

**Filing and Processing Application Requirements**  
**For Bulk Variance, Notice of Appeal**  
**Combined Planning / Zoning Board of Elk Township**

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

**COMPLETENESS REVIEW:** Within 45 days of submission of an application, the Board's Planner, will review the application for "completeness" of the required submission checklist items (MLUL, NJSA 40:55D-10.3). **The application must be deemed "complete" before a hearing date can be scheduled.** 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.**

The applicant is responsible to file with the Board Secretary the following:

- \_\_\_\_\_ 1. **"Application for Bulk Variance, Notice of Appeal"** Complete and submit original, plus 14 copies.
- \_\_\_\_\_ 2. **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.
- \_\_\_\_\_ 2(a) **Written List of Waivers Requested** from the Land Development Submission Checklist.
- \_\_\_\_\_ 3. **Site Plan.** Submit a **signed, sealed original, plus 14 copies, of Folded plans.**  
The site plan must show all relevant lot and yard dimensions and the dimensions of existing and proposed buildings and structures.
- \_\_\_\_\_ 4. **Fees.** Review fee schedule and submit correct fees. Application and Escrow fees are two separate checks. Make checks payable to "Elk Township".
- \_\_\_\_\_ 5. **Escrow Agreement.** Complete and submit a signed, notarized, copy of the "Statement of Professional Review and Cost" form. This is an agreement establishing the responsibility for the payment of escrow obligations to the Township of Elk.
- \_\_\_\_\_ 6. **"Affidavit of Applicant / Affidavit of Ownership"** form. Complete and have notarized.
- \_\_\_\_\_ 7. **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.
- \_\_\_\_\_ 8. **Corporate Disclosure Statement.** Complete form.
- \_\_\_\_\_ 9. **Authorization for Contract Purchaser.** Complete form if the applicant is not the owner.
- \_\_\_\_\_ 10. **200 Foot List.** Complete and forward request to the Municipal Clerk with the appropriate fee.

**PUBLIC NOTICE:**

\*refer to "Service on Property Owners" packet. **Do not complete until you are notified of your meeting date in writing by the Board Secretary.**

- \_\_\_\_\_ 12. **200 Foot List Request Form.** A revised list may be necessary. Complete and forward request to the Municipal Clerk, with appropriate fee, which will be prepared by the office of the County Tax Assessor. The list may not be dated earlier than 60 days prior to the public hearing date. Serve the persons listed, and outside agencies, on the property owner's 200 foot list with the completed "Notice of Hearing Letter."  
**\*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.** (MLUL 40:55-12)

(submit one copy of completed Notice to the Board Secretary)

Newspaper Address: South Jersey Times, 161 Bridgeton Pike, Bldg “E”, Mullica Hill, NJ 08062  
Legal Advertising, phone number: 1-800-350-4169

16. **“Affidavit of Publication”** The newspaper will send you a certified copy of your newspaper publication and you must submit this “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. You must verify with the Board Secretary if your application is on the current month’s Agenda, and if your attendance is required.

**Expiration of Variance [ordinance section 96-11.1.A.(1)]**

Any variance granted by the Zoning Board of Adjustment or the Planning Board pursuant to NJSA 40:55D-70, subsection c or d, shall expire and become null and void two years from the date such variance is granted unless within said period the applicant obtains a building permit or otherwise avails himself of the said approval; provided, however, that the event that such variance is approved in conjunction with a major subdivision or site plan approval then such variance shall not expire and become null and void until three years after the preliminary approval for such site plan and/or subdivision is granted and any approved extensions thereof, or if final approval is granted for such development, two years from the date of the final approval and any approved extensions thereof.

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

1. 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. Original deed(s) are to be mailed to the Board Secretary for signatures of both the Chairman and the Secretary.

- Dale T. Taylor, Esquire, 51 Forage Drive, Mickleton, NJ 08056 (856-687-5444)
- Stan Bitgood, PE, CME, Federici & Akin, 307 Greentree Road, Sewell, NJ 08080 (856-589-1400)

2. File deed(s) with the Gloucester County Clerk within the allotted time schedule.

\*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 Hours: Monday - Thursday, 8:30a.m. to 4:30p.m. and Friday 8:30a.m. to 2:00p.m.

Address: 680 Whig Lane, Monroeville, NJ 08343

Board Secretary: Anna Foley

Phone: 856-881-6525, ext. 111, Fax: 856-881-5750

Visit the Elk Township website at: [www.elktownshipnj.gov](http://www.elktownshipnj.gov)

**GUIDELINES FOR YOUR HEARING BEFORE THE  
ELK TOWNSHIP ZONING BOARD OF ADJUSTMENT**

**FOR THE NEW APPLICANT:**

When appearing before the Elk Township Zoning Board of Adjustment, there are procedures you should be prepared to follow:

1. Anyone offering testimony will be duly sworn in by the Board Solicitor.
2. The Board Solicitor will certify that all documents required to be filed with the application are in order and that all parties involved have been properly notified.
3. You will be required to present evidence why the Board should grant your application request.
4. Be prepared to answer questions from the members of the Board and or the Board Solicitor concerning specific details of your application.
5. In the event you are requesting a use variance, you should be able to explain to the Board what "special reasons" exist in order for the Board to allow a use which is not otherwise permitted in a zoning district. "*Special Reasons*" is a legal term which every applicant should understand prior to appearing before the Board.
6. In the event you are requesting a bulk variance, ex: side yard, rear yard, lot area, parking, signs, etc., you should be able to explain to the Board what hardships exist, or in the alternative, why the benefits of deviating from the ordinance requirements substantially outweigh the detriments.
7. In all cases the applicant must satisfy the Board that the granting of the variance will not be a detriment to the public good nor will it substantially impair the zone plan and ordinances of Elk Township.
8. Make sure your application includes carefully drawn to scale renderings of the proposal. Provide the required photographs.

**Reminders:**

1. The applicant is entitled to consult with an attorney and to have representation at the hearing.
2. Each variance is treated on its own merits. Even though some applications might be similar, each application presents specific questions unique to the request.
3. These hearings are open to the public. After the applicant has testified and answered questions to the board's satisfaction, any member of the audience may be duly sworn in and may speak for or against the application.
4. After all the evidence has been presented, the Board will make a determination.

The purpose of the above guidelines is to give you, an idea of what to expect. Compliance with these guidelines will assist the Board in rendering a fair decision.

**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.



**RESOLUTION 2024 -01**

**A RESOLUTION OF THE COMBINED ELK TOWNSHIP  
PLANNING/ZONING BOARD ESTABLISHING THE TIME, PLACE  
AND DATE OF ITS PUBLIC MEETINGS FOR THE YEAR 2024**

BE IT RESOLVED by the ELK TOWNSHIP) COMBINED PLANNING/ZONING BOARD that the following schedule represents the time, place, and date of each of the PUBLIC MEETINGS of the combined Elk Township Planning/Zoning Board for the year 2024 and provides for the reorganization in the year 2025, 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 21, 2024	August 21, 2024
March 20, 2024	September 18, 2024
April 17, 2024	October 16, 2024
May 15, 2024	November 6, 2024
June 19, 2024	December 18, 2024
July 17, 2024	January 15, 2025

**Reorganization Meeting Only — January 15, 2025 at 7:00 p.m.**

Action may be taken at any of the meetings.

**ELK TOWNSHIP PLANNING/ZONING BOARD**

Attest:  
  
Ann Marie Weitzel, Secretary

  
Matt Afflerbach, Chairman

Roll Call Vote					Roll Call Vote				
Committee	Aye	Nay	Abstain	Absent	Committee	Aye	Nay	Abstain	Absent
Goetsch	✓				Wheeler				✓
Hughes	✓				Wolf	✓			
Lucas				✓	Peterson (Alt. 1)	✓			
McKeever				✓	Swanson (Alt. 2)	✓			
Nicholson	✓				Afflerbach (Chair)	✓			
Richardson	✓								

**CERTIFICATION**

I hereby certify the above to be a true copy of a Resolution as Adopted and Memorialized by the combined Planning/Zoning Board of the Township of Elk, County of Gloucester at a meeting held on the 17th day of January, 2024, in the Municipal Building.

  
Ann Marie Weitzel, Secretary



**ZONING BOARD OF ADJUSTMENT  
TOWNSHIP OF ELK**

**NOTICE OF APPEAL  
(BULK VARIANCE APPLICATION FORM)**

APPEAL NO.: \_\_\_\_\_

DATE: \_\_\_\_\_

Appeal is hereby made by the undersigned (check applicable item or items):

For a variance or special exception from the terms of the Zoning Ordinance of the Township of Elk

From the action or decision of the Zoning Administrative Officer

**Appellant:** \_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_

**Appellant's Signature:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_ **email:** \_\_\_\_\_

**Interest of appellant, if not the owner (agent, lessee, etc.):** \_\_\_\_\_  
\_\_\_\_\_

**Property Owner's Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_

**Property Owner's Signature:** \_\_\_\_\_

**Property Owner's Signature:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_ **email:** \_\_\_\_\_

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

**Attorney's Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_

**Phone Number:** \_\_\_\_\_ **Fax :** \_\_\_\_\_ **email:** \_\_\_\_\_

Application relates to (check applicable item or items):

- Use                       Lot Area                       Yards                       Height
- Existing Building       Proposed Building       Other \_\_\_\_\_

Brief description of real estate affected:

Block \_\_\_\_\_ Lot \_\_\_\_\_ Lot size \_\_\_\_\_ Street Address \_\_\_\_\_

Present use: \_\_\_\_\_

Proposed use: \_\_\_\_\_

Present zoning classification: \_\_\_\_\_

Present improvements upon land: \_\_\_\_\_

If this is an appeal from action of the Zoning Administrative Officer, complete the following:

Date of determination made: \_\_\_\_\_

Your statement of alleged error: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Specify which Township Ordinance section(s) relief is requested: \_\_\_\_\_

What are the EXCEPTIONAL conditions of property preventing the applicant from complying with the Zoning Ordinance(s)? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Action desired by appellant: \_\_\_\_\_

\_\_\_\_\_

Reasons appellant believes Board should approve desired action: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Has there been a 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.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## 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.

#### ARTICLE II

##### Mandatory Development Fees

§ 70-4. Mandatory Development Fees.

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

#### 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.<sup>1</sup>
- (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.<sup>1</sup>
- (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.<sup>2</sup>
- (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.<sup>3</sup>
  - (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.<sup>4</sup>

- (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.<sup>5</sup>

- (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.<sup>6</sup>

- (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]

<sup>1</sup>Editor'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.

<sup>2</sup> 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.

<sup>3</sup> Editor's Note: Former Subsection (2) (f), establishing a FIS 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.

<sup>4</sup> 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.

<sup>5</sup> 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.

<sup>6</sup> Editor's Note: Former Subsection A (5) (e), 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.

# 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 \_\_\_\_\_

- I. 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 \_\_\_\_.

\_\_\_\_\_  
 Ann Marie Weitzel, Secretary

\_\_\_\_\_  
 (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)

## NOTICE TO APPLICANTS REGARDING UNDERSIZED LOTS

The Elk Township Combined Planning/Zoning Board of Adjustment as part of its bylaws and procedures recommends the attached buy-sell form letter be followed in corresponding with abutting property owners. While you are not required to use the exact wording in the enclosed form (and the form should be modified for individual applications where appropriate), it is the policy of the Combined Planning/Zoning Board of Adjustment to require the buy-sell letter to contain the substance of the attached letter which should be sent by certified mail and ordinary mail at least 20 days before the first scheduled hearing date. Failure to follow this procedure, may result in an adjournment of the case until the procedure is followed or a determination by the Combined Planning/Zoning Board of Adjustment that you have not established the necessary hardship for the granting of variances. The purpose of this form letter is to assist applicants in giving the appropriate notice in undersize lot cases.

You must be prepared at the hearing to offer into evidence a copy of this letter with the return receipt requested together with any response from the abutting property owners. In the event the response is oral only, then you are advised to write another letter to the abutting property owners setting forth the substance of the conversation (i.e.: such as any indication of an offer to purchase or sell) together with a statement in the letter that the abutting property owner may appear on the hearing date to give testimony. A copy of your responding letter by certified mail may be offered at the hearing. The Combined Planning/Zoning Board of Adjustment will be concerned with how valid your attempts are to give adequate notice to the adjoining property owner.

**THIS LETTER IS IN ADDITION TO THE REQUIRED STATUTORY NOTICE YOU MUST GIVE ALL PROPERTY OWNERS WITHIN 200 FEET.**

If you have any question concerning the procedure to be followed, consult your own attorney.



Undersized Lot

Mail via Certified mail,  
to abutting property owners

**APPLICANT'S OFFER TO ABUTTING  
PROPERTY OWNERS**

Date: \_\_\_\_\_

Mr./Mrs. \_\_\_\_\_

Block \_\_\_\_\_ Lot \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Certified Mail # \_\_\_\_\_

Re: Application \_\_\_\_\_

Dear Mr./Mrs. \_\_\_\_\_:

I have made application to the Elk Township Combined Planning/Zoning Board for a variance(s) to construct a single-family residence (or other structure as applicable) on Block \_\_\_\_\_, Lot \_\_\_\_\_, which abuts your property. This letter is to inquire whether you would be interested in selling me your lot or a portion of your lot in order to make my lot conform or more nearly conform with the current Zoning Ordinance. In the alternative, you may have an interest in purchasing my lot at the "fair market value" which in this instance means a building lot price as if the variance had been granted.

It is my intention to demonstrate to the combined Elk Township Planning/Zoning Board that a hardship exists as I am unable to either acquire additional land or sell my land at its fair market value.

If you have any interest in selling your lot, or a portion of your lot to me or in purchasing my lot, please indicate on the enclosed copy of this letter your position with respect to this application. The Elk Township Combined Planning/Zoning Board hearing on the undersigned's variance application is scheduled for \_\_\_\_\_, **at which time a copy of this letter and any response from you will be offered into evidence.**

Enclosed is a stamped-return addressed envelope for your convenience. You may, of course, attend the Elk Township Combined Planning/Zoning Board hearing and give testimony concerning your position.

Sincerely,

\_\_\_\_\_  
(Applicant)

Telephone: \_\_\_\_\_

Response of Abutting Property Owner(s)

RE: Applicant \_\_\_\_\_  
Block: \_\_\_\_\_ Lot: \_\_\_\_\_

Date: \_\_\_\_\_

1. We have an interest in purchasing the Applicant's property Yes or No
2. We are willing to pay \$ \_\_\_\_\_
3. We have an interest in selling our property Yes or No
4. We are willing to sell our property for \$ \_\_\_\_\_
5. We have an interest in selling a portion of our property consisting of \_\_\_\_\_ sq. ft. Yes or No
6. We are willing to sell the property described in #5 for \$ \_\_\_\_\_
7. We have no interest in buying the Applicant's property or selling our property or a portion of our property Yes or No
8. We will be in attendance at the Zoning Board application to give our testimony Yes or No

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Undersized Lot

Mail via Certified mail,  
to abutting property owners

APPLICANT'S OFFER TO ABUTTING  
PROPERTY OWNERS

Date: \_\_\_\_\_

Mr./Mrs. \_\_\_\_\_

Block \_\_\_\_\_ Lot \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Certified Mail # \_\_\_\_\_

Re: Application \_\_\_\_\_

Dear Mr./Mrs. \_\_\_\_\_:

I have made application to the Elk Township Combined Planning/Zoning Board for a variance(s) to construct a single-family residence (or other structure as applicable) on Block \_\_\_\_\_, Lot \_\_\_\_\_, which abuts your property. This letter is to inquire whether you would be interested in selling me your lot or a portion of your lot in order to make my lot conform or more nearly conform with the current Zoning Ordinance. In the alternative, you may have an interest in purchasing my lot at the "fair market value" which in this instance means a building lot price as if the variance had been granted.

It is my intention to demonstrate to the combined Elk Township Planning/Zoning Board that a hardship exists as I am unable to either acquire additional land or sell my land at its fair market value.

If you have any interest in selling your lot, or a portion of your lot to me or in purchasing my lot, please indicate on the enclosed copy of this letter your position with respect to this application. The Elk Township Combined Planning/Zoning Board hearing on the undersigned's variance application is scheduled for \_\_\_\_\_, at which time a copy of this letter and any response from you will be offered into evidence.

Enclosed is a stamped-return addressed envelope for your convenience. You may, of course, attend the Elk Township Combined Planning/Zoning Board hearing and give testimony concerning your position.

Sincerely,

\_\_\_\_\_  
(Applicant)

Telephone: \_\_\_\_\_

Response of Abutting Property Owner(s)

RE: Applicant \_\_\_\_\_  
Block: \_\_\_\_\_ Lot: \_\_\_\_\_

Date: \_\_\_\_\_

1. We have an interest in purchasing the Applicant's property Yes or No
2. We are willing to pay \$ \_\_\_\_\_
3. We have an interest in selling our property Yes or No
4. We are willing to sell our property for \$ \_\_\_\_\_
5. We have an interest in selling a portion of our property consisting of \_\_\_\_\_ sq. ft. Yes or No
6. We are willing to sell the property described in #5 for \$ \_\_\_\_\_
7. We have no interest in buying the Applicant's property or selling our property or a portion of our property Yes or No
8. We will be in attendance at the Zoning Board application to give our testimony Yes or No

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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: \_\_\_\_\_

## 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.*

1/ of the completed “Notice of Hearing” form letter must be served by the applicant to the owners of all real property 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**

**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

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

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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)





ate of New Jersey,) ss  
ounty of Gloucester)

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

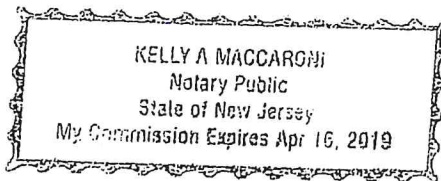
th Jersey Times 12/06/2018

incipal Clerk of the Publisher

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

y Public

**PUBLIC NOTICE**



TAKE NOTICE that on the 19th day  
ember, 2018, at 7:30 p.m., a hear-  
ill be held before the Elk Township  
ined Planning/Zoning Board in the  
ipal Building, 680 Whig Lane,  
eville, New Jersey on the applica-  
f Coal Builders LLC for a variance so  
ermit construction of a single fam-  
ne on the property situate at 539  
venue also known as Lot 3 in Block  
the tax map of Elk Township (sit-  
the intersection of Fifth Avenue  
nbar Boulevard). The property is  
square feet in size. The Elk Town-  
ning Ordinance requires lots in  
erate Density Residential Zoning  
to have a minimum area of  
quare feet. In addition, the appli-  
request all other additional var-  
vaivers and relief that the Board  
m necessary. All documents re-  
this application are on file with  
ning/Zoning Board Secretary lo-  
680 Whig Lane, Monroeville,  
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- Thursday, 8:30 a.m. to 4:30  
Friday, 8:30 a.m. to 2:00 p.m.  
ested party may appear at the  
ind participate therein in ac-  
with the rules of the Combined  
Zoning Board.

EXAMPLE

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'132) 1t 12/6/18