

## **300. SUBMISSION AND APPROVAL PROCEDURES**

### **301. Review and Approval Required.**

All subdivisions of land within Ocean County shall be submitted to the Ocean County Planning Board for review and, where required, approval. Subdivision approval is required for those subdivisions that affect County road or drainage facilities. All applications for site development, for change of use and for modification to site facilities of a commercial or industrial use located along a County road or affecting County drainage facilities shall be submitted to the Board for review and approval, except that site plan review shall not be required for one and two-family dwellings, or for permitted accessory uses incidental to one and two-family dwellings, or site plans for land development not along a County road that include less than one acre of impervious surfaces.

In accordance with the Municipal Land Use Law, (N.J.S.A. 40:55D-1 et seq.) municipal approval of a subdivision or site plan shall not be granted by the municipal approval authority unless said application is first approved by the Ocean County Planning Board. Municipal approval, however, may be granted prior to action by the County if said approval is conditioned upon favorable report and approval by the Ocean County Planning Board.

### **302. Request for Informal Preapplication Review.**

A prospective applicant may appear before the Development Review Committee for informal discussion prior to formal application. A fee shall not be charged for such informal preapplication review. Recommendations made by the Development Review Committee at this informal preapplication conference are non-binding upon the Planning Board.

### **303. Filing.**

Applications for subdivision approval or site plan approval shall be submitted to the Ocean County Planning Board by the applicant who may simultaneously submit to the municipal approval authority unless local regulations require otherwise. If required by local regulations, a designated municipal official may receive said applications on behalf of the municipal approval authority. In such cases a letter of transmittal signed by the municipal official designated to receive said applications shall accompany each submission to the Board.

Applications shall be filed by noon (12:00 p.m.) one week prior to the next regularly scheduled meeting of the Ocean County Planning Board and shall be accompanied by the payment of applicable fees in order to be included on the agenda. Payment of fees shall be by check or money order payable to Treasurer, County of Ocean.

**304. Determination of Completeness.**

An application will not be determined to be formally filed until the appropriate fee and number of plats, County application forms and other required information shall have been submitted in accordance with Section 400 of this Resolution. The time period for action shall not be deemed to run until such time as said application is deemed complete. The Applicant and the municipal approval authority shall be notified in writing within ten (10) days of submittal as to whether the application is complete or incomplete and the date of such determination. If the application is determined to be incomplete, a list of information required for a complete submission shall be provided.

If the development is located in the Pinelands Area, the application shall not be considered complete unless it is accompanied by a Certificate of Filing, a Notice of Filing or Certificate of Compliance, or other notification from the Pinelands Commission pursuant to 304:C as stated below.

- A. A Certificate of Filing or Notice of Filing issued pursuant to N.J.A.C. 7:50-4.34 or until January 14, 1991 evidence of prior approval from the Pinelands Development Review Board or Pinelands Commission pursuant to the Interim Rules and Regulations.
- B. A Certificate of Compliance issued pursuant to N.J.A.C. 7:50-4.15.
- C. Notification from the Pinelands Commission that prior municipal development approval complies with the Pinelands Comprehensive Management Plan requirements.
- D. If the development is located in the Pinelands Area, written notification will be given by the County to the Pinelands Commission, by mail, within seven (7) days after a determination is made by the County Planning Board that an application for development is complete or if a determination is made by the County Planning Board that an application which was previously filed has been modified. Said notice shall contain the information specified in N.J.A.C. 7:50-4.35 (b).

**305. Distribution and Review of Plans.**

A copy of the application for subdivision or site plan approval shall be submitted to the Ocean County Engineer for an engineering evaluation in accordance with the standards and criteria established in this Resolution. The County Planning Board shall not act on said application until a report from the County Engineer's office is received. Said report shall contain recommendations for County requirements and for the applicant's proportionate share of the cost of installation of required County off-site and off-tract improvements, as well as the recommendations and comments of the Development Review Committee.

The Development Review Committee shall conduct a joint review of the application. Its findings shall be incorporated in the County Engineer's report and presented to the full Board prior to action by the Board on the application. Said report shall include review for conformance with the goals and objectives of County plans and shall indicate those areas where potential problems or inconsistencies exist.

**306. Approval Time Period.**

The Ocean County Planning Board shall grant, conditionally grant or deny approval within thirty (30) days of deeming an application to be complete, or within an additional thirty (30) day period by mutual agreement between the Planning Board and the municipal approving authority, with approval by the applicant. Any such extension shall so extend the time period within which a municipal approving authority shall be required by law to act thereon. Should the Board fail to act within this 30-day period, and fail to receive an approved extension of time, said application shall be deemed to have been approved, and the Secretary of the Board shall, upon written request of the applicant, issue certification as to the failure of the Board to act, and said certification shall be sufficient authorization for further municipal action on the application and for acceptance thereof for filing by the County Recording Office.

**307. Appearance Before County Planning Board.**

All applicants have the right to appear before the Board when the Board is considering an application. Applicants may appear in person or be represented by an attorney; provided, however, that should the applicant be a corporation, it must be represented by an attorney. It shall be the duty of the applicant to determine the time and place the Board intends to act on an application.

**308. Actions Taken.**

If the County Planning Board approval is required in accordance with Section 301 of this Resolution, the County Planning Board shall either approve, conditionally approve or disapprove the application for subdivision or site plan approvals. For applications for development in the Pinelands Area, the County Planning Board may revoke or modify conditions of preliminary approval or final approval consistent with the provisions of Section 314 of this Resolution; provided, however, that such actions are subject to the reconsideration and judicial review provisions of Section 315 of this Resolution.

Where a hearing on an application for development approval in the Pinelands Area is required, the County Planning Board shall notify the Pinelands Commission, by mail or delivery of same to the principal office of the Commission, at least five (5) days prior to such hearing. Said notice shall contain the information specified in N.J.A.C. 7:50-4.35 (c).

**309. Notification of Action.**

The action taken by the Ocean County Planning Board on all subdivisions and site plans shall be duly set forth in the official minutes of the Ocean County Planning Board with a copy to be submitted to the municipal approval authority, the applicant and if the development is located in the Pinelands Area, to the Pinelands Commission. Said minutes shall set forth all conditions required for County approval, and if disapproved, all reasons for said disapproval. Said minutes may also include non-binding advisory comments relating to planning matters.

The County Planning Board shall notify the Pinelands Commission of all approvals (preliminary or final) and denials of development in the Pinelands Area, whether the approval occurs by action or inaction of the County Planning Board or an appeal of the County Planning Board decision. The County Planning Board shall give notice to the Commission by certified mail within five (5) days of the approval. Said notice shall contain the information specified in N.J.A.C. 7:50-4.35(d).

**310. Amendments.**

If the Board requires any substantial amendment in the layout of improvements proposed by the applicant that have been the subject of a hearing, an amended application for development shall be submitted and proceeded upon as in the case of the original application for development. Fees for such amended application shall be in accordance with Section 319.

**311. Subdivision and Site Plan Approval Requirements.**

Board approval of the subdivision or site plan shall be granted upon a finding that the plan complies with the following standards and regulations:

- A. That the applicant has submitted applications and plats containing all of the information and data as provided for in this Resolution.
- B. That the details of the plat are in accordance with the standards of this Resolution and consistent with the County Comprehensive Master Plan, Official Map and other County plans in existence at the time of application.
- C. That all parking and traffic related problems shall be reasonably resolved and shall provide for the safe and efficient passage of traffic.
- D. That adequate provisions are made so as to prevent any surface and subsurface drainage problems relating both to quantity and quality of runoff.
- E. That applicable provisions of the Pinelands Comprehensive Management Plan have been met.
- F. Prior to granting approval for a minor subdivision or site plan and prior to granting final approval for a major subdivision, the Planning Board must be in receipt of all required easement forms. Approval may be granted conditioned upon the receipt of all required easements.
- G. That all appropriate wetlands delineations are certified by the Army Corps of Engineers or the NJDEP for all minor subdivisions, major subdivisions and site plan applications.

**312. Simultaneous Review and Approval of Subdivisions and Site Plans.**

The Board shall have the power to review and approve or deny site plans simultaneously with review for subdivision approval without the applicant being required to make further application to the Board or the Board being required to hold further hearings.

**313. Pinelands Commission Review of County Approval.**

- A. Upon receipt by the Pinelands Commission of a notice of approval pursuant to Section 309, the application for development approval shall be reviewed in accordance with the provisions of N.J.A.C. 7:50-4.37 through N.J.A.C. 7:50-4.42. The approval by the County shall not be effective and no development shall be carried out prior to a determination of whether the development approval will be reviewed by the Commission. If the applicant is notified that the Commission will review the application for development, no development shall be carried out unless such review has been completed and the Commission has approved or approved with conditions of the proposed development and the provisions of N.J.A.C. 7:50-4.38(d) have been fulfilled.
- B. Until January 14, 1991, approvals issued by the Pinelands Development Review Board or the Pinelands Commission under the Interim Rules and Regulations may serve as the basis for Pinelands Commission review of agency approvals under this Section.
- C. Although the Pinelands Commission shall be notified of all denials of applications for development in the Pinelands Area, no such denial actions are subject of further review and action by the Pinelands Commission.

**314. Effect of Pinelands Commission's Decision on County Approval.**

- A. If the Pinelands Commission disapproves any application for development previously approved by the County Planning Board, the County Planning Board shall revoke its approval within thirty (30) days and shall thereafter deny such application.
- B. If the Pinelands Commission approves a decision of the County Planning Board subject to conditions, the County Planning Board shall modify its approval to include all conditions imposed by the Commission within thirty (30) days; and, if final approval of the application is required, shall grant such final approval only if the application demonstrates that the conditions specified by the Commission have been or will be met by the applicant.

**315. Reconsideration and Judicial Review.**

The County Planning Board may request a reconsideration of any determination made by the Executive Director of the Pinelands Commission as provided by N.J.A.C. 7:50-4.91 and judicial review of any determination or order of the Pinelands Commission as provided by Section 20 of the Pinelands Protection Act (N.J.S.A. 13:18A-1), N.J.A.C. 7:50-4.92 or other applicable statute(s).

**316. Public Development in the Pinelands Area.**

All development proposed by the County or any agency thereof in the Pinelands Area subject to the provisions of this Resolution will comply with all the applicable requirements of public development set forth in N.J.A.C. 7:50-4.51 et seq. and all the standards for development review set forth in Sections 304, 308-9, and 313-4.

**317. Changes after Approval**

After approval has been granted, changes or alterations shall not be made in any portion of the plan over which the County Planning Board has approval power without further approval of the alterations or changes by the County Planning Board.

In the event it becomes necessary to deviate from the approved plan due to site conditions which first appear during construction and which would affect a County road or a County drainage facility, the applicant shall notify and obtain the approval of the County Engineer before such deviation shall be made. Major deviations that substantially revise the approved plan shall be approved by the Planning Board.

**318. Length of Approvals.**

Subdivision and site plan approvals granted by the Ocean County Planning Board under the terms of this Resolution shall be valid for the following time periods in accordance with the Municipal Land Use Law (N.J.S.A. 40:50-1 et seq.):

A. Minor Subdivision - two (2) years from the date of approval.

- B. Preliminary Major Subdivision - three (3) years from the date of approval.
- C. Final Major Subdivision - two (2) years from the date of approval.
- D. Site Plan - three (3) years from the date of approval if said application has received preliminary approval only from the municipal approval authority, and two (2) years from the date of approval if the applicant has received final approval from the municipal authority.
- E. Extensions shall be granted consistent with the Municipal Land Use Law (N.J.S.A. 40:50-1 et seq.).

**319. Application Fees.**

Application fees shall be submitted in accordance with the Ocean County Planning Board's adopted fee schedule.

- A. Fees shall be charged for the review of all land subdivisions and site plans submitted to the County Planning Board. Application fees shall be submitted in accordance with the following fee schedule or subsequent revisions adopted by Resolution of the Board of Chosen Freeholders.
- B. Fee Schedule.
  - 1. Minor Subdivision - \$15.00 per lot including the remainder of the lot
  - 2. Major Subdivision/Preliminary Plat - \$85.00 plus \$5.00 per dwelling unit
  - 3. Major Subdivision/Final Plat - \$40.00
  - 4. Site Plan - \$75.00 plus \$0.50 per parking space
- A. The maximum fee charged for review shall not exceed \$5,000.00 unless such limit shall be revised by Resolution of the Board of Chosen Freeholders.



- B. Fees shall not be charged for review of plans submitted by State, County and municipal governments and churches, hospitals and secular non-profit institutions.
- C. The applicant shall make payment by check or money order made payable to the Treasurer, County of Ocean. Application fees shall not be refunded if the application is disapproved or if the application is withdrawn by the applicant. If the Board fails to complete its review within the statutory time period, the fee may be returned to the applicant upon written request provided that a formal request was not made by the County Planning Board for a time extension to continue its review.
- D. When development plans are revised to comply with the requirements of State, municipal or other regulatory agencies a resubmittal fee of sixty (60%) percent of the original fee shall be charged.

**320. Dedication and Reservations of Road Right-of-Way.**

- A. **Required Dedication.** As a condition to the approval of a subdivision or site plan application, the Board shall require the dedication of additional right-of-way for County roads in accordance with the County Comprehensive Master Plan, Official County Map or Right-of-Way Map. On an existing road, the additional right-of-way required shall be that portion of the site which abuts a County road and which lies between the existing right-of-way and the proposed future right-of-way line for the County Road. Where the proposed future right-of-way lines for existing County roads are drawn so that the total additional right-of-way is to be secured from only one side of the County road, only one-half of that additional right-of-way shall be required to be dedicated as a condition to the approval of a development plan. The Board may also require the reservation of the remaining area of future right-of-way for future acquisition. In this event, the building setback line shall be measured from the future right-of-way line. In the Pinelands Area, the building setback line must be a minimum of two hundred (200') feet from the centerline of the future roadway for applications located in the Preservation Area, Forest Area District or Rural Development District unless the applicant can demonstrate compliance with N.J.A.C. 7:50-6.104.

- B. Waiver. The Board may waive dedication of any area that includes existing structures or that exceeds ten (10%) percent of the total land area encompassed by the land development.
- C. Form of Dedication. In order to effect dedications required by this Section, a deed or easement for such lands shall be furnished to the County in a form approved by County Counsel. However, nothing in this Section shall affect previous dedications of land to the County not furnished by deed.
- D. Required Reservations for Bicycle Paths. Where a bicycle path or bikeway is proposed along a County road according to the Ocean County Comprehensive Master Plan, a strip of land shall be reserved along one or both sides of the right-of-way in accordance with said plan.

**321. Stormwater Management Technical Design Manual.**

In furtherance of the purposes of this Resolution alternatives which may provide acceptable solutions for stormwater management shall be provided in a Technical Design Manual prepared by the Ocean County Engineering Department.

**322. Appeals.**

In the event an applicant for subdivision or site plan approval is aggrieved by the action taken by the County Planning Board in regard to such application, said applicant may file an appeal in writing to the Board of Chosen Freeholders within ten (10) days after the date of notice of such action. The Board of Chosen Freeholders shall consider such an appeal at a regular or special public meeting within forty-five (45) days from the date of its filing.

Notice of said hearing shall be made by certified mail at least ten (10) days prior to the hearing to the applicant and to such of the following officials as deemed appropriate for each specified case: the Municipal Clerk, Municipal Planning Board or Board of Adjustment, Building Inspector, Zoning Officer, Pinelands Commission and the County Planning Board. The Board of Chosen Freeholders shall render a decision within thirty (30) days from the date of the hearing.

A copy of the decision by the Board of Chosen Freeholders shall be mailed by certified mail to such of the following officials as deemed

appropriate for each specified case: the Municipal Clerk, Municipal Planning Board or Board of Adjustment, Building Inspector, Zoning Officer, Pinelands Commission and the County Planning Board.

**323. Non-Compliance with Conditions of Approval.**

Failure to comply with any of the conditions of County subdivision or site plan approval may be grounds for any or all of the following actions:

- A. Refusal of the County to issue a road opening permit for said subdivision or site development;
- B. A request to the local building inspector to revoke or to withhold the local building permit and/or certificate of occupancy for said development;
- C. Appropriate court action initiated by the County Planning Board.