

SUBDIVISION: FILING AND PROCESSING APPLICATION REQUIREMENTS

*Must be represented by an Attorney if the applicant is a business/or commercial LLC, Inc.

**New lot number(s) must be approved by the tax assessor

COMPLETENESS:

Within 45 days of submission, the Planning/Zoning Board Planner will review your application for "completeness" of the required submission checklist items (MLUL, NJSA 40:55D-10.3). Once deemed complete, the Board Secretary will schedule your application for the next available hearing date. Should your application be deemed "incomplete" you will be notified in writing of the deficiencies of the application. All requested information must be submitted or a waiver explicitly requested in writing.

***Please complete and submit the following documents to the Planning/Zoning Board Secretary:

- _____ 1. 20 copies Land Development Application completed & signed (1 original plus 19 copies). The application CAN NOT be accepted unless all questions are answered. If questions are not applicable, use N/A after those questions.
- _____ 2. 20 sets of folded plans. Plans must be prepared, signed and sealed by a professional licensed to practice in the State of New Jersey. Applicant's signature must be on the plans and property owner's signature, if not the same.
- _____ 3. Land Development Submission Checklist. Complete "Applicant Check" column and return one completed copy for file record. *Any item not submitted, request a waiver along with a written explanation.*
- _____ 3(a) List of Waivers requested from Land Development Submission Checklist

Secretary will forward plans to the Board Members, Environmental Commission and the following professionals for review:

- Board Solicitor: Dale T. Taylor, Esquire, 51 Forage Drive, Mickleton, NJ 08056
- Board Planner: Steven Bach, Bach Associates, 304 White Horse Pike, Haddon Heights, NJ 08035
- Board Engineer: Stan Bitgood, PE, CME, Federici & Akin, P.A., 307 Greentree Road, Sewell, NJ 08080
- Environmental Commission, Elk Twp, 680 Whig Lane, Monroeville, NJ 08343

- _____ 4. Major Subdivisions Additionally must provide plans for review to the following offices:
 - _____ Fire Marshal of Gloucester County, 680 Whig Lane, Monroeville, NJ 08343
 - _____ Chief of Police, 680 Whig Lane, Monroeville, NJ 08343
 - _____ Tax Assessor of Gloucester County, 1200 North Delsea Drive, Clayton NJ 08312
 - _____ Aura Elementary School Superintendent, 900 Clems Run, Glassboro, NJ 08028
- _____ 5. 1 copy of the County Subdivision Application for the Elk Twp. file. Send the original to Gloucester County Planning Board along with any required fees and five sets of plans (*see page 2, item #5 on County application – contact the County at 856-307-6658 or 856-307-6650 with any questions).
- _____ 6. Fees – Review fee schedule and submit required fees. Application Fee and *Escrow Fee are two separate checks. Make checks payable to "Elk Township." * *The Escrow Fee collected is an initial deposit and is an estimate of professional fees only and should not be considered as a minimum or maximum fee which may be required of the applicant to compensate the township for legal, engineering, planning or other professional services.*
- _____ 7. Escrow Agreement. Complete form and have notarized. This is an agreement establishing the responsibility for the payment of escrow obligations to the Township of Elk.
- _____ 8. "Affidavit of Applicant / Affidavit of Ownership" form. Complete both sections and have notarized.
- _____ 9. Tax Certification (taxes paid current). Complete form and submit to tax collector. The tax collector will certify that taxes are current and paid to date. Taxes must be paid current on the property for which an application is made.
- _____ 10. Corporate Disclosure Statement. Use form provided or submit a letter listing the names of all stockholders if application is from a corporation/partnership. If the application is from an individual, submit a letter stating such.
- _____ 11. Authorization for Contract Purchaser. Complete if applicable.

PUBLIC NOTICE:

**** Refer to "Service on Property Owners" included in Subdivision Packet for procedures /guidelines.**

- _____ 12. **200 Foot List Request Form.** Complete and forward request to the Municipal Clerk with the appropriate fee. Request will then be forwarded to Gloucester County Tax Assessor for certified list. The list may not be dated earlier than 60 days prior to the public hearing date. Serve the persons listed on the property owner's 200 foot list with a completed "Notice of Hearing Letter" by certified mail, return receipt.
***IF THE PROPERTY IS WITHIN 200 FEET OF ANOTHER MUNICIPALITY, YOU MUST ALSO NOTIFY THE CLERK OF THAT MUNICIPALITY AND ALSO OBTAIN A LISTING OF PROPERTIES WITHIN THAT MUNICIPALITY.**

- _____ 13. **Notice of Hearing Letter.** **"Notice of Hearing" Letters must be mailed certified mail return receipt, or hand delivered at least 10 days prior to the hearing date.**
Certified mail Receipts (white date stamped receipts) must be given to the Board Secretary **at least 7 days prior to the meeting** along with a completed copy of the "Notice of Hearing" letter for the file.

- _____ 14. **Affidavit of Proof of Service/Notice.** Complete form and have notarized.

- _____ 15. **Notice of Public Hearing.** Said Public Notice must be published in the South Jersey Times Newspaper for 1 day, at least 10 days prior to the meeting date. (Submit one copy of completed Notice to the Board Secretary)
Newspaper Address: South Jersey Times, 161 Bridgeton Pike, Mullica Hill, NJ 08062 -
Legal Advertising phone: 1-800-350-4169

- _____ 16. **Affidavit of Publication.** The newspaper will send you a certified copy of your newspaper publication and you must submit the "Affidavit of Publication" to the Board Secretary upon receipt.

MEETINGS:

Planning/Zoning Board meetings are held the **third Wednesday** of each month at 7:00p.m. in the Elk Township Municipal Building court room.. You must verify with the Board Secretary if your application is on the current month's Agenda, and if your attendance is required.

DEEDS:

NOTE: After Board approval of a Minor Subdivision, the Applicant is responsible to:

- 2. Have deed(s) prepared and forward to the Planning Board Solicitor & Planning Board Engineer after all the conditions of the resolution are met for their approval.
 - Dale T. Taylor, Esquire, 51 Forage Drive, Mickleton, NJ 08056 (856-687-5444)
 - Stan Bitgood, PE, CME, Federici & Akin, PA, 307 Greentree Road, Sewell, NJ 08080 (856-589-1400)

- 3. File deed(s) with the Gloucester County Clerk within the allotted time schedule of 190 days.

***Minor Subdivision approval shall expire one hundred ninety (190) days from the date of approval unless the deed(s) for the parcel(s) have been filed with the Gloucester County Recording Officer (NJSA 40:55D-47) in Woodbury.**

Board Secretary: Anna Foley
Applications accepted: Monday - Thursday, 8:30 a.m. - 4:30 p.m., and Friday 8:30 a.m. - 2:00p.m.
Phone: 856-881-6525, ext. 111, Fax: 856-881-5750

Visit the Elk Township website at: www.elktownshipnj.gov



**LAND DEVELOPMENT APPLICATION
ELK TOWNSHIP, GLOUCESTER COUNTY, NEW JERSEY**

Please complete all sections of the application form and submit all items required by the *Land Development Checklist* for your application. If you are requesting a waiver for any item, the request must be in writing and include written documentation in support of your waiver request(s). Any application that does not have all items submitted, or a waiver requested, will be deemed incomplete.

DO NOT PUBLISH PUBLIC NOTICE OR MAIL NOTICE TO THE OWNERS OF PROPERTY WITHIN 200 FEET UNTIL YOU HAVE RECEIVED THE DATE ASSIGNED FOR THE PUBLIC HEARING FROM THE BOARD SECRETARY.

To be completed by Township staff:

Date Filed: _____

Application Number: _____
Application/Escrow Fees: _____

Date Deemed Incomplete: _____

Date of Public Hearing: _____

Date Deemed Complete: _____

Resolution Number: _____

Check all applicable:

- | | | |
|---|--|--------------------------------------|
| <input type="checkbox"/> New | <input type="checkbox"/> Re-submission | <input type="checkbox"/> Concept |
| <input type="checkbox"/> Minor Subdivision | <input type="checkbox"/> Major Subdivision | <input type="checkbox"/> Variance(s) |
| <input type="checkbox"/> Minor Site Plan | <input type="checkbox"/> Major Site Plan | |
| <input type="checkbox"/> Preliminary Approval | <input type="checkbox"/> Final Approval | <input type="checkbox"/> Amended |
| | | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Residential | <input type="checkbox"/> Commercial | <input type="checkbox"/> Industrial |

1. Subject Property

Block(s): _____ Lot(s): _____ Zone Designation: _____ Tax Map page: _____

Property Location: _____

Dimensions: Frontage _____ Depth _____ Total Area _____

2. Applicant's Name: _____

Company Name: _____

Address: _____

Phone Number: _____ email: _____

Applicant is a: Corporation Partnership Individual

Nature of Applicant's equitable/possessory interest in the land: _____

3. Property Owner's Name: _____

Company Name: _____

Address: _____

Phone Number: _____ email: _____

***All titled owners of the property must sign the application evidencing their consent to the application. Attach a separate sheet for signatures, if necessary, and provide a copy of the current deed of ownership.**

4. Attorney's Name: _____

Firm: _____

Address: _____

Phone Number: _____ Fax #: _____ Email: _____

5. Engineer's Name: _____

Firm: _____

Address: _____

Phone Number: _____ Fax #: _____ Email: _____

For Site Plans:

Commercial Industrial Other _____

Land to be developed _____ acres

Building size: _____ # of parking spaces _____

Proposed use: _____

For Residential:

Area of entire tract _____ acres

Portion to be subdivided _____

of lots created _____ # of units planned _____

Proposed use: _____

Does the application require any variances? Yes No

Does the application require any conditional uses? Yes No

Please attach a separate sheet with a complete description of the variances requested and the reasons for relief. Please attach a statement as to the ways in which your project satisfies the requirements of the conditional uses. Your statements should cite the applicable Ordinance(s). Include the appropriate fees in your application and escrow fees.

Does the site front on a county road? Yes No Route # _____

Does the site front on a state road? Yes No Route # _____

Is the Site within 200 feet of another municipality? Yes No Name: _____

List all outside agencies to which application has been made regarding the proposed development:

Restrictions, covenants, easements, association by-laws, existing or proposed on the property:

Yes (attach copies) No Proposed _____

***Note: Copies of All deed restrictions, covenants, easements, association by-laws, existing and proposed must be submitted for review.**

Present use of the premises: _____

Proposed use: _____

8. Applicant's Planning Consultant: _____

Address: _____

Phone Number: _____ Fax #: _____ Email: _____

9. Applicant's Traffic Engineer: _____

Address: _____

Phone Number: _____ Fax #: _____ Email: _____

10. List any other Expert who will submit a report or who will testify for the Applicant. (attach additional sheets if necessary)

Name: _____

Field of expertise: _____

Address: _____

Phone Number: _____ Fax Number: _____

11. List all other witnesses who will testify at the public hearing on behalf of the Applicant. (attach additional sheets if necessary)

Name: _____

Nature of testimony: _____

Name: _____

Nature of testimony: _____

12. **Subdivision:** Number of lots created (include remainder): _____

Number of proposed dwellings: _____

Site Plan: Area to be disturbed (square feet) _____

Total number of proposed dwelling units: _____

Commercial square footage: _____

Site Plan Waiver: Reason for request: _____

Variance: Request is hereby made for permission to erect, alter, convert, use, a parcel contrary to the requirements of the Township Ordinances or for other relief as follows:
(specify which ordinance sections are violated):

13. Said property has dimensions of _____ and area of _____ and is improved with the following structures: _____
(If known, so indicate; or indicate whether dwelling or building; stating use thereof)

14. If less than the entire lot is to be utilized for the purpose hereinafter set forth, the area and dimensions of the portion of the lot to be utilized are: _____

15. Size of proposed building:
Square footage of Building footprint: _____ Total Square footage: _____
Feet wide: _____ Height: _____
Stories: _____

16. Setbacks of building (corner properties have 2 fronts):
Front: _____ Rear: _____
Side: _____ Side: _____
% Building Coverage: _____
% Impervious Coverage: _____

17. Date property acquired: _____
Prevailing zoning at time of acquisition: _____
Current Zoning: _____

18. Has there been any previous appeal, request, or application to this or any other Township Boards or the Construction Official involving these premises? _____ Yes _____ No

If YES, state the nature, date and the disposition of said matter and attach copies of all prior resolutions of this or any other Land Development Board.

19. For a variance - What are the EXCEPTIONAL conditions of property preventing the applicant from complying with the Zoning Ordinance(s) (i.e. the positive and negative criteria)?

20. For variances - Submit a statement of facts showing why relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

21. All applicants must submit a copy of the Land Development Checklist and provide all of the information required in accordance with checklist. If waivers are sought, the applicant should submit a list of requested waivers with an explanation of the request.

22. Waivers requested of Development Standards and/or Submission Requirements (attach additional pages as needed):

23. Explain in detail the exact nature of the application and the changes to be made at the premises, including the proposed use of premises (attach additional pages as needed):

24. Is a public water line available? Y N

25. Is public sanitary sewer available? Y N

26. Does the application propose a well and septic system? Y N

27. Depict the location of the proposed well and septic on the plan submitted and the locations of any existing wells and septic systems on properties within 500 feet of the location of the proposed wells and septic systems.

28. Type of construction (frame, stone, brick, cement, etc.) _____

29. Present use of existing building(s) and premises: _____

30. Total proposed dwelling units: _____

31. Total proposed professional offices: _____

32. Total proposed floor area: _____

33. Total proposed parking spaces: _____

34. Are there any off-tract improvements required or proposed? _____

35. What form of security does the applicant propose to provide as performance and maintenance guarantees?

36. Other approvals which may be required and date plans submitted:

	Yes	No	Date Application Submitted
County Planning Board Approval	_____	_____	_____
County Health Department	_____	_____	_____
County Soil Conservation District	_____	_____	_____
Elk Municipal Utilities Authority	_____	_____	_____
NJ Department of Transportation	_____	_____	_____
NJ Department of Environmental Protection	_____	_____	_____
Stream Encroachment Permit	_____	_____	_____
Waterfront Development Permit	_____	_____	_____
Wetlands Permit	_____	_____	_____
LOI (letter of Interpretation)	_____	_____	_____
Other _____	_____	_____	_____
Other _____	_____	_____	_____

I hereby consent to the filing of this application and consent to allowing Township representatives to perform on site visits. (Both signatures are required.)

Applicant's Signature: _____ Date: _____

Owner's Signature: _____ Date: _____

_____ Date: _____

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

Notary Public

RULES AND REGULATIONS
OF THE ELK TOWNSHIP COMBINED PLANNING/ZONING BOARD

1. At a public hearing of the Planning/Zoning Board no new business will begin after 10:30 pm and the Board will discontinue all testimony at 11:00 pm. Any public hearing which is in progress and has not been completed shall carry to the next available meeting date where there is space on the agenda.

2. In submitting an application for development which requires public notice pursuant to the Municipal Land Use law,

- a. the list of property owners which is provided to you by the Township and certified by the Tax Assessor may be dated no earlier than 60 days before the date of the public hearing upon the application.
- b. Should the list be older than 60 days, a new list must be obtained prior to noticing the property owners within 200 feet.
- c. You must submit proof that you have properly noticed those persons and entities entitled to notice under the law, to the Secretary of the Planning/Zoning Board at least 7 days before the date of your public hearing.
- d. You must submit a copy of the certified mail receipts (white slips) properly postmarked along with your affidavit of service and the current list of property owners within two hundred feet at least 7 days before the date of your public hearing.
- e. You must also submit those original certified mail signature cards (green cards) received by you as of the date of the public hearing prior to the start of your public hearing.

3. In the event that a meeting is cancelled because of inclement weather or other hazard or if a meeting is cancelled for lack of quorum then all applications scheduled for public hearing shall be carried to the next regularly scheduled meeting date.

4. The Planning/Zoning Board generally schedules a public portion at each meeting where any member of the public may be heard on any general topic. An individual's comment will be limited in time to 5 minutes during these general public comment sessions in order to give as many members of the public as are present, time to speak.

5. Commenting on an application before the Planning/Zoning Board:

- a. All comments on specific applications which are scheduled for public hearing should be made at the time of the public hearing on the application. In making a decision on any application, the Planning/Zoning Board is required to consider the evidence presented at public hearing and the Applicant is entitled to cross examine or comment on the evidence presented to the Planning/Zoning Board. For this reason, the Board requires that all comments on a given application be presented to the Board as part of the formal fact finding process.
- b. The Planning/Zoning Board may not consider petitions or letters from persons not present at the hearing as evidence at the time of a public hearing. Although the Planning/Zoning Board secretary may accept these items and place them in the Township file on the application, the Planning/Zoning Board is not permitted to review these items as part of the fact finding process nor may it base its decision on these items.

6. To insure an orderly hearing and allow the tape of the proceedings to record all comments made with accuracy:

- a. All comments from members of the board, the applicant and the public shall be directed to the Chairman.
- b. Each person who wishes to speak shall raise their hand to be recognized by the Chair before speaking when possible.
- c. Members of the public will be placed under oath before speaking.

7. The Board Secretary will publish the notice of the decision of the Planning/Zoning Board in the South Jersey Times or such paper of general circulation as is recognized by the Planning/Zoning Board as the official newspaper for such notices.

8. The Board Secretary will only accept applications during the regular business hours of the Board Secretary which currently are *Monday - Thursday 8:30 am to 4:30 pm., and Friday 8:30 am to 2 pm

- a. All documents upon which the applicant intends to rely on at the Public hearing must be filed with the Township Planning/Zoning Board Secretary no later than 10 business days before the scheduled hearing.

NOTICE OF DECISION
ELK TOWNSHIP
COMBINED PLANNING/ZONING BOARD OF ADJUSTMENT

TAKE NOTICE that at the Reorganization Meeting/Regular Business meeting of the Elk Township Combined Planning/Zoning Board held on January 19, 2022 the following Resolutions were adopted:

Resolution 2022 -01 Establishing the time, place and date of each of the Public Meetings of the combined Elk Township Planning & Zoning Board for the year 2022 and provides for the reorganization in the year 2023, which resolution shall be published in the official & secondary newspapers of Elk Township:

Time: 7:00 p.m.

Place: Elk Township Municipal Building Court Room, 680 Whig Lane, Monroeville, NJ

Dates: Third Wednesday of each month as follows:

February 16, 2022	August 17, 2022
March 16, 2022	September 21, 2022
April 20, 2022	October 19, 2022
May 18, 2022	November 16, 2022
June 15, 2022	December 21, 2022
Jul 20, 2022	January 18, 2023, Reorganization Only

Reorganization Meeting Only — January 18, 2023 at 7:00 p.m.

Copies of the aforementioned Resolutions are available for inspection at the office of the Planning/Zoning Board Secretary during normal business hours.

Ann Marie Weitzel
Board Secretary

TOWNSHIP OF ELK
680 Whig Lane
Monroeville, New Jersey 08343
856-881-6525, ext. 110
Fax 856-881-5750

REQUEST FOR ADJACENT PROPERTY OWNERS WITHIN 200 FEET:

- 1) Forward completed request form and fee to Township Clerk
*(Fee \$10.00 **per subject block**. Make check payable to "Elk Township")*
- 2) County Tax Assessor will provide a certified list within 7 days from the date the request is received. (MLUL 40:55D-12(c))

***NOTE: List must be current within 60 days of your hearing date.**

BLOCK _____ LOT _____

PROPERTY LOCATION _____

PROPERTY OWNER _____

APPLICANT _____

DATE _____ PHONE # _____

Fee: \$10.00 per subject block. Make check payable to "Elk Township".

Pd. _____

***IF THE PROPERTY IS WITHIN 200 FEET OF ANOTHER MUNICIPALITY,
YOU MUST ALSO NOTIFY THE CLERK OF THAT MUNICIPALITY AND ALSO
OBTAIN A LISTING OF PROPERTIES WITHIN THAT MUNICIPALITY.**

ESCROW AGREEMENT

This Agreement is made this _____ day of _____, 20_____.

BETWEEN: Applicant/Developer and Owner of Land

AND: The Combined Planning & Zoning Board of the Township of Elk on behalf of the Township of Elk

This is an agreement establishing the responsibility for the payment of escrow obligations to the Township of Elk.

NAME AND ADDRESS OF APPLICANT/DEVELOPER:

Telephone Number: _____ email: _____
Fax number: _____

NAME AND ADDRESS OF PROPERTY OWNER:

Telephone Number: _____ email: _____

Block _____, Lot _____

1. Whenever a review fee shall be required the applicant/developer together with the Planning Board or Zoning Board of Adjustment, shall execute an agreement, in writing, with copies for each party providing the following as to escrow agreements:

- (a) The agreement shall be signed by the developer/applicant and the appropriate Board at the time of the application.
- (b) The subject matter of the application shall be specifically identified by lot and block designation as found on the Tax Map of Elk Township.
- (c) The full name of the applicant/developer with applicant's address, telephone number and fax number shall be included.
- (d) The purpose for the escrow shall be defined in accordance with the application.

- (e) The agreement shall provide the applicant/developer's responsibility to maintain an adequate reserve of funds for the payment in accordance with the provisions of this subsection.
- (f) In the event the escrow shall be deficient at any time the Board having jurisdiction shall declare the application incomplete.
- (g) Any excess funds remaining in the escrow fund after 45 days after final approval shall be returned to the applicant.
- (h) If an applicant, or any person who has greater than a 10 percent interest in any legal entity which is an applicant, shall at any time have a deficient escrow account on any parcel within Elk Township, such escrow account shall be brought current prior to the Planning Board or Zoning Board considering any new application for development of any parcel or parcels within Elk Township involving the person with the deficient escrow.
- (i) In addition to the other remedies provided to the Boards set forth herein, the applicant shall indemnify and reimburse Elk Township for the attorney's fees and costs relating to the collection of all delinquent or deficient escrow balances. All escrow balances shall be considered deficient if they are not paid in full within twenty (20) days of notification from the CFO.

2. **If at any time the escrow fund is found to be insufficient to cover all reasonable fees for the required professional services, the applicant shall be notified, in writing, and the applicant shall within 10 days increase the fund as shall be determined by the CFO. In the event the applicant shall fail to deposit the required fees, the reviewing Board shall be entitled to declare the application incomplete. Any excess funds in the escrow fund remaining 45 days after final action has been taken by the reviewing Board shall be returned to the applicant.**

APPLICANT/ DEVELOPER:

SWORN AND SUBSCRIBED BEFORE ME THIS
 _____ DAY OF _____ 20____.

 (Signature of Applicant/ Developer)

 (NOTARY)

PROPERTY OWNER:

SWORN AND SUBSCRIBED BEFORE ME THIS
 _____ DAY OF _____ 20____.

 (Signature of Property owner)

 (NOTARY)

Elk Township Planning/Zoning Board:

SWORN AND SUBSCRIBED BEFORE ME THIS
 _____ DAY OF _____ 20____.

 Anna Foley, Secretary

 (NOTARY)

Notary Required

AFFIDAVIT OF APPLICANT

STATE OF _____ }
 } ss.
COUNTY OF _____ }

_____, of full age being duly sworn according to law on oath deposed and says that all of the above statements and the statements contained in the papers submitted in connection with this application are true.

(Signature of Applicant)

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

(Print name of Applicant)

(Notary)

AFFIDAVIT OF OWNERSHIP

STATE OF _____ }
 } ss.
COUNTY OF _____ }

_____, of full age, being duly sworn according to law, on oath deposes and says, that deponent resides at _____ in the County of _____ and State of _____; and that I am the owner of all that certain lot, piece of parcel of land known as Block (s) _____ Lot(s) _____ on the Tax Map of Elk Township, which property is the subject of the above application, and that said application is hereby authorized by me.

(Signature of Property Owner)

(Printed Name of Owner)

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

(Notary)

Tax Certification



ELK TOWNSHIP
Tax Collector's Office

680 Whig Lane
Monroeville, NJ 08343
Phone: 856-881-6525, ext. 112
Fax 856-881-5750

Date:

To Whom It May Concern:

This is to confirm that the Real Estate Taxes on Block(s) _____, Lot(s) _____
in the Township of Elk, County of Gloucester, assessed to _____
located on _____, are current as of the above date.

Next quarter due: _____

Respectfully Submitted,

Susan E. DeFrancesco, CTC

DISCLOSURE STATEMENT
PURSUANT TO L. 1977, C-336

A. Is this application to subdivide a parcel or parcels of land into six or more lots?

YES _____
NO _____

B. Is this application for a variance to construct a multiple dwelling of 25 or more family units?

YES _____
NO _____

C. Is this application for approval of a site or sites to be used for commercial purposes?

YES _____
NO _____

IF ANY OF THE ABOVE ANSWERS WERE YES PROCEED TO "D".

D. Is the applicant a corporation or partnership?

YES _____
NO _____

If yes:

1. 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. (Use extra sheets if necessary.)

AUTHORIZATION FOR CONTRACT PURCHASER

(If contract purchaser is making this application, the following authorization must be executed)

To the Board of Adjustment:

_____ is hereby authorized to make the within application.

(Owner's signature)

Dated: _____

(Note: Contract purchaser must produce a signed copy of the contract for the Board of Adjustment at the hearing)

Chapter 70

LAND DEVELOPMENT FEES

ARTICLE I

Application and Other Fees; Escrow

§ 70-1. Nonrefundable application fees.

§ 70-2. Creation of escrow accounts.

§ 70-3. Fees and escrows.

[HISTORY: Adopted by the Township Committee of the Township of Elk as indicated in article histories. Amendments noted where applicable.]

ARTICLE II

Mandatory Development Fees

§ 70-4. Mandatory Development Fees.

ARTICLE I

Application and Other Fees; Escrow

[Adopted 11-5-1998]

§ 70-1. Nonrefundable application fees.

Each applicant who files an application before the Elk Township Planning Board shall pay the applicable application fee listed below for such application. The application fee provided for herein shall be nonrefundable and is required for purposes of offsetting the administrative and clerical costs of operating the Planning Board and for costs which may be incurred by the Planning Board in the normal processing of such applications (exclusive of the legal, planning, engineering and other professional services deemed necessary by the Planning Board).

§ 70-2. Creation of escrow accounts.

A. In addition to the nonrefundable application fees referred to above, each applicant before the Planning Board shall establish and make the required payments to an escrow account to be maintained by the township for the purpose of providing sufficient moneys to pay the costs of review by professionals engaged by the Planning Board.

B. Upon submitting an application for the development to the Planning Board, the applicant shall be required to deposit with the Township Treasurer the sums hereinafter provided and execute an escrow agreement requiring the applicant to pay all necessary and reasonable costs incurred by the township for technical and professional review by the approving authority. The escrow agreement shall be in a form approved by the Township Committee. **The amounts specified below to be placed in escrow are estimates of professional fees only and should not be considered as a minimum or maximum fee which may be required of the applicant to compensate the township for legal, engineering, planning or other professional services.** Said fees must be paid prior to the Board certifying the application as complete; provided, however, that payment of the fee in and of itself shall not be deemed as making the application complete. In the event that the amounts required to be posted by this section are not sufficient to cover the professional charges incurred by the Township of Elk for such application, then the applicant shall pay the

amount required which is over and above the funds previously collected and shall not receive any approvals or other permits from the township before such fees are paid in full. In the event that the amounts posted as fees shall be in excess of the amount required for all professional review, the excess funds shall be returned to the applicant within 30 days of the issuance of a certificate of occupancy for the project which the application fee covers. The Board Secretary shall periodically advise the Board Chairman of the balance of all escrow accounts and whether additional funds are required as provided for hereinafter. In the event that additional funds are required, the Board Chairman or Secretary shall notify the applicant of amounts required as additional fees. In the event that the applicant refuses or fails to make the payments required within 10 days of demand, the Board Chairman shall notify the approving authority. In the event that the additional fees are not paid, the Planning Board may deny the application before it, and no other permits or certificates shall be issued by the township to the applicant for the applicable project until payment is made in full. In the event that additional fees are required, the applicant shall pay such fees to the Township of Elk in accordance with the same agreement already entered into or under any additional terms which may be agreed to by the applicant and the approving authority.

C. Before issuing a construction permit or certificate of occupancy for any element of a project, the applicable code official for the Township of Elk shall first determine from the Board Secretary whether there are sufficient escrow funds to pay all pending or reasonably anticipated bills attributable for professional review to the particular project. The applicable code officer shall not issue the requested construction permit or certificate of occupancy until the amounts which are due or necessary to provide sufficient funds in escrow to pay such pending or reasonably anticipated bills are paid in full by the applicant.

§ 70-3. Fees and escrows.

The following is a schedule of fees to be paid by the applicant upon filing the application:

A. Schedule of subdivision and site plan fees.

(1) **Minor subdivision:**

[Amended 3-6-2003 by Ord. No. O-1-2003; 9-4-2003 by Ord. No. O-14-2003; 3-16-2004 by Ord. No. O-2004-2; 8-21-2007 by Ord. No. O-2007-11; 4-3-2008 by Ord. No. O-2008-3]

- (a) Application fee: \$ 200.
- (b) Initial escrow fee deposit: \$1,500.
- (c) Publication fee: \$ 25.¹

(2) **Preliminary major subdivision:**

- (a) Application fee: \$500.
- (b) Engineer review: \$1,000, plus \$50 per lot created.
- (c) Legal review: \$400.
- (d) Planning review:
 - [1] Residential: \$500, plus \$10 per lot.
 - [2] Nonresidential: \$500, plus \$100 per acre or a portion thereof.
- (e) Publication: \$25.¹

(3) **Final major subdivision:**

- (a) Application fee: \$200.
- (b) Engineer review: \$800, plus \$50 per each lot created.
- (c) Legal review: \$300.
- (d) Planning review:
 - [1] Residential: \$200, plus \$10 per lot.
 - [2] Nonresidential: \$300, plus \$100 per acre or portion thereof.
- (e) Publication: \$25.²

(4) **Planned unit development:**

- (a) Sketch plat:
 - [1] Application fee: \$500.
 - [2] Engineer review: \$1,000.
 - [3] Legal review: \$200.
 - [4] Planning review: \$1,000.
 - [5] Publication: \$25.³
- (b) Master development plan approval:
 - [1] Application fee: \$1,000.
 - [2] Engineer review: \$1,500, plus \$40 each unit and \$40 per acre nonresidential.
 - [3] Legal review: \$1,000.
 - [4] Planning review: \$1,000, plus \$40 each unit and \$40 per acre nonresidential.
 - [5] Publication: \$25.⁴

- (c) **Site plan/subdivision plat:**
 - [1] Application fee: \$1,000.
 - [2] Engineer review: \$2,500, plus \$40 each unit or acre.
 - [3] Legal review: \$1,000.
 - [4] Planning review: \$1,000, plus \$40 each unit or acre.
 - [5] Publication: \$25.⁵

- (5) **Minor site plan:**
 - (a) Application fee: \$200.
 - (b) Engineer review: \$500, plus \$100 per each acre over one acre or portion thereof.
 - (c) Planning review: \$500, plus \$50 per each acre over one acre or portion thereof.
 - (d) Legal: \$200.⁶

- (6) **Preliminary major site plan:**
 - (a) Application fee: \$200.
 - (b) Engineer review: \$900, plus \$200 each acre over one or \$500, plus \$100 per lot (whichever is greater).
 - (c) Legal review: \$300.
 - (d) Planning review:
 - [1] Residential: \$600, plus \$50 for each lot or unit, whichever is greater.
 - [2] Nonresidential: \$800, plus \$100 per each acre over one.
 - (e) Publication: \$25.

- (7) **Final major site plan:**
 - (a) Application fee: \$200.
 - (b) Engineering review: \$600, plus \$50 each acre over one.
 - (c) Planning review: \$500, plus \$50 each acre over one.
 - (d) Publication: \$25.
 - (e) Legal review: \$300. [Added 4-3-2008 by Ord. No. O-2008-3]

B. **Use variance fees** :(applications made under N.J.S.A. 40:55D-70d):
[Amended 7-3-2003 by Ord. No. O-8-2003; amended 9-4-2003 by Ord. No. O-14-2003; 4-3-2008 by Ord. No. O-2008-3, amended 6-4-2009 by Ord No. O-5-2009]

Application fee	\$ 200.
Initial escrow fee deposit	\$2,500.
Publication fees	\$ 25.

C. **Bulk variance fees** (application made under N.J.S.A. 40:55D-70c):
[Amended 7-3-2003 by Ord. No. O-8-2003; 9-4-2003 by Ord. No. O-14-2003; 4-3-2008 by Ord. No. O-2008-3, amended 6-4-2009 by Ord No. O-5-2009]

Application fee	\$ 200.
Initial escrow fee deposit	\$1,500.
Publication fees	\$ 25.

D. Appeals (applications made under N.J.S.A. 40:55D-70a):
[amended 6-4-2009 by Ord No. O-5-2009]

Application fee	\$ 200.
Initial escrow fee deposit	\$1,500.
Publication fees	\$ 25.

E. Interpretation (applications made under N.J.S.A. 40:55D-70b):
[amended 6-4-2009 by Ord No. O-5-2009]

Application fee	\$ 100.
Initial escrow fee deposit	\$ 500.

F. Administrative Non-substantial Design Change Request:
[amended 6-4-2009 by Ord No. O-5-2009]

Application fee	\$ 100.
Initial escrow fee deposit	\$ 500.
Publication fees	\$ 25.

G. Miscellaneous (i.e., informal review):
[amended 6-4-2009 by Ord No. O-5-2009]

Application fee	\$ 100.
Initial escrow fee deposit	\$ 500.
Publication fees	\$ 25.

H. Applications for vacation of streets.
Engineering review: \$500.
[Added 12-21-2004 by Ord. No. O-2004-10]

I. Zoning permits. Zoning permits shall hereafter be secured from the Zoning Office prior to the issuance of a building permit or upon a change in the use of a structure or land. Each application shall be accompanied by a fee of \$50. [Added 5-5-2005 by Ord. No. O-2005-3]

¹Editor's Note: former Subsection A (2) (f), establishing a GIS Map fee, added 9-4-2003 by Ordinance No. O-14-2003, which immediately followed this subsection, was repealed 4-3-2008 by Ord. No. O-2008-3.

² Editor's Note: Former Subsection A (3) (f), which contained a Tax Map revision fee, added 3-6-2003 by Ord. No. O1-2003 was repealed 8-21-2007 by Ord. No. O-2007-11.

³ Editor's Note: Former Subsection (2) (f), establishing a FIS Map fee, added 9-1-2003 by Ord. No. O-14-2003, which immediately followed this subsection, was repealed 4-3-2008 by Ord. No. O-2008-3.

⁴ Editor's note: Former Subsection A (4) (b) [6], establishing a GIS Map fee, added 9-4-2003 by Ord. No. O-14-2003, which immediately followed this subsection, was repealed 4-3-2008 by Ord. No. O-2008-3.

⁵ Editor's Note: Former Subsection A (4) (c) [6], establishing a GIS Map fee, added 9-4-2003 by Ord. No. O-14-2003, which immediately followed this subsection, was repealed 4-3-2008 by Ord. No. O-2008-3.

⁶ Editor's Note: Former Subsection A (5) (c), establishing a GIS Map fee, added 9-4-2003 by Ord. No. O-14-2003, which immediately followed this subsection, was repealed 4-3-2008 by Ord. No. O-2008-3.

ARTICLE II

Mandatory Development Fees

[Adopted 7-19-2005 by Ord. No. O-2005-7; amended in its entirety 10-2-2008 by Ord. No. O-2008-11]

§ 70-4. Mandatory Development Fees.

A. Purpose. In *Holmdel Builder's Association v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules. Subsequently, in 2008 the New Jersey State Legislature adopted changes to the Municipal Land Use Law and to the Fair Housing Act (P.L. 2008, c. 46) known as the "Statewide Non-residential Development Fee Act," authorizing municipalities to collect nonresidential development impact fees to provide a fair and balanced funding method to address the state's affordable housing needs. This article establishes standards for the collection, maintenance, and expenditure of development fees pursuant to the Statewide Nonresidential Development Fee Act and COAH's rules. Fees collected pursuant to this article shall be used for the sole purpose of providing funds for low- and moderate-income housing and other associated and permitted activities. This article shall be interpreted within the framework of COAH's rules on development fees and the Statewide Nonresidential Development Fee Act.

B. Basic requirements. The Township of Elk shall not spend development fees until COAH has approved a plan for spending such fees and the Township of Elk has received third-round substantive certification from COAH or a judgment of compliance.

C. Definitions. The following terms, as used in this article, shall have the following meanings:

AFFORDABLE HOUSING DEVELOPMENT -- A development included in the Elk Township Housing Element and Fair Share Plan and includes, but is not limited to, an inclusionary development, a municipal construction project, or a one-hundred-percent affordable development.

COAH -- The New Jersey Council on Affordable Housing.

CONSTRUCTION -- New construction and additions, but does not include alterations, reconstruction, renovations, and repairs as those terms are defined under the State Uniform Construction Code promulgated pursuant to the State Uniform Construction Code Act, P.L.1975, c. 217 (N.J.S.A. 52:27D-119 et seq.).

DEVELOPER -- The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase or other person having an enforceable proprietary interest in such land.

DEVELOPMENT FEE -- Funds paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted in COAH's rules.

EQUALIZED ASSESSED VALUE -- The value of a property determined by the Municipal Tax Assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of issuance of a building permit may be obtained utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the Municipal Tax Assessor.

MIXED USE DEVELOPMENT -- Any development which includes both a nonresidential development component and a residential development component, and shall include developments for which:

- (1) There is a common developer for both the residential development component and the nonresidential development component, provided that for purposes of this definition, multiple persons and entities may be considered a common developer if there is a contractual relationship among them obligating each entity to develop at least a portion of the residential or nonresidential development, or both, or otherwise to contribute resources to the development; and
- (2) The residential and nonresidential developments are located on the same lot or adjoining lots, including but not limited to lots separated by a street, a river, or another geographical feature.

NONRESIDENTIAL DEVELOPMENT

- (1) Any building or structure, or portion thereof, including but not limited to any appurtenant improvements, which is designated to a use group other than a residential use group according to the State Uniform Construction Code promulgated to effectuate the State Uniform Construction Code Act, P.L. 1975, c. 217 (N.J.S.A. 52:27D-119 et seq.), including any subsequent amendments or revisions thereto;
- (2) Hotels, motels, vacation timeshares, and child-care facilities; and
- (3) The entirety of all continuing care facilities within a continuing care retirement community which is subject to the Continuing Care Retirement Community Regulation and Financial Disclosure Act, P.L. 1986, c. 103 (N.J.S.A. 52:27D-330 et seq.).

NONRESIDENTIAL DEVELOPMENT FEE -- The fee authorized to be imposed pursuant to Sections 32 through 38 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.1 through N.J.S.A. 40:55D-8.7).

RELATING TO THE PROVISION OF HOUSING -- Shall be liberally construed to include the construction, maintenance, or operation of housing, including but not limited to the provision of services to such housing and the funding of any of the above.

SPENDING PLAN -- A method of allocating funds collected and to be collected pursuant to an approved municipal development fee ordinance or pursuant to P.L. 2008, c. 46 (N.J.S.A. 52:27D-329.1 et al.) for the purpose of meeting the housing needs of low- and moderate-income individuals.

D. Residential development fees.

- (1) Within all zoning districts in the Township, developers of all new residential dwelling units not exempt from the collection of development fees in accordance with § 70-4F shall pay a fee of 1 1/2% of the equalized assessed value for residential development, provided no increased density is permitted.
- (2) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of 6% of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.
- (3) Example. If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1 1/2% of the equalized assessed value on the first two units; and 6% of the equalized assessed value for the two additional units.

However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

- E. Nonresidential development fees.
- (1) Within all zoning districts, all new construction of nonresidential buildings and structures not exempt from the collection of development fees in accordance with § 70-4F shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements for new nonresidential construction on an unimproved lot or lots; or
 - (2) A fee equal to 2.5% of the increase in equalized assessed value of the additions to existing structures to be used for nonresidential purposes.
- F. Eligible exactions, ineligible exactions and exemptions.
- (1) Affordable housing developments and inclusionary housing developments shall be exempt from development fees. All other forms of new construction shall be subject to development fees unless exempted below.
 - (2) Nonresidential developments that have received certificates of occupancy prior to the imposition of a municipal development fee shall be exempt from development fees unless the developer seeks a substantial change in the approval.
 - (3) Residential units that have received a zoning permit or construction/building permit prior to the adoption of the municipal development fee ordinance shall be exempt from the development fees unless the developer seeks a substantial change in the approval.
 - (4) Development fees shall be imposed and collected when an existing nonresidential structure is expanded or improved. This does not include reconstruction or repairs. The development fee shall be calculated on the increase in the equalized assessed value of the improved or expanded structure.
 - (5) All nonresidential construction of buildings or structures on property used by churches, synagogues, mosques, and other houses of worship, and property used for educational purposes, which is tax-exempt pursuant to N.J.S.A. 54:4-3.6, shall be exempt from the imposition of a nonresidential development fee, provided that the property continues to maintain its tax-exempt status under that statute for a period of at least three years from the date of issuance of the certificate of occupancy. In addition, the following shall be exempt from the imposition of a nonresidential development fee:
 - (a) Parking lots and parking structures, regardless of whether the parking lot or parking structure is constructed in conjunction with a nonresidential development, such as an office building, or whether the parking lot is developed as an independent nonresidential development.
 - (b) Any nonresidential development which is an amenity to be made available to the public, including, but not limited to, recreational facilities, community centers, and senior centers, which are developed in conjunction with or funded by a nonresidential developer.
 - (c) Nonresidential construction resulting from a relocation of or an on-site improvement to a nonprofit hospital or a nursing home facility.
 - (d) Projects that are located within a specifically delineated urban transit hub, as defined pursuant to Section 2 of P.L. 2007, c. 346 (N.J.S.A. 34:1B-208).

- G. Collection of fees.
- (1) For residential development, 50% of the development fee will be collected at the time of issuance of the building permit. The remaining portion will be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
 - (2) For nonresidential development, the development fee will be collected prior to the issuance of a certificate of occupancy.
- H. Contested fees. Imposed and collected development fees that are challenged shall be placed in an interest-bearing escrow account by the Township of Elk. If all or a portion of the contested fees are returned to the developer, the accrued interest on the returned amount shall also be returned.
- I. Affordable housing trust fund.
- (1) There is hereby created a separate, interest-bearing housing trust fund for the purpose of depositing development fees collected from residential and nonresidential developers, payments in lieu of constructing units on site, and proceeds from the sale of affordable housing units with extinguished controls. All development fees and payments in lieu paid by developers pursuant to this ordinance shall be deposited into this fund.
 - (2) Within seven days from the opening of the trust fund account, the Township of Elk shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the bank and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:94-6.16(b).
 - (3) No funds shall be expended from the affordable housing trust fund unless the expenditure conforms to a spending plan approved by COAH. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.
- J. Use of funds.
- (1) Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the municipal fair share. Such activities include, but are not limited to, rehabilitation, new construction of affordable housing units, ECHO housing, purchase of land for affordable housing, improvement of land to be used for affordable housing, purchase of housing for a market to affordable program, green building strategies for affordable housing, maintenance and repair of affordable housing units, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, or administration necessary for implementation of the Housing Element and Fair Share Plan. The expenditure of all funds shall conform to a spending plan approved by COAH.
 - (2) At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households, at least half of which shall be available to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to very-low-income households.
 - (a) Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, and rental assistance.
 - (b) Affordability assistance to very-low-income households may include offering a subsidy to developers of inclusionary or one-hundred-percent affordable

developments or buying down the cost of low- or moderate-income units in the municipal fair share plan.

- (3) The Township may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
- (4) No more than 20% of all development fee revenue shall be expended on administration. This includes, but is not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Development fee administrative costs are calculated and may be expended at the end of each year or upon receipt of the fees.

K. Monitoring. The Township of Elk shall complete and return to COAH all monitoring forms included in the annual monitoring report related to the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, and funds from the sale of units with extinguished controls, and the expenditure of revenues and implementation of the plan approved by COAH. All monitoring reports shall be completed on forms designed by COAH.

L. Ongoing collection of fees. The ability for the Township of Elk to impose, collect and expend development fees shall expire with its substantive certification unless the Township has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification of a plan that addresses its succeeding affordable housing obligation, and has received COAH's approval of its development fee ordinance. If the Township fails to renew its ability to impose and collect development fees prior to the expiration of the substantive certification, it may resume the imposition and collection of development fees only by complying with the requirements of N.J.A.C. 5:97-8.14.

TOWNSHIP OF ELK
680 Whig Lane
Monroeville, New Jersey 08343
856-881-6525, ext. 110
Fax 856-881-5750

REQUEST FOR ADJACENT PROPERTY OWNERS WITHIN 200 FEET:

- 1) Forward completed request form and fee to Township Clerk
(Fee \$10.00 per subject block. Make check payable to "Elk Township")
- 2) County Tax Assessor will provide a certified list within 7 days from the date the request is received. (MLUL 40:55D-12(c))

***NOTE: List must be current within 60 days of your hearing date.**

BLOCK _____ LOT _____

PROPERTY LOCATION _____

PROPERTY OWNER _____

APPLICANT _____

DATE _____ PHONE # _____

Fee: \$10.00 per subject block. Make check payable to "Elk Township".

Pd. _____

***IF THE PROPERTY IS WITHIN 200 FEET OF ANOTHER MUNICIPALITY,
YOU MUST ALSO NOTIFY THE CLERK OF THAT MUNICIPALITY AND ALSO
OBTAIN A LISTING OF PROPERTIES WITHIN THAT MUNICIPALITY.**

Notice to publish in the South Jersey Times Newspaper for one day, at least 10 days prior to the hearing date.

PUBLIC NOTICE

**NOTICE OF PUBLIC HEARING
BEFORE THE COMBINED PLANNING/ZONING BOARDS OF
THE TOWNSHIP OF ELK**

TAKE NOTICE that on the _____ day of _____, 20_____, at 7:00 p.m., a hearing will be held before the Elk Township combined Planning/Zoning Board at the Municipal Building, 680 Whig Lane, Monroeville, New Jersey on the appeal or application of the undersigned for a variance or other relief so as to permit

In addition, any additional variances or waivers that the Board may deem necessary are also requested on the property located at:

and designated as Block _____ Lot _____ on the Tax Map of Elk Township.

All documents related to this application are on file with the Planning/Zoning Board Secretary located at 680 Whig Lane, Monroeville, NJ, and may be inspected by the public during regular business hours, Monday - Thursday 8:30am to 4:30 pm, and Friday 8:30am to 2:00pm.

Any interested party may appear at said hearing and participate therein in accordance with the rules of the combined Planning/Zoning Board.

(Name of applicant)

Mail certified mail, return receipt, to
properties on 200 foot list at least
10 days prior to the hearing date.
(MLUL 40:55-12(1))

NOTICE OF HEARING LETTER

NOTICE SERVED ON PROPERTY OWNERS WITHIN 200 FEET, ETC.

**TOWNSHIP OF ELK, NEW JERSEY
COMBINED PLANNING/ZONING BOARDS
NOTICE OF HEARING ON APPEAL OR APPLICATION**

A public hearing will be held by the combined Planning/Zoning Board of Elk Township at 7:00 p.m. in the Municipal Building on _____, located at 680 Whig Lane, Monroeville, New Jersey.
(date)

The object of the hearing will be to consider an application for:

- | | |
|--------------------------------------|-----------------------------------|
| <input type="checkbox"/> SITE PLAN | <input type="checkbox"/> VARIANCE |
| <input type="checkbox"/> SUBDIVISION | <input type="checkbox"/> APPEAL |

by the undersigned appellant for the following purposes: _____

In addition, any additional variances or waivers that the Board may deem necessary are also requested.

Address of the property is: _____

Elk Township, New Jersey, on Block# _____, Lot# _____ of the tax map of Elk Township.

You are advised of this hearing because you are an owner of property within 200 feet and are required to be notified according to law.

You are not required to appear at this hearing unless you wish to speak regarding this application.

All documents related to this application are on file with the Planning/Zoning Board Secretary located at 680 Whig Lane, Monroeville, NJ, and may be inspected by the public during regular business hours, Monday - Thursday 8:30am to 4:30 pm, and Friday 8:30am to 2:00pm.

APPELLANT: _____

ADDRESS: _____

DATE: _____

- *Notary Required
- *attach "white" certified mail receipts- "Exhibit A"
- *attach copy of notice mailed-"Exhibit B"
- *attach certified 200 ft list- "Exhibit C"
- *attach proof of newspaper publication- "Exhibit D"

AFFIDAVIT OF PROOF OF SERVICE

STATE OF _____
 COUNTY OF _____ ss.

_____, of full age, being duly sworn according to law, on his oath,
 (applicant)
 deposes and says that he resides at _____ in the _____
 County of _____, and State of _____ and that he did on _____, 20_____,
 (municipality)
 at least ten (10) days prior to the hearing date, gave personal notice to all owners of property situated within or without
 the Township of Elk as shown by the most recent tax lists of this Township, whose property or properties as shown by
 said list(s) are located within 200 feet of the property of which I make this application. Notice was also published in the
 official newspaper of the municipality as required by law.

Said notice was given either by handing a copy to the property owner, and no one else, or by sending said notice by
 certified mail, return receipt.

Attached to this affidavit and marked "***Exhibit A***" are the white, date stamped, certified mail receipts
 or/and if hand delivered to the property owners, **attach** the list with the names and addresses including block
 and lot numbers with signatures of all property owners who were served personally.

Notices were also served upon:
 (check if applicable):

- () The Clerk of Elk Township
- () Gloucester County Planning Board
- () Director of the Division of State and Regional Planning
- () Department of Transportation
- () The Clerk of adjoining municipalities

Attached to this affidavit and marked "***Exhibit B***" is a copy of said notice mailed.

Attached to this affidavit and marked "***Exhibit C***" is the certified list(s), prepared by the Tax Assessor of the
 Municipality, of property owners within 200 feet of the affected property who were served, showing the block
 and lot numbers of each property as same appear on the municipal tax map.

Attached to this affidavit and marked "***Exhibit D***" is a copy of the proof of publication of notice in the official
 newspaper of the municipality.

 Signature of Applicant

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

 Notary Signature



State of New Jersey,) ss
County of Gloucester)

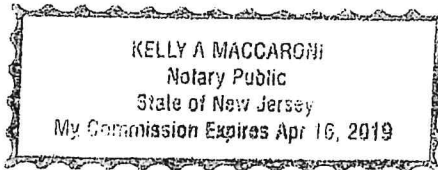
Ed Kaul being duly sworn, deposes that he/she is principal clerk of NJ Advance Media; that South Jersey Times is a public newspaper, with general circulation in Camden, Cumberland, Gloucester, and Salem Counties, and this notice is an accurate and true copy of this notice as printed in said newspaper, was printed and published in the regular edition and issue of said newspaper on the following date(s):

South Jersey Times 12/06/2018

Principal Clerk of the Publisher

Sworn to and subscribed before me this 7th day of December 2018

Notary Public



PUBLIC NOTICE

TAKE NOTICE that on the 19th day of December, 2018, at 7:30 p.m., a hearing will be held before the Elk Township Combined Planning/Zoning Board in the Municipal Building, 680 Whig Lane, Monroeville, New Jersey on the application of Coal Builders LLC for a variance so as to permit construction of a single family home on the property situate at 539 Fifth Avenue also known as Lot 3 in Block 47 on the tax map of Elk Township (situate at the intersection of Fifth Avenue and Dunbar Boulevard). The property is 1,026 square feet in size. The Elk Township Zoning Ordinance requires lots in the Moderate Density Residential Zoning district to have a minimum area of 5,000 square feet. In addition, the applicant will request all other additional variances, waivers and relief that the Board may deem necessary. All documents related to this application are on file with the Planning/Zoning Board Secretary located at 680 Whig Lane, Monroeville, New Jersey and may be inspected by the public during regular business hours, Monday - Thursday, 8:30 a.m. to 4:30 p.m., and Friday, 8:30 a.m. to 2:00 p.m. Any interested party may appear at the hearing and participate therein in accordance with the rules of the Combined Planning/Zoning Board.

EXAMPLE

Cost \$42.87
(8927132) 1t 12/6/18

AFFIDAVIT OF PUBLICATION

TOWNSHIP OF ELK
PROCEDURES FOR SIGNING OF SUBDIVISION PLATS OR SITE PLANS

Contact Telephone Numbers:

Dale T. Taylor Esquire, Board Solicitor – (856) 687-5444
Stan Bitgood, Federici & Akin, Board Engineer& Township Engineer – (856) 589-1400
Steven Bach, Bach Associates, Board Planner- (856) 546-8611
Brian Duffield, Township Solicitor – (856) 478-9900
Anna Foley, Planning Board Secretary – (856) 881-6525, ext. 111
Debora Pine, Township Clerk – (856) 881-6525, ext. 110

- _____ 1. Review your resolutions of preliminary and final approval to ensure that you have complied with all of the conditions of approval, including the receipt of all outside agency approvals and permits.
- _____ 2. Submit a cost estimate to the Planning Board Engineer for a bond estimate.
- _____ 3. Send all documents to be reviewed by the Planning Board Solicitor with a letter itemizing your submissions and requesting that he begin a review of your documents. He will issue a written report to you after his review regarding any deficiencies or additional documentation that may be needed.
- _____ 4. Submit the Deeds to dedicate the bed of the roadways to the Township directly to the Township Solicitor for his review and approval. (If applicable)
- _____ 5. Compliance Review. Submit one copy of the final plat and one copy of the final design (engineering) plan to the Planning Board Engineer and the Board Planner. They will review the plat and the plan for conformance with the subdivision or site plan approvals and inform you if there are any deficiencies in your plans or if they conform.
- _____ 6. Residential subdivisions, once the plats are approved by the Planning Board Engineer and the Board Planner, submit the correct number of plats to the Gloucester County Planning Board for their signature.

The Elk Township Planning Board will retain 2 Mylar copies and 7 paper copies of the plats. The copies you require for filing and your records will be in addition to the 2 Mylar and 7 paper copies which the Township will keep. Please submit a sufficient number of each to the County Planning Board in order to ensure that you will have enough copies of the signed plats. After the Gloucester County Planning Board signs the plats, they must be delivered to the Planning Board Engineer for their signature.

- _____ 7. Once the Planning Board Engineer approves your final design (engineering) plan, you must **submit 10 full copies** to him for signature. Two signed copies will be returned to you after they are signed by the Planning Board Chair and Secretary.
- _____ 8. Once you receive your bond estimate, contact the Township Clerk regarding the procedure for submitting the bonds to the Township Solicitor for review.
- _____ 9. After the plats and plans have been signed by the Planning Board Engineer and the County of Gloucester (#5, 6 and 7 above), arrange for their delivery to the Township Planning Board office.
- _____ 10. **The Planning Board Solicitor will inform the Secretary when all of the documents are in order and the plats can be signed.**

TOWNSHIP OF ELK
PROCEDURES FOR SIGNING OF SUBDIVISION PLATS OR SITE PLANS

- _____ 11. The Township Clerk will inform the Secretary when the bonds have been approved by the Township Solicitor.
- _____ 12. *Contact the CFO (856-881-6525, ext. 115) for the status and review of your escrow account* and any replenishment that may be necessary **prior to plat signing**.
- *The inspection escrow must be posted prior to plat signing and/or a pre-construction meeting with the Township Engineer. Any outstanding review escrows must be paid current before the signed plats will be released by the Township.
- _____ 13. The Planning Board Secretary will arrange for the Township Engineer, Planning Board Chairperson and Clerk's signatures on the plats.
- _____ 14. Remember the Roadway deeds (if any) must be filed before any acquisition or construction financing lien document. These may not be subordinate to any other interest. If your approval includes a developer's agreement, that too must be filed prior to the plats and any other documents.
- _____ 15. **After the documents have been recorded, return one full set, showing the recording stamps, to the Planning Board Secretary with a cover letter listing all of the enclosed documents. A copy of the cover letter must be sent directly to the Planning Board Solicitor.**
- _____ 16. Send all legal descriptions for the easements, restrictions, roadways and other required design features to the Board Engineer for his review and approval.
- _____ 17. Provide the Planning Board Secretary with two (2) fully signed copies of all of the documents which the Planning Board Solicitor has reviewed. One set of the fully signed documents will remain on file with the Township. The other set must be filed with the County Clerk and recorded on the County Land Records once the Mayor and the Chairperson of the Planning Board have affixed their signatures to the appropriate documents.
- _____ 18. If your subdivision plats are being signed by phase, you must follow the above procedures as necessary for your particular circumstances. You may want to consider recording all easements, restrictions, Homeowner's Association documents and other encumbrances with the first phase to stream line the review at the time the plats for the other phases are presented for signature.

SUBDIVISION APPLICATION
Gloucester County Planning Board
1200 N. Delsea Drive Clayton, NJ 08312
(856) 307-6650 Fax (856) 307-6656

All information on this application and the submission checklist must be completed and the proper fees enclosed in order to start county review. Failure to comply with submission requirements will classify this application as "incomplete".

Municipality: _____ Code No. _____ (County Use Only)

New Application _____ Revised Application _____ Signatures _____
Sketch _____ Preliminary _____ Final _____

1. Applicant's Name: _____
Applicant's Mailing Address: _____
_____ Phone# _____
Contact Person: _____ Phone# _____
2. Owner's Name: _____
Address: _____
_____ Phone# _____
3. Attorney's Name: _____
Address: _____
_____ Phone# _____
4. Location of Subdivision:
Street: _____

Tax Map Plate: _____ Block: _____ Lot: _____
5. Plat Information:

Area of Entire Tract: _____ Portion Being Subdivided: _____
Number of Lots Created: _____ Proposed Use: _____
6. Classified by Municipal Planning Board as:

Minor Subdivision: _____ Major Subdivision: _____
7. Does the Subdivision Front on a County Road? Yes: _____ County Route# _____ No: _____
8. Fee Schedule: *(Please check appropriate category)*

_____ Fee Waived (For Governmental Units & Non-Profit Organizations)
_____ Exempt Subdivision \$50
_____ Minor Subdivision, as per Municipality; on a County Road, \$200
Major Preliminary Review: (Preliminary Checklist must be submitted)
_____ Sketch review \$25
_____ NOT FRONTING a County Road \$150
_____ FRONTING a County Road \$300 plus \$10 per lot
_____ Final Review: \$100 (Final Checklist must be submitted)

Amount Enclosed \$ _____ Please make check payable to: "**Gloucester County**"

I hereby consent to the filing of this application.

Applicant's Signature _____ Date _____

Owner's Signature _____ Date _____

All items on this checklist must be completed to start the review process. Failure to comply with submission requirements will classify this application as "Incomplete".

1. Completed Application Form
2. Application fees
3. Completed Affidavit of Ownership Form
4. Copy of recorded property Deed
5. Proof of submission to outside agencies retaining jurisdiction; e.g., Pinelands Commission, NJDOT, NJDEP.
6. Five (5) copies of signed and sealed plans required by the County showing the following County requirements:
 - Title block
 - Key map showing the entire subdivision and its relation to surrounding areas
 - Location and metes and bounds description of that portion which is to be subdivided in relation to the entire tract
 - All existing structures within the portion to be subdivided
 - Tax map sheet, block and lot numbers
 - Contours at 2' intervals or spot elevations where necessary to determine the general slope and natural drainage of the land, especially in relation to any County road adjacent to or within said Subdivision
 - Location of existing and proposed access (es) onto the newly created lot (s)
 - Clear sight distance available for accesses, as per County standards
 - All existing and proposed streets, roads and Easements within or adjoining the proposed Subdivision with right-of-way widths clearly indicated
 - All proposed lot lines and/or lot lines to be eliminated by the proposed Subdivision must be identified
 - A general description of proposed drainage facilities showing location, size and direction of flow of all streams, brooks, lakes and water courses, drainage structures and drainage ditches in the area to be subdivided
 - North arrow
 - Location and width of all existing and proposed Utility Easements in the area to be subdivided
 - Scale of the plat
 - Acreage of the entire tract and the area being subdivided
 - Number of new lots created
 - Name and address of owner and/or subdivider
 - Name, signature and license number, seal and address and telephone number of Engineer, Architect, Planner, Landscape Architect or Land Surveyor
 - Property owners and lot lines within 200' and in correct location to subject parcel

Note: UPON COUNTY REVIEW OF PLANS, ADDITIONAL INFORMATION MAY BE REQUIRED

Service on Property Owners

Guidance to applicants for Service on Property Owners within 200 feet & Formal Public Notice (Complete notice at least 10 days prior to the date of hearing (MLUL, N.J.S.A. 40:55D-12))

Applicant check off list:

_____ **200 Foot List Request** (Property owners within 200 feet & registered outside agencies)

The certified 200 foot list can be obtained from the Gloucester County Tax Assessor. Notice of public hearing must be given by personal service or by certified mail, return receipt, to all owners of real property located within 200 feet in all directions of the property which is the subject of the hearing and to all Governmental agencies, outside agencies, local utilities, public utilities and cable companies registered with the municipality. Submit your request in a timely fashion as the County Assessor has 7 days to make and certify the list. Complete request form and forward to the Elk Township Clerk with payment. Fee is \$10.00 per subject Block.

LIST MUST BE CURRENT WITHIN 60 DAYS OF YOUR HEARING DATE.

Special Service Requirements:

- If the property is within 200 feet of another municipality, a separate request must be made by you to the administrative office of the appropriate municipality (ies) to obtain a listing of properties within that municipality as well as providing notice to the Clerk(s) of adjoining municipality (ies).
- If your property is adjacent to an existing or proposed county road or adjacent to county owned land or is within 200 feet of an adjoining municipality, service must be made to the: Gloucester County Planning Board, Administrative Building, 1200 N. Delsea Drive, Clayton, NJ 08312.
- If your property is adjacent to a State Highway, service must be made to the: NJ Commissioner of Transportation, 1035 Parkway Avenue, Trenton, NJ 08625
- If your property exceeds 150 acres or involves more than 500 dwellings units, service must be made to the: Director of Division of State and Regional Planning, Department of Community Affairs, 329 West State Street, PO Box 176B. Trenton, NJ 08625

_____ **Notice of Hearing Letter** (200 ft letter):

Mail letters certified mail, return receipt, or hand deliver to properties on 200 foot list – “Notice of Hearing” sample form letter included. Be sure to include the "nature of the matter to be considered" [indicate why you need a variance(s)]; refer to your *completeness* letter for guidance. *You must make this statement sufficiently precise so that all parties entitled to receive this notice are adequately informed concerning the nature of the application.*

copy of the completed “Notice of Hearing” form letter must be served by the applicant to the owners of all real property located within 200 feet, in all directions from the property which is the subject of the application, whether located within Township or adjacent municipalities as well as Governmental agencies, outside agencies, local utilities, public utilities and cable companies registered with the municipality.. **This notification must be mailed by certified mail, return receipt, at least 10 days prior to the date of the hearing.** Provide a completed copy to Board Secretary for the file.

persons or companies on the list MUST be notified.

- If “Notice of Hearing” letter is delivered by certified mail, return receipt, **the postmarked white receipts must be submitted to the Board Secretary at least 7 days** prior to the meeting date. (Green return receipt cards may be submitted to the Board Secretary once they are received by the applicant.)
- If “Notice of Hearing” letter is delivered by hand, the person receiving it must sign next to his or her name on the list. (Said person must be a least 18 years of age.) **Do not leave “Notice of Hearing” at door. Said list with signatures must be submitted with application.**

_____ **Affidavit of Proof of Service:** Complete form and include attachments.

The form entitled "Affidavit of Proof of Service" must be completed by the person or persons who actually serve the "Notice of Hearing" letter on the property owners within 200 feet and on any required governmental and outside agencies.

The person who made service must complete and sign the "Affidavit of Proof of Service" form and his or her signature must be notarized. If more than one person served various property owners or any required governmental agencies, outside agencies, each person should sign and complete a separate "Affidavit of Proof of Service".

_____ **Notice of Public Hearing:** (advertisement in newspaper):

"Notice of Public Hearing" must be published in the South Jersey Times Newspaper, 161 Bridgeton Pike, Bldg "E", Mullica Hill, NJ 08062. Legal Advertising phone: 1-800-350-4169.

Said notice must be published for one day at least 10 days prior to the meeting date. **Submit one copy of completed Notice to the Board Secretary at least 7 days prior to the hearing date.**

_____ **Affidavit of Publication:**

The newspaper will supply you with a certified copy of your notice. Submit the "Affidavit of Publication" to the Board Secretary for file upon receipt.

Failure to publish the Notice of Hearing, or a late publication, will prevent a hearing on your application

Board of
Chosen Freeholders

County Of Gloucester
State of New Jersey

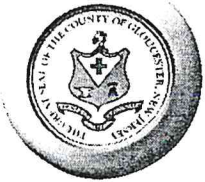
FREEHOLDER DIRECTOR
Robert M. Damminger

FREEHOLDER LIAISON
Heather Simmons



AFFIDAVIT OF OWNERSHIP

MUST BE COMPLETED AND RETURNED



1. Name of Company/Organization: _____

2. Is Company a Corporation? _____

3. Name of State Which Incorporated: _____

4. Is Company a Partnership? _____

PLEASE LIST ANY AND ALL INDIVIDUALS WHO ARE OWNERS (FULL OR PART) OF THE COMPANY/ORGANIZATION, AND IF A NON-PROFIT ORGANIZATION, PLEASE LIST ALL BOARD MEMBERS.

<u>Name</u>	<u>Address</u>	<u>Title</u>

Signature and Title

Please PRINT Name & Title

Department of Public Works
Planning Division

Public Works Director
Vincent M. Voltaggio, P.E.

Office of Government
Services
1200 N. Delsea Drive
Clayton, NJ 08312

Phone: 856.307.6650
(Development Review
856-307-6650)
Fax: 856.307.6656

Web:
www.co.gloucester.nj.us

New Jersey Relay Service -711
Gloucester County Relay Service
(TY/TDD) - 856- 848-6616

County of Gloucester complies with all state and federal rules and regulations and does not discriminate on the basis of age, race, creed, color, sex, national origin, ancestry, marital status, sexual orientation, gender identity or expression, disability, physical ability or sex in admission to, participation in, or operations of its programs, services, activities or in its administrative practices. In addition, Gloucester County encourages the participation of people with disabilities in its programs and activities and offers services to all County residents regardless of age and older. Inquiries regarding compliance may be directed to the County's EO office at (856)384-6903 or the County's ADA Coordinator at (856)384-6842/New Jersey Relay Service at 856-848-6616.

NJPDES Stormwater Checklist
New Major Development and Redevelopment
Gloucester County Planning Board
Preliminary Plat and Site Plan Applications

1. Does the site front on a county road? Yes ___ No ___
2. Will new development result in additional right-of-way and/or roadway owned and operated by the County? Yes ___ No ___
3. Does the site discharge stormwater to the County's storm sewer system? Yes ___ No ___
4. Will development result in additions or modifications to the County's storm sewer system? Yes ___ No ___
5. Will new development result in any stormwater BMPs that will be owned and operated by the County? Yes ___ No ___

If the answer is "Yes" to questions 1 or 2, the applicant must certify that all aspects of this new development's stormwater management system will meet the requirements of the NJDEP's Stormwater Management rules (N.J.A.C. 7:8) and have been reviewed and approved by the local planning board;

"I certify that all aspects of this new development's stormwater management system will meet the requirements of the NJDEP's Stormwater Management rules (N.J.A.C. 7:8) and have been reviewed and approved by the local planning board."

Applicant's Signature: _____ **Date:** _____

If the answer is "Yes" to questions 3, 4, or 5, the applicant must provide the above certification AND provide the following documents for review and approval by the County Planning Board:

1. Documents demonstrating that the new development (especially any stormwater discharges to County storm sewer system and/or roadways) will meet the requirements of the NJDEP's Stormwater Management rules (N.J.A.C. 7:8) establishing stormwater management design and performance standards and including low impact development and the groundwater recharge, stormwater runoff quantity and stormwater runoff quality requirements (see NJDEP BMP Manual); AND
2. Provisions for the long term operation and maintenance of new stormwater BMPs that the applicant intends to be owned and operated by the County (if any); AND
3. Documents indicating that all new storm drain inlets (if any) are designed to control the passage of solids and floatables in accordance with the NJDEP design standards (see municipal or county stormwater permits Attachment C).

(All other County requirements for review of on-site and off-site drainage remain in full affect)