

RULES OF PROCEDURE

Stone Harbor Planning Board FORM A-50

The following Rules of Procedure have been adopted by the Stone Harbor Planning Board (the “Board”), pursuant to N.J.S.A. 40:55D-8. The Municipal Land Use Law of the State of New Jersey, the ordinances of the Borough of Stone Harbor, and other applicable statutes and laws are incorporated herein by reference.

PRE- HEARING

1. **FILING APPLICATIONS FOR DEVELOPMENT** – Initial contact for basic guidance may be directed to the Planning Board Administrative Officer, who is also the Stone Harbor Zoning Official, in Borough Hall. Applications for Development (which includes subdivisions, site plans, conditional uses, variances, etc.) shall be filed with the Administrative Officer of the Board on forms available from the Administrative Officer. Filing shall not be deemed to have been effective until all submissions are received by the Administrative Officer, including the payment of any filing fees and escrow fees which may be required. If an application is found to be deficient, the Applicant will be notified by the Administrative Officer. Official action and time calculations commence only when the application and all required submissions are received by the Administrative Officer. Unless otherwise permitted by the Administrative Officer, an original and 15 copies (total of 16), stapled in sets, folded 8 ½ “ x 11”, of every document supporting the application, must be filed. Such applications shall be filed by the party having an interest in the development, his agent, or his attorney. All requests for action by the Board shall, to the extent practical, contain the information required on the Application for Development, shall contain a detailed statement of the action desired by the Board, and shall be filed in the manner set forth herein, together with any fees as may be required.
2. **DETERMINATION OF COMPLETENESS** - The application shall be dated by the Administrative Officer upon receipt, provided that all required submissions must accompany the application. In accordance with Chapter 345. The Administrative Officer shall make a formal determination regarding the application’s completeness with the assistance of the Board Engineer within forty-five (45) days of receipt.
3. **DETERMINATION OF HEARING DATE** – Once the application has been deemed complete, the Board Secretary shall set a hearing date and notify the applicant in writing. The hearing date shall be no later than one hundred twenty (120) days from the date the application is deemed complete.
4. **DISTRIBUTION OF MATERIAL** – At least five (5) days prior to the hearing date, the Planning Board Secretary shall distribute copies of the application, drawings, plats, and other submissions to the Board members and Board Solicitor.

5. (a) **APPOINTMENT OF AGENT** – Any person acting as an agent for a party filing any application shall have first filed with the Secretary of the Board evidence of the appointment of his agency on a form approved by the Board (Form A-11).
- (b) **CORPORATION OR PARTNERSHIP** – If owner is a corporation or partnership, the names of all stockholders or partners owning 10% or more of applicant's business, must accompany the application.
6. **NOTICE** – (Applicant's Responsibility) – Applicant shall give the appropriate pre-hearing notices where required under N.J.S.A. 40:55D-12.

Public notice shall be given by the applicant's placing a notice in the official newspaper of this municipality, using the form provided by the Board Secretary or any other form that complies with the Municipal Land Use Law. An Affidavit of Publication, signed by an official of the newspaper, must be presented to the Board Secretary, five (5) days prior to the Hearing.

Personal notice or notice by Certified Mail (where required) shall be given to all owners of real property as shown on the current tax duplicate, located within 200 feet in all directions of the property which is the subject of the Hearing, including properties located in adjacent municipalities. Notice shall be given on forms supplied by the Board or otherwise compliant with the Municipal Land Use Law by personally serving a copy thereof upon the property owner, or his agent in charge of said property, or by mailing a copy thereof by Certified Mail to the property owner at this address as shown on said current tax duplicate (proof of mailing required by the Board). Notice to a partnership may be made by service upon any partner; and notice to a corporation may be made by service upon its president, vice president, secretary or person authorized by appointment or law to accept service on behalf of the corporation. An Affidavit of Service, including a listing of the names and addresses of the property owners notified by Certified Mail, must be presented to the Board Secretary five (5) days prior to the Hearing (form is available from the Board).

Notice of all hearings involving property located within 200 feet of an adjoining municipality shall be given by personal service or Certified Mail, to the Clerk of such municipality, and an Affidavit of such service shall be presented to the Board prior to the Hearing.

Notice of a hearing involving property adjacent to a state highway shall be given by personal service or Certified Mail, Return Receipt Requested, to the Commissioner of Transportation, State of New Jersey, and an Affidavit of Service shall be presented to the BOARD prior to the Hearing. Notice to a condominium association shall be given in accordance with N.J.S.A. 40:55D-12.

Notwithstanding the above, applicants shall refer to and comply with the provisions of N.J.S.A. 40:55D-12, et seq.

7. **PROOF OF PAYMENT OF TAXES.** Every application submitted shall include proof and certification by the Borough Tax Collector that no taxes or assessments for local improvements are delinquent on the property which is the subject of such application (Stone Harbor RGO § 345.30)
8. **MAPS, DRAWINGS, PLATS AND DOCUMENTS** – Pursuant to N.J.S.A. 40-55D-10(b), any maps or documents for which approval is sought at a Hearing, shall be on file and available for public inspection at least ten (10) calendar days prior to the date of the Hearing, during normal business hours, in the office of the Administrative Officer (Zoning Officer).

For subdivision applications, in addition to copies of drawings, etc., required with the application, the following copies of the subdivision plat (drawing) are required at or before the Hearing for signature upon approval:

- a. Four (4) paper prints of the subdivision plat (drawing) FOLDED 8 ½” x 11”
- b. One (1) linen print of the subdivision plat – ROLLED, not folded
- c. One (1) Mylar type copy of the subdivision plat – ROLLED, not folded

If the application is approved:

Item “a” goes to the Zoning Official, Tax Assessor, Tax Collector and Planning Board file, with copies of the DECISION.

Items “b” and “c” are immediately signed and returned to the applicant for his filing with the County Clerk. Secretary to obtain a signed receipt for these drawings, using Form B-6.

Resubmission of the above Mylar, linen and paper prints is required for signature and distribution if a revision of the drawings is required as a result of the Hearing procedure.

9. **MAJOR AND MINOR SUBDIVISIONS** – Applications for Development requesting subdivision approval shall be accompanied by a survey (plat) showing the existing and proposed lots and boundaries, and any existing structures and easements, certified by a Licensed Engineer of the State of New Jersey. The plat shall indicate square footage of the lot and subject structures and also the coverage percentages, and any other information required under local law or State statute. Pursuant to N.J.S.A. 40-55D-47, unless otherwise directed by the Chairman of the Board, the Board as a whole shall act as a subdivision committee under N.J.S.A. 40-55D-47. County Planning Board approval or review is required on all subdivisions.

DEFINITION OF MINOR AND MAJOR SUBDIVISIONS: A minor subdivision is that division of an existing parcel of land (which may consist of one or more Tax Map lots) into two (2) parcels (each of which may contain portions of one or more existing Tax Map lots), and which meets the further provisions of the Municipal Land Use Law definition of minor subdivisions. A major subdivision is any other subdivision of land.

HEARINGS AND MEETINGS

1. **TIMES AND PLACE** – The Board shall hold its regular monthly meeting, provided there is business to be brought before the Board, on the fourth Monday of each month at 7:00 p.m. in the Borough Hall, second floor, 9508 Second Avenue, Stone Harbor, New Jersey, unless revised from time to time by appropriate notice. “Special” (caucus) meetings are to be held on the second Monday of the month at 4:30 p.m. provided there is business to be brought before the Board.

2. **THE AGENDA** – The Agenda for the meeting shall be substantially as follows:
 - a. Call to order.
 - b. Reading of “Open Public Meetings Act” Announcement.
 - c. Roll Call
 - d. Assignment of Alternate(s)
 - e. Introductions of Members and staff (for Hearing only—for record purposes)
 - f. Motion to accept the Minutes of the previous meeting in the form in which they have been prepared and filed by the Secretary
 - g. Correspondence
 - h. Consideration of Applications (caucus)
 - i. Old Business
 - j. New Business, other than Applications
 - k. Public Comment
 - l. Adjournment of the meeting.The agenda may be altered by the Chairman in the interest of conducting an orderly and efficient meeting.

3. **PROCEDURE FOR APPLICATIONS FOR DEVELOPMENT AND APPLICATIONS FOR PLANNING BOARD ACTION** – The following rules will be observed during the Board’s conduct of any Hearing of an Application for Development or Application for Planning board action:
 - a. The Chairman shall call the case to be heard

 - b. The Chairman shall request proof from the Secretary that the Applicant has complied with the necessary notice requirements and shall accept such proof for filing. In the event that the notice requirements are not fully satisfied, the Board will proceed no further with the matter, which will be re-scheduled for hearing at its next Regular Meeting.

 - c. The applicant, or his attorney or agent, shall be permitted brief opening remarks after swearing in.

 - d. The applicant’s case shall be presented, including the testimony of all supporting witnesses and the introduction of all documents or physical evidence. Questions by Members of the Board or its attorney of the

testifying witnesses shall be entertained at this time. Upon completion of the applicant's case, he shall so advise the Board that the case is rested.

- e. Testimony of other persons in attendance at the Hearing favoring the application shall be heard. Each person so testifying shall first be recognized by the Chair, rise and give his name, address and the location of his property within the municipality, if any, and thereafter proceed to the front of the hearing room and be sworn in by the Board Solicitor. Such testimony shall be limited to the making of a statement or statements concerning the matter, followed by any specific question or questions of any specific witnesses who have previously testified. Each person shall be given one fair opportunity to be heard.
- f. Qualified persons objecting to the application shall be given an opportunity to be heard, and their testimony or questions shall be heard in accordance with the Procedure outlined immediately above.
- g. When all objections have been heard, the Chair shall ask whether the applicant has any additional factual information which has not previously been admitted, and will permit the admission of same. Thereafter, the Chair shall declare that the receipt of all testimony is closed.
- h. The Chair shall permit the applicant, or his attorney or agent, to make a brief closing statement if desired.
- i. The Board Solicitor shall provide an overview of the application to the Board, including a statement of the relevant legal standards governing the Board's review of the application.
- j. The Board shall discuss the application, which said discussion shall be led by the Chairman who, at his discretion, may review the facts presented to the Board, so that the Board might make an accurate determination of those matters which have been proved to the Board's satisfaction. Upon agreeing upon these established facts, the Chairman may request the Solicitor's opinion on any matter, including whether the facts as presented and proved are sufficient under the law to grant relief.
- k. At the close of the discussion by the Board, the Chairman shall (1) adjourn the matter pending further consideration of the Board; (2) adjourn the matter and request additional information to be supplied to the Board; (3) refer the matter to another municipal agency for their review and report back to the Board pursuant to the Municipal Land Use Law; or (4) request that a motion be made for determination of the matter, which motion shall contain any conditions or other proposed restrictions.
- l. In the event a motion on the matter is made, the Chair shall request each Member to express his view on the matter and, when complete, the Chairman will request a Roll Call Vote on the Resolution.

- m. The Chairman shall then announce the determination by the BOARD to those in attendance, and shall refer the matter to the Solicitor for his preparation of a formal Resolution.
4. **MINUTES AND TRANSCRIPT** – Minutes of every Regular or Special Meeting shall be kept, which shall include but not be limited to the names and addresses of the persons appearing, the actions taken by the Board, the findings of the Board, and the reasons given by the Board for its actions. Minutes shall be available for public inspection and shall be maintained by the Office of the Secretary of the Board. In addition, the Board, through its Secretary, shall provide a verbatim stenographic or sound recording of the Meetings of the Board, in accordance with N.J.S.A. 40:55D-10(f). The Secretary of the Board shall provide a copy of the Minutes or a copy of the transcript on request of any interested party at the expense of said party. These shall be in accordance with the Schedule of Fees adopted for the Board from time to time.
5. **FILES AND EVIDENTIARY MATERIAL** – The Secretary of the Board shall maintain a file on each matter coming before the Board, which said file shall contain a complete compilation of all papers filed in conjunction with each matter, and shall include all documentary evidence submitted to the Board, which said evidence shall be marked with an appropriate notation indicating that it has been accepted as an evidential Exhibit, in accordance with the custom and practice utilized by Certified New Jersey Court Reporters.

The Board Solicitor is hereby designated, pursuant to N.J.S.A. 40:55D-10, as that officer of the Board who shall administer oaths to persons testifying before the Board. The Secretary of the Board is designated as the officer authorized to issue subpoenas compelling the attendance of witnesses and the production of documents in accordance with the above-mentioned statute.

POST-HEARING

1. **WRITTEN DECISION** – The Board Shall embody its decision in a written resolution and shall, within ten (10) days of the date the written decision is adopted, forward such document to the applicant, without charge. Further, the Secretary shall file a copy of the resolution in the files, and make available said resolution to any interested party, and shall provide such interested party a copy of such resolution upon the payment of the fee established therefore.
2. **NOTICE OF DECISION** - A brief notice of the decision shall be prepared by the Secretary and published by the Secretary in the official newspaper of the municipality within ten (10) days of the date the resolution is adopted. The Secretary shall obtain a Proof of Publication from the said newspaper and shall file such Proof of Publication in the Board's official records.

3. **MISCELLANEOUS** – In addition to the above, the Board shall exercise such powers, and adopt such directives, as it may be empowered by law to do, and transmit to the parties or municipal officials involved such determinations and directives.

FEES

In accordance with the provisions of the Municipal Land Use Law and the enabling ordinances of the Borough of Stone Harbor (345-24.), the Board hereby establishes the following Schedule of Fees, which such fees shall be made payable by check to the order of the “Borough of Stone Harbor” and delivered to the Administrative Officer unless otherwise indicated below. Fees for applications or for the rendering of any service by the Planning Board or any professional designated by the Boards, or any of the professionals hired by the Borough, for the purpose of repaying technical, investigative and administrative expenses involved in processing the application shall be as follows: **[Amended 7-5-2005 by Ord. No. 1237]**

Category	Application Fee	Escrow Fee
Subdivision, minor	\$250	\$1,000 per lot
Subdivision, major	\$400	\$1,000 per lot
Site plan, major (preliminary)	\$350	\$2,000
Site plan, major (final)	\$350	\$2,000
Informal review	\$100	\$1,000
Variances	\$300 per variance applied for	\$500 if no site plan required; \$2,000 if site plan required
Request for extension of time	\$100	\$100
Subdivision or site plan amendments	50% of the original fees	
Certified list of property owners		\$10
Tax Map changes resulting from subdivisions and other applications creating new lots		\$300
Copy of minutes, proceedings and notice of decision	Refer to Chapter 92, Art. I, of the Borough of Stone Harbor Code	

MISCELLANEOUS INFORMATION AND NOTES

- a. “Days” refers to calendar days.
- b. If the applicant, or his attorney or agent, is absent from the Hearing, The Board reserves the rights to approve, deny or continue the application.
- c. Concerning the disposition of letters directed to the Board:

- 1) **Opinion letters relative to an application**

Any letter or petition offered as evidence or indicating an opinion on an application can be accepted by the Board only if the author is present at the Hearing and available for cross-examination. Otherwise, such correspondence shall not be considered by the Board.

Disposition will normally be determined by the Secretary with the advice of the Solicitor and the Chairman, if necessary. Such correspondence will be maintained in the Secretary’s file and a Form B-5 sent as a reply to the sender.

- 2) **Letters or reports from experts (in response to a Planning Board request)**

Such letters or reports are admissible if also made available to the applicant at the same time they are made available to Board Members. If it is forwarded to the Board Members prior to the Hearing, a copy should be sent to the applicant or his attorney or agent.

- 3) **Procedural Letters**

Any letter from a non-applicant requesting administrative action by the Board – such as a request to change the Hearing date – should be read at the Meeting, resolved, and answered. The Secretary may seek the advice of the Solicitor or the Chairman in responding to any such letters.