

BOROUGH OF WOODBINE
PLANNING/ZONING BOARD
APPLICATION PACKAGE

INSTRUCTIONS

FOR

APPLICANT

BOROUGH OF WOODBINE

INSTRUCTIONS FOR APPLICANT/APPELLANT

NOTE: Please read these instructions completely before proceeding with the application. These instructions are for the purpose of facilitating an application with the Planning/Zoning Board only, and are not intended to be a statement of the applicable legal requirements. The applicant is fully responsible for the filing and presentation of the application and the compliance with all legal requirements. In view of the numerous legal requirements pertaining to a zoning application, it is recommended that the applicant consult with an attorney, although representation by an attorney is not mandatory unless the applicant is a corporation or LLC.

1. Initial application should be made to the Construction Official of the Borough of Woodbine for a permit. If the permit is refused, a permit refusal form should be obtained stating the reasons for the refusal.
2. Contact the Secretary of the Borough of Woodbine Planning/Zoning Board and obtain from the Secretary the forms necessary for the filing of the Application, the date, time and place of the next scheduled hearing, and the amount of the required Application fee.
3. Complete the Application form(s) and answer all questions in as much detail as possible. Please note that **12 copies** of the Application together with **12 copies** of a Survey and/or the Development Plans will be required. The plans must be current and prepared by a licensed professional. They must show, at a minimum, the existing improvements, the proposed development, set backs, lot area, etc. The Survey should be presented to the Building Inspector initially when the application for a permit is made.
4. Obtain from the Tax Assessor of the Borough of Woodbine a written, certified list of the names and addresses of owners of properties within 200 feet of the subject property.
5. File **12 copies** of the required Application(s) (Form # 1) together with required attachments with the Secretary of the Planning Board at least 21 days prior to the date of the hearing and submit the required Zoning Board application fee payable to the "**Borough of Woodbine**" noting the Lot and Block number on the check or money order.
6. Complete the "**Notice of Appeal or Application for Development**" (Form # 2) if required and personally serve upon the owners of property within 200 feet and obtain a written receipt, or mail to them by certified mail, return receipt requested, at least ten (10) days before the scheduled hearing date.

7. Arrange for service of the **“Notice of Appeal or Application for Development”** (Form # 2) upon all other parties if required by law, and on the County Planning Board, adjoining municipalities of the State of New Jersey, if applicable.
8. Arrange for publication of the **“Notice of Appeal or Application for Development”** (Form # 2) in the official newspaper of the Borough of Woodbine, Planning/Zoning Board, which is the Atlantic City Press, at least ten (10) days before the scheduled hearing date, and obtain an affidavit of publication from the newspaper. (The Press requires submission five (5) days in advance of publication date).
9. Complete the Affidavit of Service and Publication Form (Form # 3). This must be signed before a Notary Public.
10. File the Affidavit of Service and Publication Form including certified receipts and return receipts from the Post Office prior to the hearing date to the Board Secretary.
11. You must appear at the hearing and present your case before the Board of Adjustment. You may be represented by an attorney, and may have experts or other witnesses appear on your behalf. Owners of properties within 200 feet or other interested persons may appear to testify in favor of the application or against it, and you may cross-examine such persons. In the event of an adverse decision of the Board, you may appeal the decision to the Superior Court, and in such case the appeal may be limited to a verbatim record made before the Board of Adjustment and re-application may not be permitted.
12. Following the hearing, the applicant must publish the decision of the Planning/Zoning Board within ten (10) days of its decision.

**PLANNING/ZONING BOARD
BOROUGH OF WOODBINE
CAPE MAY COUNTY NEW JERSEY**

PLANNING/ZONING BOARD

APPLICATION

6. Present Use of Site: _____
Proposed Use: _____

7. Building Area (ground floor) _____
Building Area (total) _____

8. Zone District _____
Lot Area _____ Lot Frontage _____
Lot Width _____ Lot Depth _____

9. The property is serviced by on-site _____ or off-site _____ sewer.

10. Engineer/Surveyor _____
Address _____
Phone No. _____

11. Attorney _____
Address _____
Phone No. _____

Signature of Applicant _____ Date _____

(Print or Type Applicant's Name)

FOR BOROUGH USE ONLY

Date Application Received _____
Received by: _____

Date Application Complete _____
Application No.: _____

NOTICE OF APPLICATION

FORM # 2

BOROUGH OF WOODBINE

NOTICE OF APPEAL OR APPLICATION FOR DEVELOPMENT

PLEASE TAKE NOTICE that a hearing will be held before the Borough of Woodbine, Zoning Board of Adjustment, on the _____ Day of, 20____, at _____ PM to consider an Appeal or Application for Development regarding the property known as:

Street Address: _____

Lot and Block: _____

in the Borough of Woodbine, wherein the Appellant or Applicant is seeking: (Describe in Detail)

The hearing will be held in the Meeting Room of the Municipal Building, Washington and DeHirsch in the Borough of Woodbine, Cape May County, New Jersey.

Maps and documents relating to said matter, if any, will be available for public inspection in the Office of the Secretary of the Borough of Woodbine Planning/Zoning Board at the Municipal Building, Washington and DeHirsch, Borough of Woodbine, Cape May County, New Jersey at least ten (10) days prior to the hearing date, during normal business hours.

This Notice is given pursuant to N.J.S.A. 40:55D-11 et seq.

Any person affected by this Appeal or Application shall have the opportunity to be heard at the public hearing.

DATED: _____

Applicant/Appellant

5. Other service or public notice was made as follows:

6. Attached hereto and made a part hereof are personal acknowledgments and/or return receipts evidencing service.

7. On _____, I caused a copy of the Notice of Appeal or Application for Development to be published in the official newspaper of the Borough of Woodbine, Planning/Zoning Board. Attached hereto and made a part hereof is an Affidavit or Publication by the official newspaper.

Applicant/Appellant

Sworn to and subscribed
before me this day
of ,20

(Notary Public)

BOROUGH OF WOODBINE
501 WASHINGTON AVENUE
Woodbine, New Jersey 08270

Date: _____

In compliance with the provisions of the Municipal Land Use Law, P.L. 1975, Chapter 291, I hereby request a Certified List of names and addresses of property owners, within a 200' radius of:

Block: _____ Lot: _____

Location of Property: _____

Situated in the Borough of Woodbine, County of Cape May.

Enclosed is a fee of \$10.00 for each lot requested, payable to the Borough of Woodbine.

OWNER OF RECORD

Name: _____

Address: _____

Phone: _____

APPLICANT

Name: _____

Address: _____

Phone: _____

Please check the appropriate application:

Site Plan Application _____

Subdivision Application _____

Variance Application _____

FEE SCHEDULE

Review Costs:

The applicant shall be responsible for payment of the actual costs incurred by the Planning/Zoning Board as submitted to it by the Municipal Engineer, the Board Attorney or any other professional retained by the Board by voucher and approved by the Borough Council.

H. Transcripts of Proceedings and Duplication of Documents:

Duplication of transcripts, recordings, mailings, etc. \$0.50 per page plus the actual cost of transcription of the testimony if transcripts are requested.

I. Notice of Publication of hearings and final decisions — \$25.00 plus costs of publication.

J. Special Meetings requested by applicant ----- \$ 200.00 administrative fee plus actual costs incurred by the Board.

K. Pinelands Local Review: (Review fee for streamlined local review of permits are requested and issued)

- | | |
|---------------------|------------------------------------------------------------------------------------------------------------------|
| (1) Application Fee | \$ 85.00 |
| (2) Escrow Fee | \$500.00 plus additional actual costs incurred by the Borough in the review process, to be billed, if necessary. |

L. Zoning Permit Fees: (Paid to Zoning Officer at the time zoning permits are requested and issued)

(1) Residential units including any outbuildings and additions to the primary structure

(a) Permit Fee \$ 25.00

(2) Commercial and/or Industrial

(a) Permit Fee \$ 50.00

SECTION 3: Escrow Accounts. Whenever an escrow account is established pursuant to this Ordinance, the following shall apply:

A. Escrow fees shall be deposited with the Borough to cover the cost of any professional services rendered to the municipality or approving authority for review of applications for development, review and preparation of documents, inspection of improvements or other purposes under the provisions of N.J.S.A. 40:55D-1, et seq. Prior to an application being ruled complete, the sums as set forth above for escrow deposits shall be submitted to be held in escrow by the Borough.

B. Escrow funds shall be posted with the Borough in cash, certified check or money order payable to the "Borough of Woodbine".

C. All escrow funds shall be deposited by the Chief Financial Officer in accordance with N.J.S.A. 40:55D-53.1.

D. All professional charges for review of an application for development, review and preparation of documents or inspection of improvements shall be reasonable and necessary, given the status and progress of the application or construction. Review fees shall be charged only in conjunction with an application for development presently pending before the approving authority or upon review of compliance with conditions of approval, or review of requests for modification or amendment made by the applicant. A professional shall not review items which are subject to approval by any State governmental agencies and not under municipal jurisdiction except to the extent consultation with a State agency is necessary due to the effect of State approvals on the local application.

E. If the municipality retains a different professional or consultant in the place of the professional originally responsible for development, application review, or inspection of improvements, the municipality or approving authority shall be responsible for all the time and expenses of the new professional to become familiar with the application or the project, and the municipality or approving authority shall not bill the applicant or charge the deposit or the escrow account for any such review services.

F. Reimbursement. The Borough shall be reimbursed for all payments to independent consultants in accordance with N.J.S.A. 40:55D-53.2. If the salary, staff support and overhead for a Borough professional is not provided by the municipality, the charge shall to exceed 200% of the sum of the products resulting from multiplying (1) the hourly base salary, which shall be established annually by ordinance, of each of the professionals by (2) the number of hours spent by the respective professional upon review of the application for development or inspection of the developer's improvements, as the case may be. For other professionals, the charge shall be at the same rate as all other work of the same nature by the professional for the municipality when fees are not reimbursed or otherwise imposed on applicants or developers.

G. Definitions of Professional. All escrow funds shall be utilized by the appropriate board to pay the cost of any professional fees incurred by the Board for review and/or

testimony. The term "professional", as used herein, shall include the services of a duly licensed engineer, surveyor, planner, attorney, appraiser or other expert who would provide professional services to insure that an application complies with the standards set forth in the Borough ordinances and experts whose testimony may be solicited to give further information to the approving board in any areas addressed by any of the applicant's experts.

H. Refund of Escrow. The following close-out procedure shall apply to all deposits and escrow accounts established under the provisions of N.J.S.A. 40:55D-1, et seq. and shall commence after the approving authority has granted final approval, adopted the appropriate resolution and signed, when necessary, the subdivision plat or site plan, in the case of the application review escrows and deposits, or after the improvements have been approved as provided in N.J.S.A. 40:55D-53, in the case of improvement inspections escrows and deposits. The applicant shall send written notice by certified mail to the Chief Financial Officer of the municipality and the approving authority, and to the relevant municipal professional, that the application or the improvements, as the case may be are completed. After receipt of such notice, the professional shall render a final bill to the Chief Financial Officer of the municipality through the office of the Administrative Officer to the applicant. The Chief Financial Officer of the municipality shall render a written final accounting to the applicant on the uses to which the deposit was put within 45 days of receipt of the final bill. Any balances remaining in the deposit or escrow account, including interest in accordance with N.J.S.A. 40:55D-53.1, shall be refunded to the developer/applicant along with a final account.

I. Reimbursement for Services. No subdivision plat or deed, or site plan, shall be signed, nor shall any zoning permits, based upon variances or interpretations of the zoning ordinance, building permits, certificates of occupancy or any other types of permits be issued with respect to any approved application for development until:

(a) All bills for reimbursable services have been received by the municipality from professional persons rendering services in connection with such application;

(b) The applicant has reimbursed the Borough the excess by which the amount of the bills exceeds the amount escrowed, if any. The applicant shall place on the record its agreement to be bound by the provisions of the Borough's escrow ordinances.

J. Charges for Services. No professional personnel submitting bills to the Borough under this ordinance shall charge for any of the services referred to therein at any higher rate or in any different manner from that which would normally be charged to the municipality for similar work. Payment of any bill rendered by a professional to the municipality with respect to any service for which the municipality is entitled to reimbursement shall in no way be contingent upon receipt of reimbursement by the applicant, nor shall any payment for service be delayed pending reimbursement of the Borough of an applicant.

K. Payments. The Chief Financial Officer of the municipality shall make all of the payments to professionals for services rendered to the municipality or approving authority for review of applications for development, review and preparation of documents, inspection or other purposes under the provisions of N.J.S.A. 40:55D-1, et seq. Each payment charged to the deposit for review of applications and improvements shall be pursuant to a voucher from the professional pursuant to the normal voucher procedure used by the Borough. If the services are provided by a municipal employee, the municipal employee shall prepare and submit to the Chief Financial Officer of the municipality a statement containing the same information as required on a voucher. The Chief Financial Officer of the municipality shall prepare and send to the applicant a statement which shall include an accounting of funds listing all deposits, interest earnings, if applicable, disbursements, and the cumulative balance of the escrow account. This information shall be provided on a quarterly basis, if monthly charges are over \$1,000.00. If an escrow account or deposit contains insufficient funds to enable the municipality or approving authority to perform required application review or improvement inspections, the Chief Financial Officer of the municipality shall provide the applicant with a notice of the insufficient escrow or deposit balance. The applicant shall make an additional deposit to the escrow account within 15 days after receipt of the notice from the Chief Financial Officer.

L. Dispute of Charges.

(a) An applicant shall notify in writing the governing body with copies to the Chief Financial Officer, the approving authority and the professional whenever the applicant disputes the charges made by a professional for services rendered to the municipality in reviewing applications for development, review and preparation of documents, inspection of improvements, or other charges made pursuant to the provisions of N.J.S.A. 40:55D-1, et seq. The governing body, or its designee, shall within a reasonable time period attempt to remediate any disputed charges. If the matter is not resolved to the satisfaction of the applicant, the applicant may appeal to the County Construction Board of Appeals established under N.J.S.A. 52:27D-127 any charge to an escrow account or a deposit by any municipal professional or consultation, or the cost of the installation of improvements estimated by the Municipal Engineer pursuant to N.J.S.A. 40:55D-53.4. An applicant or his authorized agent shall submit the appeal in writing to the County Construction Board of Appeals. The applicant or his authorized agent shall simultaneously send a copy of the appeal to the municipality, approving authority, and any professional whose charge is the subject of the appeal. An applicant shall file an appeal within 45 days from receipt of the informational copy of the professional's voucher required by N.J.S.A. 40:55D-53.2, except that if the professional has not supplied the applicant with an informational copy of the professional's voucher, then the applicant shall file his appeal within 60 days from receipt of the municipal statement of activity against the deposit or escrow account required by N.J.S.A. 40:55d-53.2. An applicant may file an appeal for an ongoing series of charges by a professional during a period not exceeding six months to demonstrate that they represent a pattern of excessive or inaccurate charges. An applicant making use of this provision need not appeal each charge individually.

(b) The County Construction Board of Appeals shall hear the appeal, render a decision thereon, and file its decision with a statement of the reasons therefor with the municipality or approving authority not later than 10 business days following the submission of the appeal, unless such period of time has been extended with the consent of the applicant. The decision may approve, disapprove, or modify the professional charges appealed from. A copy of the decision shall be forwarded by certified mail to the party making the appeal, the municipality, the approving authority and the professional involved in the appeal. Failure by the Board to hear an appeal and render a decision thereon within the time limits prescribed in this subsection shall be deemed a denial of the appeal for purposes of a complaint, application, or appeal to a court of competent jurisdiction.

(c) The County Construction Board of Appeals shall provide rules for its procedure in accordance with this section.

(d) During the pendency of any appeal, the municipality or approving authority shall continue to process, hear and decide the application for development, and to inspect the development in the normal course, and shall not withhold, delay or deny reviews, inspections, signing of subdivision plats or site plans, the reduction or the release of performance or maintenance guarantees, the issuance of construction permits or certificates of occupancy, or any other approval or permit because an appeal has been filed or is pending under this subsection. The Chief Financial Officer of the municipality may pay charges out of the appropriate escrow account or deposit for which an appeal has been filed. If a charge is disallowed after payment, the Chief Financial Officer of the municipality shall reimburse the deposit or escrow account in the amount of any such disallowed charge or refund the amount to the applicant. If a charge is disallowed after payment to a professional or consultant who is not an employee of the municipality, the professional or consultant shall reimburse the municipality in the amount of any such disallowed charge.

M. Performance and Maintenance Guarantees. No final plat or site plan shall be approved by the Planning and Zoning Board until the developer shall have filed with the Borough performance guarantees whereby the developer shall individually and personally guarantee and indemnify the Borough, in addition to his corporate or partnership guarantee and in addition to all surety bonds to be posted in an amount sufficient to cover the cost of all such improvements or uncompleted portions thereof, not to exceed 120% of the cost of installation as determined by the Municipal Engineer, and assuring the installation of such uncompleted improvements on or before an agreed date. The developer may appeal the Municipal Engineer's estimate to the County Construction Board of Appeals as set forth herein.

N. Inspections. Inspection fees shall be charged only for actual work shown on a subdivision or site plan or required improvements under construction shall charge only for inspections that are reasonably necessary to check the progress and quality of the work and such inspections shall be reasonable based on the approved development plans and documents.

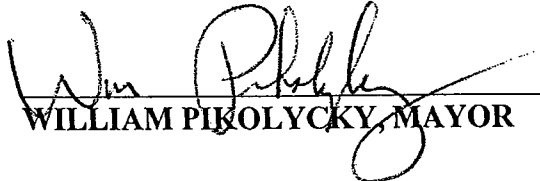
O. In the event that the Board, after consultation with the Borough official or officials concerned, shall determine that any of the required administrative fees and/or escrow deposits are duplicative, the Board shall have the power to require the applicant to pay or deposit only one (1) administrative fee and/or escrow amount in an amount(s) equal to the highest individually required fee and/or deposit.

SECTION 4: Ordinance No. 396, Ordinance No. 411 and Ordinance No. 429 of the Borough of Woodbine and all other Ordinances or parts thereof in conflict with this Ordinance are hereby repealed.

SECTION 5: To the extent that any part or parts of this Ordinance are repealed or otherwise modified or voided by Court Order or State statutes, the remaining sections shall remain in full force and effect.

SECTION 6: This Ordinance shall be known as the "Woodbine Planning/Zoning Board Administrative Fee and Escrow Fee Ordinance".

SECTION 7: This Ordinance shall take effect immediately upon final passage, approval and publication as provided by law.


WILLIAM PIKOLYCKY, MAYOR

ATTEST:


LISA GARRISON, CLERK

INTRODUCED: AUGUST 19, 2004

ADOPTED: SEPTEMBER 2, 2004

MEETING DATES

AND

SUBMISSION DEADLINES

ANNUAL MEETING NOTICE
BOROUGH OF WOODBINE
COUNTY OF CAPE MAY

PLANNING BOARD & ZONING BOARD OF ADJUSTMENTS

In compliance with Chapter 231 of the Laws of the State of New Jersey 1975, the following constitutes a schedule of application filing deadlines and meetings of the Borough of Woodbine Planning Board and Zoning Board of Adjustments for the year 2006.

APPLICATION DEADLINES*

PLANNING/ZONING BOARD MEETINGS

Thursday, January 19, 2006	Thursday, February 9, 2006
Thursday, February 16, 2006	Thursday, March 9, 2006
Thursday, March 23, 2006	Thursday, April 13, 2006
Thursday, April 20, 2006	Thursday, May 11, 2006
Thursday, May 18, 2006	Thursday, June 8, 2006
Thursday, June 22, 2006	Thursday, July 13, 2006
Thursday, July 20, 2006	Thursday, August 10, 2006
Thursday, August 24, 2006	Thursday, September 14, 2006
Thursday, September 21, 2006	Thursday, October 12, 2006
Thursday, October 19, 2006	Thursday, November 9, 2006
Wednesday, November 22, 2006 **	Thursday, December 14, 2006
Thursday, December 21, 2006	Thursday, January 11, 2007

*All Applications and Plans must be received before 4:00 PM on the Thursday, 21 days prior to the Planning and Zoning Board Meeting.

*All above said meetings will be held in the Main Meeting Room of the Municipal Building, 501 Washington Avenue, Woodbine, New Jersey, at 8:00 PM. Workshops will be held at 7:30 PM.

**The deadline to submit an application for the December 2006 meeting has been scheduled for Wednesday, November the 22nd instead of Thursday the 23rd because of the Thanksgiving Holiday.

*The within Notice has been posted, and will remain posted throughout the year on the Municipal Bulletin Board, Municipal Building, 501 Washington Avenue, Woodbine, New Jersey; and a copy of same has been filed with the Municipal Clerk.
Monserrate Gallardo, Board Secretary