 - b. Reading of “Open Public Meetings Act” Announcement.
 - c. Roll Call
 - d. Assignment of Alternate(s)
 - e. Introductions of Members and staff (for Hearing only—for record purposes)
 - f. Motion to accept the Minutes of the previous meeting in the form in which they have been prepared and filed by the Secretary
 - g. Correspondence
 - h. Consideration of Applications (caucus)
 - i. Old Business
 - j. New Business, other than Applications
 - k. Public Comment
 - l. Adjournment of the meeting.

The agenda may be altered by the Chairman in the interest of conducting an orderly and efficient meeting.
3. **PROCEDURE FOR APPLICATIONS FOR DEVELOPMENT AND APPLICATIONS FOR ZONING BOARD OF ADJUSTMENT ACTION** – The following rules will be observed during the Board’s conduct of any Hearing of an Application for Development or Application for Zoning Board of Adjustment action:
 - a. The Chairman shall call the case to be heard
 - b. The Chairman shall request proof from the Secretary that the Applicant has complied with the necessary notice requirements and shall accept such proof for filing. In the event that the notice requirements are not fully satisfied, the Board will proceed no further with the matter, which will be re-scheduled for hearing at its next Regular Meeting.
 - c. The applicant, or his attorney or agent, shall be permitted brief opening remarks after swearing in.
 - d. The applicant’s case shall be presented, including the testimony of all supporting witnesses and the introduction of all documents or physical evidence. Questions by Members of the Board or its attorney of the testifying witnesses shall be entertained at this time. Upon completion of the applicant’s case, he shall so advise the Board that the case is rested.
 - e. Testimony of other persons in attendance at the Hearing favoring the application shall be heard. Each person so testifying shall first be recognized by the Chair, rise and give his name, address and the location of his property within the municipality, if any, and thereafter proceed to the front of the hearing room and

be sworn in by the Board Solicitor. Such testimony shall be limited to the making of a statement or statements concerning the matter, followed by any specific question or questions of any specific witnesses who have previously testified. Each person shall be given one fair opportunity to be heard.

- f. Qualified persons objecting to the application shall be given an opportunity to be heard, and their testimony or questions shall be heard in accordance with the Procedure outlined immediately above.
 - g. When all objections have been heard, the Chair shall ask whether the applicant has any additional factual information which has not previously been admitted and will permit the admission of same. Thereafter, the Chair shall declare that the receipt of all testimony is closed.
 - h. The Chair shall permit the applicant, or his attorney or agent, to make a brief closing statement if desired.
 - i. The Board Solicitor shall provide an overview of the application to the Board, including a statement of the relevant legal standards governing the Board's review of the application.
 - j. The Board shall discuss the application, which said discussion shall be led by the Chairman who, at his discretion, may review the facts presented to the Board, so that the Board might make an accurate determination of those matters which have been proved to the Board's satisfaction. Upon agreeing upon these established facts, the Chairman may request the Solicitor's opinion on any matter, including whether the facts as presented and proved are sufficient under the law to grant relief.
 - k. At the close of the discussion by the Board, the Chairman shall (1) adjourn the matter pending further consideration of the Board; (2) adjourn the matter and request additional information to be supplied to the Board; (3) refer the matter to another municipal agency for their review and report back to the Board pursuant to the Municipal Land Use Law; or (4) request that a motion be made for determination of the matter, which motion shall contain any conditions or other proposed restrictions.
 - l. In the event a motion on the matter is made, the Chair shall request each Member to express his view on the matter and, when complete, the Chairman will request a Roll Call Vote on the Resolution.
 - m. The Chairman shall then announce the determination by the BOARD to those in attendance and shall refer the matter to the Solicitor for his preparation of a formal Resolution.
4. **MINUTES AND TRANSCRIPT** – Minutes of every Regular or Special Meeting shall be kept, which shall include but not be limited to the names and addresses of the persons appearing, the actions taken by the Board, the findings of the Board, and the reasons given by the Board for its actions. Minutes shall be available for public inspection and shall be maintained by the Office of the Secretary of the Board. In addition, the Board, through its Secretary, shall provide a verbatim stenographic or sound recording of the Meetings of the

Board, in accordance with N.J.S.A. 40:55D-10(f). The Secretary of the Board shall provide a copy of the Minutes or a copy of the transcript on request of any interested party at the expense of said party. These shall be in accordance with the Schedule of Fees adopted for the Board from time to time.

5. **FILES AND EVIDENTIARY MATERIAL** – The Secretary of the Board shall maintain a file on each matter coming before the Board, which said file shall contain a complete compilation of all papers filed in conjunction with each matter, and shall include all documentary evidence submitted to the Board, which said evidence shall be marked with an appropriate notation indicating that it has been accepted as an evidential Exhibit, in accordance with the custom and practice utilized by Certified New Jersey Court Reporters.

The Board Solicitor is hereby designated, pursuant to N.J.S.A. 40:55D-10, as that officer of the Board who shall administer oaths to persons testifying before the Board. The Secretary of the Board is designated as the officer authorized to issue subpoenas compelling the attendance of witnesses and the production of documents in accordance with the above-mentioned statute.

POST-HEARING

1. **WRITTEN DECISION** – The Board Shall embody its decision in a written resolution and shall, within ten (10) days of the date the written decision is adopted, forward such document to the applicant, without charge. Further, the Secretary shall file a copy of the resolution in the files, and make available said resolutions to any interested party, and shall provide such interested party a copy of such resolution upon the payment of the fee established therefore.
2. **NOTICE OF DECISION** - A brief notice of the decision shall be prepared by the Secretary and published by the Secretary in the official newspaper of the municipality within ten (10) days of the date the resolution is adopted. The Secretary shall obtain a Proof of Publication from the said newspaper and shall file such Proof of Publication in the Board's official records.
3. **MISCELLANEOUS** – In addition to the above, the Board shall exercise such powers, and adopt such directives, as it may be empowered by law to do, and transmit to the parties or municipal officials involved such determinations and directives.

FEES

In accordance with the provisions of the Municipal Land Use Law and the enabling ordinances of the Borough of Stone Harbor (345-24.), the Board hereby establishes the following Schedule of Fees, which such fees shall be made payable by check to the order of the "Borough of Stone Harbor" and delivered to the Administrative Officer unless otherwise indicated below. Fees for applications or for the rendering of any service by the Zoning Board of Adjustment or any professional designated by the Boards, or any of the professionals hired by the Borough, for the purpose of repaying technical, investigative and administrative expenses involved in processing the application shall be as follows: [Amended 7-5-2005 by Ord. No. 1237]

<u>CATEGORY</u>	<u>APPLICATION FEE</u>	<u>ESCROW FEE</u>
Subdivision, minor	\$550	\$1,000 per lot
Subdivision, major	\$550	\$1,000 per lot
Site plan, major (preliminary)	\$550	\$2,000
Site plan, major (final)	\$550	\$2,000
Informal review	\$550	\$1,000
Variances	\$550 per variance applied for	\$1,200 If site plan not required. \$2,000 If site plan is required.
Request for extension of time	\$100	\$100
Subdivision or site plan amendments	50% of the original fees	
Certified list of property owners		\$10
Tax Map changes resulting from Subdivisions and other applications creating new lots		\$300

Copy of Minutes, Proceedings and Notice of Decisions, Refer to Chapter 92, Art. I, of the Borough of Stone Harbor Code

MISCELLANEOUS INFORMATION AND NOTES

- a. "Days" refers to calendar days.
- b. If the applicant, or his attorney or agent, is absent from the Hearing, The Board reserves the rights to approve, deny or continue the application.
- c. Concerning the disposition of letters directed to the Board:

- 1) **Opinion letters relative to an application**

Any letter or petition offered as evidence or indicating an opinion on an application can be accepted by the Board only if the author is present at the Hearing and available for cross-examination. Otherwise, such correspondence shall not be considered by the Board.

Disposition will normally be determined by the Secretary with the advice of the Solicitor and the Chairman, if necessary. Such correspondence will be maintained in the Secretary's file and a Form B-5 sent as a reply to the sender.

- 2) **Letters or reports from experts (in response to a Zoning Board of Adjustment request)**

Such letters or reports are admissible if also made available to the applicant at the same time they are made available to Board Members. If it is forwarded to the Board Members prior to the Hearing, a copy should be sent to the applicant or his attorney or agent.

- 3) **Procedural Letters**

Any letter from a non-applicant requesting administrative action by the Board – such as a request to change the Hearing date – should be read at the Meeting, resolved, and answered. The Secretary may seek the advice of the Solicitor or the Chairman in responding to any such letters.

CASE STATUS REPORT

Stone Harbor Zoning Board of Adjustment FORM B-1

Case No. _____

Applicant/Appellant's Name _____

Subject Property (Street Address) _____

Block / Lot _____

Type of Application _____

DATE

Application received	_____
Determination of Completeness	_____
Hearing Date	_____
Notice of Hearing Date to Applicant	_____
Proof of Newspaper Ad received	_____
Affidavit of Service and Publication received	_____
Proof of Payment of Taxes received	_____

In the case of Subdivision:

One "Mylar", one linen plat print & 4 paper plat prints received	_____
One "Mylar", one linen plat print & 4 paper plat prints signed	_____
One "Mylar", one linen plat print, returned to Applicant	_____

Notice of Decision sent to Applicant	_____
Notice of Decision sent to Newspaper	_____
Notice of Decision sent to Tax Assessor, Tax Collector, and Zoning Official with final prints	_____
Received Approval (or waiver) from Cape May County Planning Board	_____
Received Approval (of waiver) from Cape Atlantic Soil Conservation District	_____
Received County Clerk's Notice of Filing	_____
Application runs out	_____

REQUEST FOR ENGINEER'S REPORT

Stone Harbor Zoning Board of Adjustment FORM B-2

To: Marc DeBlasio, P.E.

From: Zoning Officer for the Borough of Stone Harbor

Re: Case Number _____

Date: _____, 20____

Property Information

Address: _____ Block/Lot: _____

Applicant: _____

Owner: _____

Enclosed please find an Application for Zoning Board Action with copies of all accompanying submissions received by the Zoning Board on _____, 20____. Kindly provide a report on the enclosed application with your recommendation regarding a determination of completeness on or before _____, 20____ (30 days from the Board's receipt), including identification of any deficiencies in the said application which may cause same to be deemed incomplete.

Thank you.

NOTICE TO APPLICANT OF INCOMPLETE APPLICATION

Stone Harbor Zoning Board of Adjustment FORM B-3

Case No. _____

Application filed _____, 20__

Date: _____

Dear Applicant:

Your Appeal/Application to the Stone Harbor Zoning Board of Adjustment for the premises known as _____
(Case No. _____) has been deemed INCOMPLETE as per the enclosed correspondence from the Zoning Board Engineer. Upon receipt of the items identified in the attached correspondence, this matter will be reevaluated. Once the application is deemed complete, this matter will be scheduled for public hearing in accordance with the Stone Harbor Zoning Board of Adjustment Rules of Procedure. Thank you.

NOTICE TO APPLICANT OF PUBLIC HEARING DATE

Stone Harbor Zoning Board of Adjustment FORM B-4

Case No. _____

Application filed _____, 20__

Date: _____

Dear Applicant:

Your Appeal/Application to the Stone Harbor Zoning Board of Adjustment for the premises known as _____ has been given Case No. _____.

You are hereby notified that a public hearing on this Appeal/Application has been scheduled for _____, 20__, at 6:00 P.M., in the Municipal Building of the Borough of Stone Harbor, 9508 Second Avenue, Stone Harbor, New Jersey, at which time you or your agent must be present. Failure to appear will result in dismissal of your Appeal/Application, unless this requirement is waived by the Zoning Board Chairman.

Notice of the public hearing must be published and served at least ten (10) days prior to the hearing date in accordance with the Municipal Land Use Law and the Zoning Board's Rules and Regulations. A form of notice to be published and served and a form Affidavit of Mailing and Publication have been provided in the Stone Harbor Zoning Board of Adjustment Application Packet.

_____, Secretary
Stone Harbor Zoning Board of Adjustment

NOTICE REGARDING WRITTEN COMMENTS

Stone Harbor Zoning Board of Adjustment FORM B-5

Date _____

Re: Application No. _____
Block No. _____
Lot No(s). _____

Dear Sir or Madam:

This is to acknowledge your correspondence addressed to the Stone Harbor Zoning Board of Adjustment in the above-captioned matter.

Please be advised that such correspondence cannot be accepted, read, or considered by the Board unless the writer is present at the hearing and is available for cross-examination.

_____, Secretary
Stone Harbor Zoning Board of Adjustment

NOTICE AND DELIVERY OF MINOR SUBDIVISION PLAT

Stone Harbor Zoning Board of Adjustment FORM B-6

Case No. _____

Application filed _____, 20__

Date: _____

Dear Applicant:

The enclosed copies of the subdivision plat (drawing), consisting of one (1) linen print and one (1) "Mylar" type copy, have been signed by the Stone Harbor Zoning Board of Adjustment Chairman and Secretary as required by law.

IMPORTANT: These drawings MUST be filed with the Cape May County Clerk's Office within 190 days of the date on which the resolution of Zoning Board approval was adopted, or the approval will expire in accordance with N.J.S.A 40:55D-47(d). Note that Cape May County Planning Board signatures may also be required prior to filing.

SIGNED DRAWINGS RECEIVED BY

Applicant/Appellant's Signature

Date _____

Attachments as noted

One signed copy to Zoning Board File
One signed copy returned to Applicant w/drawings