

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART I ADMINISTRATIVE LEGISLATION / Chapter 69, LAND USE PROCEDURES**

Chapter 69, LAND USE PROCEDURES

[HISTORY: Adopted by the City Council of Long Branch 3-12-1991 by Ord. No. 3-91 (Ch. XXIII of the 1971 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Environmental Commission -- See Ch. 35.

Flood damage prevention -- See Ch. 177.

Streets and sidewalks -- See Ch. 297.

Subdivision of land -- See Ch. 300.

Zoning -- See Ch. 345.

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PART I ADMINISTRATIVE LEGISLATION / Chapter 69, LAND USE PROCEDURES /
ARTICLE I, General Provisions**

ARTICLE I, General Provisions

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART I ADMINISTRATIVE LEGISLATION / Chapter 69, LAND USE PROCEDURES /
ARTICLE I, General Provisions / § 69-1. Title.**

§ 69-1. Title.

This chapter shall be known and may be cited as the "Land Use Procedures Ordinance of the City of Long Branch."

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PART I ADMINISTRATIVE LEGISLATION / Chapter 69, LAND USE PROCEDURES /
ARTICLE I, General Provisions / § 69-2. Purpose.**

§ 69-2. Purpose.

The purpose of this chapter shall be to set forth the land use procedures as designated by statute

and the defining of the function and duties of the Planning Board and the Zoning Board of Adjustment.

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PART I ADMINISTRATIVE LEGISLATION / Chapter 69, LAND USE PROCEDURES /
ARTICLE I, General Provisions / § 69-3. Definitions.**

§ 69-3. Definitions.

Whenever a term is used in this chapter which is defined in Chapter 291, P.L. 1975,^{EN(1)} such term is intended to have the meaning set forth in the definition of such term found in said statute, unless a contrary intention is clearly expressed from the context of this chapter.

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PART I ADMINISTRATIVE LEGISLATION / Chapter 69, LAND USE PROCEDURES /
ARTICLE II, Planning Board**

ARTICLE II, Planning Board

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PART I ADMINISTRATIVE LEGISLATION / Chapter 69, LAND USE PROCEDURES /
ARTICLE II, Planning Board / § 69-4. Establishment.**

§ 69-4. Establishment.

Pursuant to the provisions of N.J.S.A. 40:55D-23, a Planning Board consisting of nine members is hereby established and created.

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PART I ADMINISTRATIVE LEGISLATION / Chapter 69, LAND USE PROCEDURES /
ARTICLE II, Planning Board / § 69-5. Membership classes.**

§ 69-5. Membership classes.

For convenience in designating the manner of their appointment, the members constituting the Planning Board shall consist of and be divided into the following four classes:

- A. Class I: The Mayor, or the Mayor's designee in the absence of the Mayor. [Amended 10-27-2001 by Ord. No. 36-98]
- B. Class II: An official of the City other than a member of the City Council to be appointed by the Mayor; the member of the Environmental Commission, who is also a member of the Planning Board as required by N.J.S.A. 40:56A-1, shall be deemed to be the Class II Planning Board member if there be among the Class IV or alternate members both a member of the Zoning Board of Adjustment and a member of the Board of Education. [Amended 10-27-2001 by Ord. No. 36-98]
- C. Class III: A member of the City Council to be appointed by it.
- D. Class IV: Six citizens to be appointed by the Mayor.
- E. Alternate class.
 - (1) Alternate members of the Planning Board, who shall attend all Planning Board meetings and be utilized by the Chairman of the Planning Board when the full regular membership of the Board is not in attendance, shall not exceed two in the Class IV category, to be appointed by the Mayor. They shall serve for terms of two years, except that the terms of the alternate members shall be such that the term of not more than one alternate member shall expire in any one year. Such alternate member shall be designated by the Mayor at the time of appointment as "Alternate No. 1" and "Alternate No. 2" and shall serve during the absence or disqualification of any regular member or members of Class IV.
 - (2) No alternate member shall be permitted to act on any matter in which he has either directly or indirectly any personal or financial interest. An alternate member may, after public hearing if he requests one, be removed by the governing body for cause. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote. (See N.J.S.A. 40:55D-23.1.)

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PART I ADMINISTRATIVE LEGISLATION / Chapter 69, LAND USE PROCEDURES /
ARTICLE II, Planning Board / § 69-6. Compensation; terms of office.**

§ 69-6. Compensation; terms of office.

- A. All members of the Planning Board shall serve without compensation, and the members of Class IV shall hold no other municipal office except that one member may be a member of

the Board of Adjustment and one may be a member of the Board of Education. A member of the Environmental Commission who is also a member of the Planning Board shall be a Class IV member except as specified in § 69-5.

- B. The term of the member composing Class I shall correspond with his official tenure, or, if the member is the Mayor's designee in the absence of the Mayor, the designee shall serve at the pleasure of the Mayor during the Mayor's official tenure. The terms of the members composing Class II and Class III shall be for one year or termination at the completion of their respective terms of office, whichever occurs first, except for a Class II member who is also a member of the Environmental Commission. The term of a Class II or Class IV member who is also a member of the Environmental Commission shall be for three years or terminate at the completion of his term of office as a member of the Environmental Commission, whichever comes first.^{EN(2)}
- C. The term of a Class IV member who is also a member of the Board of Adjustment or the Board of Education shall terminate whenever he is no longer a member of such other body or at the completion of his Class IV term, whichever occurs first.
- D. The terms of all Class IV members first appointed pursuant to this chapter shall be so determined that to the greatest practicable extent the expiration of such term shall be evenly distributed over the first four years after their appointment as determined by resolution of the City Council; provided however, that no term of any member shall exceed four years, and further provided that nothing herein shall affect the term of any present member of the Planning Board, all of whom shall continue in office until the completion of the term for which they were appointed. Thereafter all Class IV members shall be appointed for terms of four years except as otherwise herein provided. All terms shall run from January 1 of the year in which the appointment was made.
- E. Members may, after a public hearing, be removed for inefficiency, neglect of duty or malfeasance in office by the officer or body appointing them.

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PART I ADMINISTRATIVE LEGISLATION / Chapter 69, LAND USE PROCEDURES /
ARTICLE II, Planning Board / § 69-7. Vacancies.**

§ 69-7. Vacancies.

If a vacancy of any class shall occur otherwise than by expiration of term, it shall be filled by appointment in the manner herein specified.

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PART I ADMINISTRATIVE LEGISLATION / Chapter 69, LAND USE PROCEDURES /
ARTICLE II, Planning Board / § 69-8. Officers; additional staff and services.**

§ 69-8. Officers; additional staff and services.

The Planning Board shall elect a Chairman and Vice Chairman from the members of Class IV and select a Secretary who may be either a member of the Planning Board or a municipal employee designated by it. The Planning Board may also employ or contract for the services of experts and other staff and services as it may deem necessary. The Board shall not, however, exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART I ADMINISTRATIVE LEGISLATION / Chapter 69, LAND USE PROCEDURES /
ARTICLE II, Planning Board / § 69-9. Planning Board Attorney. EN**

§ 69-9. Planning Board Attorney. EN⁽³⁾

There is hereby created the Office of Planning Board Attorney. The Planning Board may annually appoint, fix the compensation of or agree upon the rate of compensation of the Planning Board Attorney, who shall be an attorney other than the Municipal Attorney and licensed to practice in New Jersey.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART I ADMINISTRATIVE LEGISLATION / Chapter 69, LAND USE PROCEDURES /
ARTICLE II, Planning Board / § 69-10. Powers and duties.**

§ 69-10. Powers and duties.

The Planning Board is authorized to adopt bylaws governing its procedural operation. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law of 1953 (N.J.S.A. 2A:67A-1 et seq.) shall apply. It shall also have the following powers and duties:

- A. To make and adopt and from time to time amend a Master Plan for the physical development of the municipality, including any areas outside its boundaries which in the Board's judgment bear essential relation to the planning of the municipality, in accordance with the provisions of N.J.S.A. 40:55D-28.

- B. To reexamine its Master Plan and development regulations at least every six years as provided by the City Council and prepare a report on the findings of such a reexamination in accordance with N.J.S.A. 40:55D-89.
- C. To administer the provisions of the land subdivision ordinance of the City,^{EN(4)} including the granting of final approval of subdivision plats, in accordance with said ordinance and N.J.S.A. 40:55D-1 et seq. A Subdivision Committee may be appointed by the Chairman, with the approval of the Board, and the Board is empowered to waive full notice and hearing and favorable referral by a majority of the Board on a subdivision where no new street is shown and where the Committee finds no cause for review by the entire Board or for unfavorable action upon the subdivision.
- D. To participate in the preparation and review of programs or plans required by state or federal law or regulations.
- E. To assemble data on a continuing basis of a continuous planning process.
- F. To annually prepare a program of municipal capital improvement projects projected over a term of six years, and amendments thereto, and recommend the same to the governing body.
- G. To consider and make a report(s) to the governing body within 35 days after referral as to any proposed development regulation submitted to it pursuant to the provisions of N.J.S.A. 40:55D-26b.
- H. Planning Board review in lieu of Board of Adjustment.
 - (1) The Planning Board when reviewing applications for approval of subdivision plats, site plans or conditional uses shall have the power to grant to the same extent and subject to the same restrictions as the Board of Adjustment:
 - (a) Variances pursuant to N.J.S.A. 40:55D-70c.
 - (b) Direction pursuant to N.J.S.A. 40:55D-1 et seq. for issuance of a permit for a building or structure in the bed of a mapped street or public area reserved pursuant to Section 23 of this act;^{EN(5)} and
 - (c) Direction pursuant to N.J.S.A. 40:55D-1 et seq. for issuance of a permit for a building or structure not related to a street.
 - (2) Whenever relief is requested pursuant to this subsection, notice of the hearing on the application for development shall include reference to the request for a variance or direction for issuance of a permit, as the case may be.
 - (3) Whenever possible and beneficial to the community, the Planning Board shall require

consolidation of adjoining nonconforming lots, owned by one person, when development or a variance is requested. Within 30 days of any approval of consolidation, the Planning Board shall notify the Tax Assessor's office of such consolidation. The Tax Assessor is to implement the consolidation on the tax records within 30 days and send a notice thereof to the Planning Board.

I. Matters for review and recommendation.

- (1) To pass on matters referred to it for review and make recommendation with respect to the location, character and extent of any project of the City Council or other public body, and the City Council or other public body shall not act thereon without such recommendation or until 45 days have elapsed without it, except that such reference shall not extend the time for action by the referring body.
- (2) The Planning Board shall pass upon other matters specifically referred to it from time to time by the City Council, and final action on such matters shall not be taken until the Planning Board has submitted its report or 60 days have elapsed without such report from the date the matter was referred from the City Council.^{EN(6)} .
- (3) Any recommendation of the Planning Board to the City Council or any other body may be overridden by a majority of the full membership. A majority vote of the City Council shall be necessary to sustain any vote of any other body which has overridden a Planning Board recommendation.

- J. To pass on any amendments or changes of any nature to Chapter 345, Zoning. In addition, the Planning Board at all times shall have the power to suggest amendments to the zoning ordinance or any other ordinance having to do with the physical development of the City.
- K. To review and consider applications for scattered site housings pursuant to Ordinance No. 22-98, Code § 345-56. [Added 2-23-1999 by Ord. No. 8-99]

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PART I ADMINISTRATIVE LEGISLATION / Chapter 69, LAND USE PROCEDURES /
ARTICLE II, Planning Board / § 69-11. Time for decision.**

§ 69-11. Time for decision.

- A. Whenever the Planning Board is called upon to exercise its ancillary powers before the granting of a variance as set forth in § 69-10H, the Planning Board shall grant or deny approval of the application within 120 days after submission by the developer of a complete application or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute approval of the

application, and a certificate of the Zoning Officer as to the failure of the Planning Board to act shall be issued on request of the applicant.^{EN(7)}

- B. Preliminary and final subdivision approval shall be made in accordance with Chapter 300, Subdivision of Land, § 300-5, Application procedure.

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ARTICLE II, Planning Board / § 69-12. Citizens' Advisory Committee on Planning.**

§ 69-12. Citizens' Advisory Committee on Planning.

The Mayor may appoint one or more persons as a Citizens' Advisory Committee on Planning to assist the Planning Board, but the Committee shall have no power to vote or take other action required of the Board. The Committee shall serve at the pleasure of the Mayor.

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PART I ADMINISTRATIVE LEGISLATION / Chapter 69, LAND USE PROCEDURES /
ARTICLE II, Planning Board / § 69-13. Environmental Commission.**

§ 69-13. Environmental Commission.

Whenever the Environmental Commission shall prepare and submit to the Planning Board an index of the natural resources of the municipality, the Planning Board shall make available to the Environmental Commission an informational copy of every application for development to the Planning Board. Failure of the Planning Board to make such informational copy available to the Environmental Commission shall not invalidate any hearing or proceeding.

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PART I ADMINISTRATIVE LEGISLATION / Chapter 69, LAND USE PROCEDURES /
ARTICLE II, Planning Board / § 69-14. Period of limitation.**

§ 69-14. Period of limitation.

- A. Any exception or variance from this section granted by the Planning Board to the applicant permitting the erection or alteration of any structure or structures or permitting a specified use of any premises shall expire by limitation unless construction, alteration or conversion shall have actually commenced on each and every structure permitted by such variance or unless such permitted use has actually been commenced within one year from the date of publication

of the notice of the judgment or determination of the Planning Board; except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Planning Board to the Council, or to a court of competent jurisdiction, until the termination in any manner of such appeal of proceeding.

- B. Notwithstanding anything to the contrary set forth in this section, whenever such exception or variance shall be granted in conjunction with a final approval of a site plan or major subdivision, the validity of such exception or variance shall be extended for the initial two-year time period and any subsequent one-year extensions that the applicant may obtain under N.J.S.A. 40:55D-52.

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PART I ADMINISTRATIVE LEGISLATION / Chapter 69, LAND USE PROCEDURES /
ARTICLE III, Board of Adjustment**

ARTICLE III, Board of Adjustment

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PART I ADMINISTRATIVE LEGISLATION / Chapter 69, LAND USE PROCEDURES /
ARTICLE III, Board of Adjustment / § 69-15. Establishment; members; term of
office; compensation. [Amended 12-26-1995 by Ord. No. 46-95]**

**§ 69-15. Establishment; members; term of office; compensation. [Amended 12-26-1995 by
Ord. No. 46-95]**

- A. The City Council shall appoint the members to the Zoning Board of Adjustment, which shall consist of seven regular members and which may not have more than two alternate members. All members shall be residents of the City; all terms shall begin on January 1 of the year of their appointment. The alternate members shall be designated at the time of their appointment by the authority appointing them as "Alternate No. 1" and "Alternate No. 2." Board of Adjustment members shall serve without compensation.^{EN(8)}
- B. The terms of the members first appointed under this chapter shall be so determined that, to the greatest practicable extent, the expiration of such term shall be distributed, in the case of regular members, evenly over the first four years after their appointment and, in the case of alternate members, evenly over the first two years after their appointment, provided that the initial term of no alternate member shall exceed two years.
- C. Therefore, for the three regular members of the Board of Adjustment whose terms expire

December 31, 1995, appointments shall be made for their positions as follows: one appointment for a term of one year and two appointments for a term of three years. Further, for the two alternate members of the Board of Adjustment whose terms expire December 31, 1995, appointments shall be made for their positions as follows: "Alternate No. 1" shall be appointed for a term of one year and "Alternate No. 2" shall be appointed for a term of two years. For the four members of the Board of Adjustment whose terms expire December 31, 1997, appointments shall be made for the positions as follows: two appointments for a term of two years and two appointments for a term of four years. Thereafter, the term of each regular member shall be for a period of four years, and the term of each alternate member shall be for a period of two years. No member may hold any elective office or position under the City. A vacancy occurring otherwise than by the expiration of the term shall be filled for the unexpired term only.

- D. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

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PART I ADMINISTRATIVE LEGISLATION / Chapter 69, LAND USE PROCEDURES /
ARTICLE III, Board of Adjustment / § 69-16. Removal of members.**

§ 69-16. Removal of members.

All members of the Zoning Board of Adjustment shall be subject to removal for cause upon written charges after public hearing by the City Council.

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PART I ADMINISTRATIVE LEGISLATION / Chapter 69, LAND USE PROCEDURES /
ARTICLE III, Board of Adjustment / § 69-17. Officers; additional staff and
services.**

§ 69-17. Officers; additional staff and services.

The Board of Adjustment shall elect a Chairman and Vice Chairman from its members and shall also select a Secretary who may or may not be a Board member or another municipal employee. The Zoning Board of Adjustment may also employ or contract for and fix the compensation of such experts and other staff and services as it may deem necessary. The Board shall not authorize expenditures which exceed, exclusive of gifts or grants, the amount appropriated by the

governing body for its use.

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PART I ADMINISTRATIVE LEGISLATION / Chapter 69, LAND USE PROCEDURES /
ARTICLE III, Board of Adjustment / § 69-18. Board of Adjustment Attorney. EN**

§ 69-18. Board of Adjustment Attorney. EN⁽⁹⁾

There is hereby created the Office of Attorney to the Zoning Board of Adjustment. The Zoning Board of Adjustment may annually appoint, fix the compensation of or agree upon the rate of compensation of the Zoning Board of Adjustment Attorney, who shall be an attorney other than the Municipal Attorney and licensed to practice in New Jersey.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART I ADMINISTRATIVE LEGISLATION / Chapter 69, LAND USE PROCEDURES /
ARTICLE III, Board of Adjustment / § 69-19. Rules and regulations for operation
and conduct.**

§ 69-19. Rules and regulations for operation and conduct.

The Board may adopt and enforce rules and regulations governing its internal operation and the conduct of its members, appellants, attorneys and citizens, not inconsistent with this chapter. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law of 1953 (N.J.S.A. 2A:67A-1 et seq.) shall apply.

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PART I ADMINISTRATIVE LEGISLATION / Chapter 69, LAND USE PROCEDURES /
ARTICLE III, Board of Adjustment / § 69-20. Powers and duties.**

§ 69-20. Powers and duties.

A. The Board of Adjustment shall have such powers as follows:

- (1) Hear and decide appeals pursuant to N.J.S.A. 40:55D-70a.
- (2) Hear and decide requests for interpretations pursuant to N.J.S.A. 40:55D-70b.
- (3) Grant, upon application or appeal, relief for variances pursuant to N.J.S.A. 40:55D-70c.

- (4) Grant variances to allow departure from regulations pursuant to N.J.S.A 40:55D-70d.
- B. The Board of Adjustment shall refer any application for a subdivision or site plan approval made pursuant to this chapter to the Planning Board for its report and recommendation before it takes final action thereon. Such referral shall not extend the time for action by the Board of Adjustment, whether or not the Planning Board has submitted its recommendation or report. Whenever the Planning Board shall have made a recommendation regarding a matter authorized by this chapter to be decided by the Board of Adjustment, such recommendation may be rejected by the Board of Adjustment only when approved by a majority of the full authorized membership of the Board of Adjustment.
- C. Whenever possible and beneficial to the community, the Board of Adjustment shall require consolidation of adjoining nonconforming lots, such lots having the same owner, when development or a variance is requested. Within 30 days of any approval of consolidation, the Board of Adjustment shall notify the Tax Assessor's office of such consolidation. The Tax Assessor is to implement the consolidation on the tax records within 30 days and send a notice thereof to the Zoning Board of Adjustment.

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PART I ADMINISTRATIVE LEGISLATION / Chapter 69, LAND USE PROCEDURES /
ARTICLE III, Board of Adjustment / § 69-21. Appeals and applications.**

§ 69-21. Appeals and applications.

- A. Appeals to the Board of Adjustment may be taken by any interested party. Each appeal shall be taken within 20 days prescribed by the statute by filing a notice of appeal with the officer from whom the appeal was taken, together with three copies of such notice, with the Secretary of the Board of Adjustment. The notice of appeal shall specify the grounds for the appeal. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- B. Applications addressed to the original jurisdiction of the Board of Adjustment with prior application to an administrative officer shall be filed with the Secretary of the Zoning Board of Adjustment. Three copies of the application shall be filed.
- C. At the time of filing the appeal or application, but in no event less than 10 days prior to the date set for hearing, the applicant shall also file all plot plans, maps or other papers required by virtue of any provision of this chapter or any rule of the Board of Adjustment. The applicant shall obtain all necessary forms from the Secretary of the Zoning Board of Adjustment. The Secretary of the Board shall inform the applicant of the steps to be taken to

initiate proceedings and of the regular meeting dates of the Board.

- D. An appeal stays all proceedings in furtherance of the action in respect of which the decision appealed from was made, unless the Construction Code Official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Adjustment or by the Superior Court of New Jersey on application or notice to the Construction Code Official from whom the appeal is taken and on due cause shown.
- E. The Zoning Board of the City of Long Branch or its duly authorized committee or designee shall issue the required written notice of a complete application and shall specify the deficient items in an incomplete application.

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PART I ADMINISTRATIVE LEGISLATION / Chapter 69, LAND USE PROCEDURES /
ARTICLE III, Board of Adjustment / § 69-22. Power to reverse or modify decision.**

§ 69-22. Power to reverse or modify decision.

In exercising the power conferred upon it, the Board of Adjustment, in conformity with the Revised Statutes of New Jersey and the amendments thereto, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made, and to that end shall have all the power of the Construction Code Official. The concurring vote of three members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the Construction Code Official or to decide in favor of the application any matter on which it is required to pass under this section or to effect or recommend any exceptions to or variations from the zoning ordinance.^{EN(10)}

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ARTICLE III, Board of Adjustment / § 69-23. Time frame for decision.**

§ 69-23. Time frame for decision.

- A. The Board of Adjustment shall render its decision not later than 120 days after the date an appeal is taken from the decision of an administrative officer or the submission of a complete application for development to the Board pursuant to the provisions of § 69-21. Failure of the

Board to render a decision within such one-hundred-twenty-day period or within such further time as may be consented to by the applicant shall constitute a decision favorable to the applicant.

- B. Where an application for development requests relief pursuant to § 69-25B, the Board of Adjustment shall grant or deny approval of the application within 120 days after submission by a developer of a complete application to the Construction Code Official or within such further time as may be consented to by the applicant. Failure of the Board of Adjustment to act within the period prescribed shall constitute approval of the application. A certificate of the Construction Code Official as to the failure of the Board of Adjustment to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval herein required and shall be so accepted by the county recording officer for the purposes of filing subdivision plats.
- C. Whenever review or approval of the application by the County Planning Board is required by Section 5 of P.L. 1968, c. 285 (N.J.S.A. 40:27-6.3) in the case of a subdivision or Section 8 of P.L. 1968, c. 285 (N.J.S.A. 40:27-6.6) in the case of a site plan, the Board of Adjustment shall condition any that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approvals by the County Planning Board by its failure to report thereon within the required time.
- D. An application under this section may be referred to any appropriate person or agency, including the Planning Board, provided that such reference shall not extend the period of time within which the Zoning Board of Adjustment shall act.

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PART I ADMINISTRATIVE LEGISLATION / Chapter 69, LAND USE PROCEDURES /
ARTICLE III, Board of Adjustment / § 69-24. Period of limitation.**

§ 69-24. Period of limitation.

Any exception or variance from this section granted by the Board of Adjustment to the applicant permitting the erection or alteration of any structure or structures or permitting a specified use of any premises shall expire by limitation unless construction, alteration or conversion shall have actually commenced on each and every structure permitted by said variance or unless such permitted use has actually been commenced within one year from the date of publication of the notice of the judgment or determination of the Board of Adjustment; except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Board of Adjustment to the Council, or to a court of competent jurisdiction, until the termination in any manner of such appeal or proceeding. Notwithstanding

anything to the contrary set forth in this section, whenever such exception or variance shall be granted in conjunction with a final approval of a site plan or major subdivision, the validity of such exception or variance shall be extended for the initial two-year time period and any subsequent one-year extensions that the applicant may obtain under N.J.S.A. 40:55D-52.

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PART I ADMINISTRATIVE LEGISLATION / Chapter 69, LAND USE PROCEDURES /
ARTICLE III, Board of Adjustment / § 69-25. Additional powers.**

§ 69-25. Additional powers.

The Zoning Board of Adjustment shall, in addition to the powers specified in § 69-20, have power given by law to:

- A. Direct issuance of a permit pursuant to N.J.S.A. 40:55D-34 for a building or structure in the bed of a mapped street or public drainageway, flood control basin or public area reserved on the Official Map.
- B. Direct issuance of a permit pursuant to N.J.S.A. 40:55D-36 for a building or structure not related to a street. The Board of Adjustment shall have the power to grant to the same extent and subject to the same restrictions as the Planning Board subdivision or site plan approval pursuant to Article 6 of Chapter 291, P.L. 1975^{EN(11)} whenever the Board is reviewing an application for approval of a use variance pursuant to § 69-20A(4).

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ARTICLE IV, Provisions Applicable to Both Planning Board and Zoning Board of
Adjustment**

**ARTICLE IV, Provisions Applicable to Both Planning Board and Zoning Board of
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ARTICLE IV, Provisions Applicable to Both Planning Board and Zoning Board of
Adjustment / § 69-26. Conflicts of interest.**

§ 69-26. Conflicts of interest.

No member of the Planning Board or Zoning Board of Adjustment shall act on any matter in which he has either directly or indirectly any personal or financial interest. Whenever any such member shall disqualify himself from acting on a particular matter, he shall not continue to sit with the Board on the hearing of such matter nor participate in any discussion or decision relating thereto.

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ARTICLE IV, Provisions Applicable to Both Planning Board and Zoning Board of
Adjustment / § 69-27. Meetings.**

§ 69-27. Meetings.

- A. Meetings of both the Planning Board and Zoning Board of Adjustment shall be scheduled no less often than once a month, and any meeting so scheduled shall be held as scheduled unless canceled for lack of applications for development to process.
- B. Special meeting may be provided for at the call of the Chairman or on the request of any two Board members, which shall be held on notice to its members and the public in accordance with all applicable legal requirements.
- C. No action shall be taken at any meeting without a quorum being present.
- D. All action shall be taken by a majority of the members of the agency present at the meeting except as otherwise provided in this chapter and by state statute.
- E. All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Law, Chapter 231, P.L. 1975.^{EN(12)}

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ARTICLE IV, Provisions Applicable to Both Planning Board and Zoning Board of
Adjustment / § 69-28. Minutes.**

§ 69-28. Minutes.

Minutes of every regular or special meeting shall be kept and shall include the names of the

persons appearing and addressing the Board and of the persons appearing by attorney, the action taken by the Board, the findings, if any made by it, and reasons therefor. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the City Clerk. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceeding concerning the subject matter of such minutes. Such interested party may be charged a fee for reproduction of the minutes for his use as provided for in the rules of the Board.

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ARTICLE IV, Provisions Applicable to Both Planning Board and Zoning Board of
Adjustment / § 69-29. Fees. (Last amended 2-9-1993 by Ord. No. 3-93)**

§ 69-29. Fees. (Last amended 2-9-1993 by Ord. No. 3-93)

A. Any application of any nature shall be accompanied by an administrative fee and escrow fee pursuant to the schedule incorporated in Subsection C.

B. Escrow deposits.

(1) The Planning Board and Zoning Board of Adjustment, as the case may be, shall also require, in addition to the filing fees provided hereafter, escrow deposits in accordance with the provisions of this chapter. Such escrows shall be utilized to reimburse the municipality for:

(a) All expenses of professional personnel incurred by it necessary to process an application for development before a municipal agency, such as, but not by way of limitation:

- [1] Charges for reviews by professional personnel of applications and accompanying documents.
- [2] Issuance of reports by professional personnel to the municipal agency setting forth recommendations resulting from the review of any documents submitted by the applicant.
- [3] Charges for any telephone conference or meeting requested or initiated by the applicant, his attorney or any of his experts.
- [4] Review of additional documents submitted by the applicant and issuance of reports relating thereto.

- [5] Review or preparation of easements, developers' agreements, deeds, resolutions or the like.
 - [6] Preparation for and attendance at special meetings.
- (b) The cost of additional expert advice or testimony obtained by the municipal agency regarding the application, provided that the municipal agency gives prior notice to the applicant of its intention to obtain such additional expert advice or testimony and affords the applicant an opportunity to be heard as to the necessity for such additional advice or testimony and definition of the limitations on the nature and extent thereof.
- (2) The municipality shall require the deposit of such escrows into an escrow account for the purpose of reimbursing the municipality for payment of such expenses. The applicant shall, as a condition precedent to the application being deemed complete, submit the escrow deposits hereinafter set forth to be held in escrow in accordance with the provisions hereof.
 - (3) In the event that the professional and/or expert charges should deplete the escrow account by more than 50% of the original submission, the Director of Finance shall notify the applicant and require payment of additional escrow sums. Such additional escrow sums shall be sufficient to restore the escrow account to not less than 75% of the original escrow deposit.
 - (4) Except as otherwise provided in Subsection B(1)(b) above, no applicant shall be responsible to reimburse the municipality for attendance by the municipality's professional personnel at any regularly scheduled meeting of the municipal agency; provided further, however, that the municipality shall be entitled to be reimbursed for attendance of its professional personnel at a special meeting(s) of a municipal agency, which special meeting(s) was requested to be called by the applicant.
 - (5) The term "professional personnel" or "professional services" as used herein shall include the services of a duly licensed engineer, surveyor, planner, attorney, realtor, appraiser or other expert who would provide professional services to ensure an application meets performance standards set forth in the ordinance and other experts whose testimony is in an area in which the applicant has presented expert testimony.
 - (6) No signed plat or site plan shall be released to the applicant nor shall any zoning permits, building permits, certificates of occupancy or any other types of permits be issued with respect to any approved application for development until all bills for reimbursable services have been received by the municipality from professional personnel rendering services in connection with such application and payment has been approved by the

governing body. The Finance Director shall, upon written notification by the applicant that all outstanding conditions of final approval have been met and final plans (plats) have been submitted for signature, render a written final accounting pursuant to N.J.S.A. 40:55D-53.2. If the amount of escrow deposit exceeds the actual cost as approved for payment by the governing body, the developer shall be entitled to a return of the excess deposit, together with such interest as allowed by N.J.S.A. 40:55D-53.1; but if the charges submitted and approved by the governing body exceed the amount of the escrow deposit, the applicant shall be liable for payment of such deficiency.

- (7) No professional personnel submitting charges to the municipality for any of the services referred to in Subsection B(1)(a) above shall charge for any of the services contemplated by that subsection at any higher rate or in any different manner than would normally be charged the municipality for similar work as ascertained by the professional's contract of employment with the municipality or by provisions of the municipal salary ordinance. Payment of any bill rendered by a professional to the municipality with respect to any service for which the municipality is entitled to reimbursement under this chapter shall in no way be contingent upon receipt of reimbursement by the developer, nor shall any payment to a professional be delayed pending reimbursement from a developer.
- (8) Escrow deposits received from any developer pursuant to Subsection B shall be deposited in a banking institution pursuant to N.J.S.A. 40:55D-53.1.

C. Development application fee and escrow schedule. [Amended 6-22-1993 by Ord. No. 21-93]

Type of Application	Administrative Fee	Escrow
Appeals and interpretations	\$200	\$300
Conceptual/informal reviews	\$150	
Bulk variances [Amended 2-13-2001 by Ord. No. 3-01]		
Single- and two-family	\$150	\$350 (plus \$100 per each variance requested when connected with a major subdivision)

Type of Application	Administrative Fee	Escrow
Multifamily	\$200	\$350 (plus \$100 per each variance requested)
Nonresidential	\$200	\$350 (plus \$100 per variance requested)
"D" variances	\$200	\$500
Use variance		
Single- and two-family [Amended 2-13-2001 by Ord. No. 3-01]	\$250	\$350
Multifamily	\$450	\$500 plus \$50 per unit
Nonresidential	\$450	\$1,000 plus \$100 per 1,000 square feet or fraction thereof over 2,000 square feet of gross impervious surface to be developed
Conditional use	\$450	\$250 plus \$100 per 1,000 square feet or fraction thereof over 2,000 square feet of gross impervious surface to be developed
Subdivision		
Minor/sketch plat	\$100 plus \$50 per lot	\$750
Major classification	\$100	\$1,500 plus \$200 per lot
Preliminary	\$150 plus \$50 per lot	
Final	\$100 plus \$25 per lot	\$500 plus \$100 per lot
Site plan		

Type of Application	Administrative Fee	Escrow
Minor site plan [Amended 2-13-2001 by Ord. No. 3-01]	\$200	\$350
Major site plan		
Residential		
Preliminary	\$200 plus \$50 per unit	\$2,000 plus \$100 per 1,000 square feet or fraction thereof over 2,000 square feet of gross impervious surface to be developed, plus \$200 per dwelling unit
Final	\$100 plus \$25 per unit	\$1,000 plus \$50 per 1,000 square feet or fraction thereof over 2,000 square feet of gross impervious surface to be developed, plus \$200 per dwelling unit
Nonresidential		
Preliminary	\$250 plus \$50 per 1,000 square feet or fraction thereof over 2,000 square feet of gross impervious surface	\$2,000 plus \$100 per 1,000 square feet or fraction thereof over 2,000 square feet of gross impervious surface to be developed, plus \$200 per 1,000 square feet or fraction thereof of gross floor area

Type of Application	Administrative Fee	Escrow
Final	\$125 plus \$25 per 1,000 square feet or fraction thereof over 2,000 square feet of gross impervious surface to be developed	\$1,000 plus \$50 per 1,000 square feet or fraction thereof over 2,000 square feet of gross impervious surface to be developed, plus \$100 per 1,000 square feet or fraction thereof of gross floor area
Certified list	\$10	
Special meeting [Amended 5-22-2001 by Ord. No. 19-01; 6-12-2001 by Ord. No. 23-01]	\$2,500	\$1,500
Resubmission or revision fee	Minimum \$50 Maximum 40% of original fee	Minimum \$50 Maximum 40% of original fee
Zoning permit	\$10	
Preexisting use certificate	\$10	
Search required [Added 8-25-1998 by Ord. No. 28-98]	\$50	
Extension of approvals	\$200	Extension escrow \$200
Finished grade [Added 4-10-2001 by Ord. No. 1301]	--	\$500

- D. Amendment to final plat or plan (subdivision or site plan). An applicant seeking to amend the final plat shall pay a fee of 1/2 of the final plat or plan fee. If the approving authority determines that the proposed amendment will result in a substantial change in the final plat or

plan, the application shall be treated as a new application and be processed accordingly subject to the payment of a full fee pursuant to whatever the original schedule was.

- E. Resubmission fee. In the event that any applicant shall determine to revise or is required by the approving authority to revise a submission for any application which will result in additional review by the approving authority's experts, employees, consultants, the planning division or the City engineer, a resubmission fee shall be paid in an amount not to exceed 40% of the fee for the original filing with a minimum fee of \$50. The actual amount due shall be determined by the approving authority based upon the anticipated cost for additional reviews.
- F. Special meeting fee. In the event that any applicant requests to be placed on the agenda for a special meeting, he shall be responsible for a pro rata share of the Board's costs in holding said meeting, including but not limited to fees for the Board Stenographers, Board Engineer, Board Attorney, Planner, Secretary to the Board and any other Board experts who are required to attend. [Amended 2-9-1993 by Ord. No. 3-93; 6-22-1993 by Ord. No. 21-93]

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ARTICLE IV, Provisions Applicable to Both Planning Board and Zoning Board of
Adjustment / § 69-30. Hearings.**

§ 69-30. Hearings.

- A. Rules. The Planning Board and Zoning Board of Adjustment shall make rules governing the conduct of hearings before such bodies, which rules shall not be inconsistent with the provisions of N.J.S.A. 40:55D-1 et seq. or of this chapter.
- B. Oaths. The officer presiding at the hearing or such person as he may designate shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the County and Municipal Investigations Law, c. 38, P.L. 1953 (N.J.S.A. 2A:67A-1 et seq.) shall apply.
- C. Testimony. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer, and the right of cross examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.
- D. Evidence. Technical rules of evidence shall not be applicable to the hearing, but the Board

may exclude irrelevant, immaterial or unduly repetitious evidence.

- E. Records. Each Board shall provide for the verbatim recording of the proceedings by either stenographer, mechanical or electronic means. The Board shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at his expense.

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ARTICLE IV, Provisions Applicable to Both Planning Board and Zoning Board of
Adjustment / § 69-31. Notice requirements for hearing.**

§ 69-31. Notice requirements for hearing.

All public hearing dates shall be set by the approving authority. The approving authority shall hold a public hearing on each application for development, except that the approving authority may waive the required notices and hearing for minor subdivisions and minor site plans unless a variance or conditional use is part of the application. No public hearing shall be required for final site plan of subdivision approval. All public hearings conducted on subdivisions, site plans or variances before either the Board of Adjustment or Planning Board shall follow the requirements of the Municipal Land Use Law (see N.J.S.A. 40:55D-11 and 40:55D-12) as summarized below.

- A. Public notice shall be given by publication in the official newspaper of the City at least 10 days prior to the date of the hearing.
- B. Notice shall be given to the owners of all real property as shown on the current tax duplicate or duplicates located within 200 feet in all directions of the property which is the subject of such hearing and whether located within or without the City in which the applicant's land is located. Such notice shall be given by serving a copy thereof on the owner as shown on the current tax duplicate or his agent in charge of the property or mailing a copy thereof by certified mail to the property owner at his address as shown on the current tax duplicate. A return receipt is not required. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its President, a Vice President, Secretary or other person authorized by appointment or by law to accept service on behalf of the corporation. Notice to the condominium association, horizontal property regime, community trust or homeowners association, because of its ownership of common elements or areas located within 200 feet of the property which is the subject of the hearing, may be made in the same manner as to a corporation without further notice to unit owners, co-owners or homeowners on account of such common elements or area.
- C. Notice of all hearings on applications for development involving property located within the 200 feet of an adjoining municipality shall be given by personal service or certified mail to

the Clerk of such municipality, which notice shall be in addition to the notice required to be given pursuant to Subsection B to the owners of lands in such adjoining municipality which are located within 200 feet of the subject premises.

- D. Notice shall be given by personal service or certified mail to the County Planning Board of a hearing on an application for development of property adjacent to an existing county road or proposed road shown on the Official County Map or on the County Master Plan, adjoining other county land or situated within 200 feet of a City boundary.
- E. Notice shall be given by personal service or certified mail to the Commissioner of Transportation of a hearing on an application for development of property adjacent to a state highway.
- F. Notice shall be given by personal service or certified mail to the Director of the Division of State and Regional Planning in the Department of Community Affairs of a hearing on an application for development of property which exceeds 150 acres or 500 dwelling units. Such notice shall include a copy of any maps or documents required to be on file with the City Clerk pursuant to Section 6b of c. 291, P.L. 1975.^{EN(13)}
- G. All notices hereinabove specified in this section shall be given at least 10 days prior to the date fixed for hearing, and the applicant shall file an affidavit of proof of service with the board holding the hearing on the application for development.
- H. Any notice made by certified mail as hereinabove required shall be deemed to be complete upon mailing in accordance with the provisions of N.J.S.A. 40:55D-14.
- I. Form of notice. All notices required to be given pursuant to the terms of this chapter shall state the date, time and place of the hearing, the nature of the matters to be considered and identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the City Tax Assessor's office and the location and times as to which any maps and documents for which approval is sought are available as required by law.

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Adjustment / § 69-32. List of property owners furnished.**

§ 69-32. List of property owners furnished.

The administrative office of the City or its designate shall, within seven days of the receipt of a request thereof and upon receipt of payment of \$10 or \$0.25 cents per name, whichever is

greater, make and certify a list from the current tax duplicate of names and addresses of owners to whom the applicant is required to give notice pursuant to § 69-31B.

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Adjustment / § 69-33. Decisions.**

§ 69-33. Decisions.

- A. Each decision on any application for development shall be set forth in writing as a resolution of the Board, which shall include findings of fact and legal conclusions based thereon.
- B. A copy of the decision shall be mailed by the Board within 10 days of the date of decision to the applicant or, if represented, then to his attorney, without separate charge. A copy of the decision shall also be mailed to all persons who have requested it and who have paid the fee prescribed by the Board for such service. A copy of the decision shall also be filed in the office of the City Clerk, who shall make a copy of such filed decision available to any interested party upon payment of a fee calculated in the same manner as those established for copies of other public documents in the City.

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Adjustment / § 69-34. Publication of decisions.**

§ 69-34. Publication of decisions.

A brief notice of every decision shall be published in the official newspaper of the City, the costs of which are to be charged to the applicant. Where the application sought is approved, such publication shall be arranged by the applicant. Where the application is denied, such publication shall be arranged by the Secretary of the Planning Board or Zoning Board of Adjustment, as the case may be. Such notice shall be sent to the official newspaper for publication within 10 days of any such decision.

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Adjustment / § 69-35. Payment of taxes.**

§ 69-35. Payment of taxes.

Pursuant to the provisions of N.J.S.A. 40:55D-39 and 40:55D-65, every application for development submitted to the Planning Board or to the Zoning Board of Adjustment shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of such application; or, if it is shown that taxes or assessments are delinquent on said property, any approvals or other relief granted by either board shall be conditioned upon either the prompt payment of such taxes or assessments or the making of adequate provision for the payment thereof in such manner that the City will be adequately protected.

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ARTICLE V, Miscellaneous Provisions**

ARTICLE V, Miscellaneous Provisions

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ARTICLE V, Miscellaneous Provisions / § 69-36. Appeals.**

§ 69-36. Appeals.

- A. Appeals to Zoning Board of Adjustment. An appeal to the Zoning Board of Adjustment may be taken by any interested party affected by any decision of the Construction Code Official or any other administrative officer or agency of the City based on or made in the enforcement of Chapter 345, Zoning, or Official Map. Such appeal shall be taken within 20 days by filing a notice of appeal in the manner set forth in § 69-21A and in accordance with the provisions of Article 9 of the Municipal Land Use Law of 1975,^{EN(14)} as amended and supplemented.
- B. Appeals to governing body. Any interested party may appeal to the governing body any final decision of the Board of Adjustment approving an application for development pursuant to N.J.S.A. 40:55D-70d.

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ARTICLE V, Miscellaneous Provisions / § 69-37. Ordinances continued.

§ 69-37. Ordinances continued.

Pursuant to the provisions of Chapter 291, P.L. 1975, Section 81, the substantive provisions of the existing Land Subdivision Ordinance and the Zoning Ordinance^{EN(15)} of the City of Long Branch and the development regulations set forth therein shall continue in full force and effect and shall be read in para materia with this chapter.

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ARTICLE V, Miscellaneous Provisions / § 69-38. Pending applications.**

§ 69-38. Pending applications.

All applications for development filed prior to the effective date of this chapter may be continued, but any appeals arising out of decisions made on any such application shall be governed by the provisions of § 69-35.

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ARTICLE V, Miscellaneous Provisions / § 69-39. Copy to be filed with County
Planning Board. [Amended 6-22-1993 by Ord. No. 20-93]**

§ 69-39. Copy to be filed with County Planning Board. [Amended 6-22-1993 by Ord. No. 20-93]

Immediately upon adoption of this chapter the City Clerk shall file a copy of this chapter with the County Planning Board as required by law. The Clerk shall also file with the County Planning Board copies of all other ordinances of the City relating to land use, such as th^{EN(16)}e subdivision and zoning ordinances.^{EN(17)}

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ARTICLE V, Miscellaneous Provisions / § 69-40. Internal documents. [Added
6-12-2001 by Ord. No. 23-01]**

§ 69-40. Internal documents. [Added 6-12-2001 by Ord. No. 23-01]

All internal reports, memos, reviews, etc., as provided by either the City's paid professionals or City agencies which are prepared for the sole purpose of aiding the Planning/Zoning Board in its decision-making process shall become a part of an applicant's public document file at such time as said internal reports, memos, reviews, etc., have been compiled by the Planning Division and distributed to the appropriate Board members for their review. Said reports, memos, reviews, etc., may be made available to the public at an earlier time at the discretion of the Chairman of the appropriate Board.

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PART I ADMINISTRATIVE LEGISLATION / Chapter 69, LAND USE PROCEDURES /
ARTICLE VI, Contribution Disclosure in Development Applications [Added
6-8-2004 by Ord. No. 19-04]**

**ARTICLE VI, Contribution Disclosure in Development Applications [Added
6-8-2004 by Ord. No. 19-04]**

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PART I ADMINISTRATIVE LEGISLATION / Chapter 69, LAND USE PROCEDURES /
ARTICLE VI, Contribution Disclosure in Development Applications [Added
6-8-2004 by Ord. No. 19-04] / § 69-41. Purpose.**

§ 69-41. Purpose.

The purpose of this article is to enhance the City's commitment to openness in government and to provide further guarantees for a fair and impartial variance, waiver and exception application process by requiring the disclosure of political contributions made by property owners, developers and professionals as part of the application process for certain approvals under the Municipal Land Use Law. Such disclosure will effectuate the purposes of the Municipal Land Use Law to promote the morals and general welfare of the community through ensuring additional guarantees of openness in government and a fully informed public.

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PART I ADMINISTRATIVE LEGISLATION / Chapter 69, LAND USE PROCEDURES /
ARTICLE VI, Contribution Disclosure in Development Applications [Added**

6-8-2004 by Ord. No. 19-04] / § 69-42. Definitions.

§ 69-42. Definitions.

As used in this article, the following terms shall have the meanings indicated:

APPLICATION CHECKLIST -- The list of submission requirements adopted by ordinance and provided by municipal agencies to a developer pursuant to N.J.S.A. 40:55D-10.3.

DEVELOPER -- A developer as defined by N.J.S.A. 40:55D-4, i.e., 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.

PROFESSIONAL -- Any person or entity whose principals are required to be licensed by New Jersey law and who supplies legal representation, expert testimony or written reports in support of an application. Professionals shall include both any individuals supplying the representation, testimonies or reports and the firms or entities in which said individuals practice.

CONTRIBUTION -- Every loan, gift, subscription, advance or transfer of money or other thing of value, including any item of real property or personal property, tangible or intangible (but not including services provided without compensation by individuals volunteering a part or all of their time on behalf of a candidate, committee or organization), made to or on behalf of any candidate, candidate committee, joint candidates committee, political committee, continuing political committee or political party committee and any pledge, promise or other commitment or assumption of liability to make such transfer. For purposes of reports required under the provisions of this article, any such commitment or assumption shall be deemed to have been a contribution upon the date when such commitment is made or liability assumed.

CONTRIBUTION DISCLOSURE STATEMENT -- A list specifying the amount, date and the recipient of any and all contributions made to or on behalf of any candidate, candidate committee, joint candidates committee, political committee, continuing political committee or political party committee of or pertaining to the City of Long Branch, made prior to filing the application with or seeking approval from the City and required to be reported pursuant to N.J.S.A. 19:44A-1 et seq. The disclosure shall include all such contributions made during the time period measuring from one year prior to filing the application seeking approval from the City through to the time of filing said application. Additionally, there shall be a continuing disclosure responsibility to require continuing disclosure of any such contributions made following the filing of the contribution disclosure statement and during the pendency of the application and/or approval process.

MUNICIPAL AGENCY -- The Municipal Planning Board or the Municipal Zoning Board of

Adjustment, as applicable.

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ARTICLE VI, Contribution Disclosure in Development Applications [Added
6-8-2004 by Ord. No. 19-04] / § 69-43. General provisions.**

§ 69-43. General provisions.

A. Disclosure requirements.

- (1) Any applicant for a variance pursuant to N.J.S.A. 40:55D-70d or a variance pursuant to N.J.S.A. 40:55D-70c in conjunction with any application for a subdivision not considered a minor subdivision pursuant to local ordinance or a site plan not considered a minor site plan pursuant to local ordinance, as well as any application for a subdivision not considered a minor subdivision pursuant to local ordinance or site plan not considered a minor site plan pursuant to local ordinance requiring waivers or exceptions pursuant to N.J.S.A. 40:55D-51, shall include in its application with and/or submit to the relevant municipal agency a contribution disclosure statement for all developers involved in the said application; all associates of said developers who would be subject to disclosure pursuant to N.J.S.A. 40:55D-48.1 or 40:55D-48.2 shall also be subject to this requirement; and all professionals who apply for or provide testimony, plans or reports in support of said application or who have an enforceable proprietary interest in the property or development which is the subject of the application or whose fee in whole or part is contingent upon the outcome of the application shall also be subject to this requirement. Regardless of whether the owner of the property which is the subject of the application falls in any of the categories established in the preceding sentence, the applicant shall include in its application to the relevant municipal agency a contribution disclosure statement for said owner.
- (2) During the pendency of the application process until the final approval associated with the application is granted, any applicant required to comply with this article shall amend its contribution disclosure statement to include continuing disclosure of all contributions within the scope of disclosure requirement of the above subsection.

B. Inclusion of contribution disclosure statements as an element of the application checklist.

- (1) An application checklist Ordinance is hereby adopted pursuant to N.J.S.A. 40:55D-10.3 to require that the contribution disclosure statements specified in Subsection A of this section be submitted by the applicant for all applications for variance relief pursuant to N.J.S.A. 40:55D-70d, as well as for relief pursuant to N.J.S.A. 40:55D-70c, or for relief

pursuant to N.J.S.A. 40:55D-51 in applications for site plan and subdivision approval not considered to be minor site plans or minor subdivisions pursuant to local ordinance.

- (2) The City's Municipal Agencies shall amend application checklists to include contribution disclosure statements specified in Subsection A of this section.
 - (3) An application shall not be deemed complete by the administrative official or accepted for public hearing by the municipal agency until the required contribution disclosure statements are submitted.
- C. Availability of contribution disclosure statements. All contribution disclosure statements shall be available in the office of the administrative officer for review by any member of the public.
- D. Intent of contribution disclosure statements. It is the intent of this article that contribution disclosure statements shall serve solely as a means to inform the public and shall not serve in any manner as evidence relevant to the decision-making criteria for granting or denying requested variances or other approvals. Such decisions shall continue to be governed strictly under the relevant criteria set forth in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., or other relevant law.

Endnotes

1 (Popup - Popup)

Editor's Note: See N.J.S.A. 40:55D-1 et seq.

2 (Popup - Popup)

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

3 (Popup - Popup)

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

4 (Popup - Popup)

Editor's Note: See Ch. 300, Subdivision of Land.

5 (Popup - Popup)

Editor's Note: "Section 23 of this act" refers to N.J.S.A. 40:55D-32.

6 (Popup - Popup)

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

7 (Popup - Popup)

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

8 (Popup - Popup)

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

9 (Popup - Popup)

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

10 (Popup - Popup)

Editor's Note: See Ch. 345, Zoning.

11 (Popup - Popup)

Editor's Note: See N.J.S.A. 40:55D-37 et seq.

12 (Popup - Popup)

Editor's Note: See N.J.S.A. 10:4-6 et seq.

13 (Popup - Popup)

Editor's Note: See N.J.S.A. 40:55D-10b.

14 (Popup - Popup)

Editor's Note: See N.J.S.A. 40:55D-69 et seq.

15 (Popup - Popup)

Editor's Note: See Ch. 300, Subdivision of Land, and Ch. 345, Zoning.

16 (Popup - Popup)

Editor's Note: Former Section 23-11, Application Fee Schedule, which immediately followed this section, containing a portion of Ord. No. 3-91, was repealed 2-9-1993 by Ord. No. 3-93 and further repealed 8-10-1993 by Ord. No. 23-93. See § 69-29 for fees.

17 (Popup - Popup)

Editor's Note: See Ch. 300, Subdivision of Land, and Ch. 345, Zoning.