

5-1 MASTER PLAN.**5-1.1 Hearing.**

The Planning Board shall hold a hearing on each proposed adoption, amendment or revision to the Master Plan. Any maps and documents proposed or for which approval is sought shall be on file and available for public inspection at least ten (10) days before the date of the hearing during normal business hours. (Ord. No. 581 § 5-1.1)

5-1.2 Notice of Hearings on Master Plan.

Notice of hearing by publication shall be given by the Planning Board as to the proposed adoption, amendment or revision of the Master Plan, at least ten (10) days prior to the date of the hearing.

The notice shall state the date, time and place of the hearing, the nature of the matters to be considered and the location and times at which any Master Plan maps and documents proposed or for which approval is sought are available.

Notice shall also be given by personal service or certified mail to the Clerk of any adjoining municipality in cases involving property located within two hundred (200) feet of such municipality and to the County Planning Board. The notice to the County Planning Board shall also include the Master Plan proposed for adoption or any proposed amendment or revision thereof. (Ord. No. 581 § 5-1.2)

5-1.3 Notice of Adoption to County Planning Board.

Notice of each adoption, amendment or revision of the Master Plan shall be given to the County Planning Board by the Board by personal service or certified mail not more than thirty (30) days after the date of such adoption, amendment or revision, and such notice shall include a copy of such adopted Master Plan, amendment or revision. (Ord. No. 581 § 5-1.3)

5-2 DEVELOPMENT REGULATIONS, CAPITAL IMPROVEMENTS PROGRAM AND OFFICIAL MAP.**5-2.1 Hearings.**

The Governing Body shall hold a hearing before adopting, amending or revising any development regulation, any capital improvement program, and the Official Map that has been recommended to it by the Planning Board. (Ord. No. 581 § 5-2.1)

5-2.2 Notice of Hearing.

Notice of hearing by publication shall be given by the Governing Body as to the proposed adoption, amendment or revision to any development regulation, Official Map or Capital Improvements Program at least ten (10) days prior to the date of the hearing.

The notice shall state the date, time and place of the hearing, the nature of the matters to be considered and the location and times at which pertinent documents are available for inspection.

Notice of such hearing shall be given by personal service or certified mail at least ten (10) days prior to the date of the hearing to the County Planning Board and, in cases involving property situated within two hundred (200) feet of an adjoining municipality, to the Clerk of such municipality. (Ord. No. 581 § 5-2.2)

5-2.3 Notice of Adoption of Official Map or Capital Improvement Program.

Notice of the adoption of any Official Map or Capital Improvement Program or amendment or revision thereof shall be given by the Governing Body to the County Planning Board by personal service or certified mail within thirty (30) days after the date of such adoption, and said notice shall include a copy of such adopted Official Map, Capital Improvement Program, Amendment or Revision. (Ord. No. 581 § 5-2.3)

5-2.4 Filing of Development Regulations with County Authorities.

No development ordinance or any amendment or revision thereof shall take effect until a copy thereof is filed with the County Planning Board; and the Official Map shall not take effect until filed with the County Clerk. (Ord. No. 581 § 5-2.4)

5-3 APPEALS TO THE GOVERNING BODY.

Any interested party may appeal to the Governing Body from any Final Approval of the Zoning Board of Adjustment as delineated in Section 3-16. (Ord. No. 581 § 5-3)

5-3.1 Time and Manner of Appeal.

Such appeal shall be made within ten (10) days after the date of publication of the decision pursuant to N.J.S.A. 40:55D-17 by serving upon the Borough Clerk personally or by certified mail a Notice of Appeal specifying the grounds thereof and the name and address of the appellant and, if represented, his attorney and by paying to the Borough Clerk for the use of the Municipality a fee of fifty (\$50.00) dollars. A copy of such notice shall be filed by the appellant with the Approving Authority. (Ord. No. 581 § 5-3.1)

5-3.2 Proceedings Stayed by Appeal; Exception.

An appeal to the Governing Body shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made, unless the municipal agency from whose action the appeal is taken certifies to the Governing Body, after the Notice of Appeal has been filed with such agency, that by reason of facts stated in the certificate a stay would, in the agency's opinion, cause imminent peril to life or property; and in such case, proceedings shall not be stayed other than by order of the Superior Court on application and upon notice to the agency and on good cause shown. (Ord. No. 581 § 5-3.2)

5-3.3 Appeal to Be Decided on the Record, Transcript.

An appeal shall be decided by the Governing Body only upon the record established before the Approving Authority, and the appellant shall arrange for a transcript in accordance with N.J.S.A. 40:55D-17 or otherwise for use by the Governing Body. Costs of the transcript are to be deposited before the appeal is perfected, if the Borough is required to produce the transcript. Where the Borough is required to produce the transcript, the costs shall be reduced by the fifty (\$50.00) dollar deposit required in subsection 5-3.1 above; however, the reduced amount shall not be less than fifty (\$50.00) dollars. (Ord. No. 581 § 5-3.3)

5-3.4 Notice of Meeting.

Notice of the meeting to review the record shall be given by the Governing Body by personal service or certified mail to the appellant, to those entitled to notice of the Municipal Agency's decision pursuant to N.J.S.A. 40:55D-17 and to the Board from which the appeal was taken at least ten (10) days prior to the date of the meeting. (Ord. No. 581 § 5-3.4)

5-3.5 Argument Permitted; Recording of Meeting.

The parties may submit oral and written argument on the record at such meeting, and the Governing Body shall provide for verbatim recording and transcripts of such meeting in the manner provided by N.J.S.A. 40:55D-17. (Ord. No. 581 § 5-3.5)

5-3.6 Power to Affirm, Reverse, Remand or Modify; Required Vote.

The Governing Body may affirm, reverse or remand, wholly or in part, or may modify, the final decision appealed from, and the affirmative vote of a majority of the full authorized membership of the Governing Body shall be necessary to reverse, remand or modify the same. (Ord. No. 581 § 5-3.6)

5-3.7 Time for Decision; Failure to Render Decision in Time.

The appellant shall, either within five (5) days of service of the notice of the appeal pursuant to Section 5-3 of this chapter, arrange for a transcript pursuant to subsection 4-6.5 of this chapter for use by the Borough Council and pay a deposit of fifty (\$50.00) dollars or the estimated cost of such transcription, whichever is less, or within thirty-five (35) days of service of the notice of appeal, submit a transcript as otherwise arranged to the Borough Clerk; otherwise, the appeal may be dismissed for failure to prosecute.

The Borough Council shall conclude a review of the record below not later than ninety-five (95) days from the date of publication of notice of the decision below pursuant to Section 4-10 of this chapter unless the applicant consents in writing to an extension of such period. Failure of the Borough Council to hold a hearing and conclude a review of the record below and to render a decision within such specified period shall constitute a decision affirming the action of the Board, from which the appeal has been taken. (Ord. No. 581 § 5-3.7)

5-3.8 Furnishing Copies of Decision.

The Governing Body, not later than ten (10) days after the date of its decision, shall mail a copy thereof to the appellant or if represented, then to his attorney, without separate charge, and for a reasonable charge, to any other interested party who requests it. (Ord. No. 581 § 5-3.8)

5-3.9 Publication of Decision; Time for Further Review by Court.

The Governing Body shall cause a brief notice of its decision to be published and may make a reasonable charge for such publication. The appellant also may cause such publication to be made if he so desires. The time for appeal from the Governing Body's decision to a court of competent jurisdiction shall run from the first publication, whether made by the municipality or the appellant. (Ord. No. 581 § 5-3.9)

5-4 TOLLING OF RUNNING OF PERIOD FOR APPROVAL OF APPLICATIONS FOR DEVELOPMENT.

In the event that during the period of effectiveness provided for the approval of any application for development, the developer is barred or prevented, directly or indirectly, from proceeding with the development otherwise permitted under such approval by a legal action instituted by any state agency, political subdivision or other party to protect the public health and welfare or by a directive or order issued by any state agency, political subdivision or court of competent jurisdiction to protect the public health or welfare, and the developer is otherwise ready, willing and able to proceed with said development, the running of the period of effectiveness of approval under this chapter shall be suspended for the period of time the legal action is pending or such directive or order is in effect. (Ord. No. 581 § 5-4)