



NOTICE TO ALL APPLICANTS

(Please read carefully to avoid any unnecessary delays and/or expenses)

The attached form should be filled out completely and submitted to the Board Clerk for a preliminary review by the Borough's professionals ONE (1) month before a scheduled meeting. We require an **original plus sixteen (16) copies of everything.**

After the application is deemed complete by the Borough Engineer and acceptable for consideration by the Planning Board, it will then be placed on the agenda for a scheduled meeting and at that time, formal notification of same should be placed in the newspaper.

A final and in-depth review of the application by the Board Engineer will be sent to the applicant at least one (1) week before the meeting.



BOROUGH OF BAY HEAD
TAX-FINANCE OFFICE

Date:

Property Address:

Lot/Block:

TO WHOM IT MAY CONCERN:

This will certify that the following amounts are open and delinquent on the above mentioned property, as of this date.

Real Property Taxes	\$
Sewer Rent Fees	\$
Other Municipal Charges	\$

Respectfully,

Denise D. Mayer

Denise D. Mayer
Tax/Finance Assistant



Development Application

Request for List of Property Owners

This request must be submitted to the Borough of Bay Head Tax Assessor together with the required \$10.00 fee payable to "Borough of Bay Head." Please attach a copy of the 200 foot radius map if one has been prepared by a licensed engineer or land surveyor.

To: Tax Assessor, Borough of Bay Head
81 Bridge Avenue, P.O. Box 248
Bay Head, NJ 08742

Please prepare a list of the owners of property located within 200 feet of the following property located in Bay Head:

Street Address: _____

Block & Lot: _____

_____ Please hold the list for pick up

_____ Please mail the list to the address listed below

_____ Please e-mail the list to the address listed below

Signature

Date

Name: _____

Address: _____

City/State/Zip: _____

Telephone: () _____

E-Mail: _____



BOROUGH OF BAY HEAD

Development Application

Hearing Notice

BOROUGH OF BAY HEAD Development Application Hearing Notice

PLEASE TAKE NOTICE the undersigned has filed a Development Application requesting approval and, if necessary, variances to:

at the premises located at:

_____ and designated on the Bay Head Tax Map as Block _____ Lot _____.

The Development Application and supporting documents are available for review Monday through Friday between the hours of 9:00 AM and 4:00 PM in the Office of the Borough Clerk, located in the Municipal Building, 83 Bridge Avenue, Bay Head. A hearing before the Bay Head Planning Board will be held during the meeting scheduled to begin at 7:30 PM on _____ in the Municipal Building at which time interested parties may comment on this Development Application.

Signature

Date

Printed Name



BOROUGH OF BAY HEAD
Planning Board
 83 Bridge Ave., P.O. Box 248
 Bay Head, NJ 08742
 732-892-0638 Fax: 732-899-6494

DEVELOPMENT APPLICATION

Application No. _____

See the Development Application Instructions & Filing Procedures for detailed instructions on completing this application. This application, together with the required fee, attachments and supporting documentation, must be filed with the Board Clerk no later than twenty-one (21) days prior to the scheduled Board meeting date. If this application involves erecting a new structure or substantial alteration of an existing structure, applicants should consult with the Construction Official for compliance with the Borough's Flood Plain Regulations prior to filing this application.

APPLICANT INFORMATION

Applicant Name: _____

Address: _____

City, State & Zip: _____

Telephone: (_____) _____ Fax: (_____) _____

If the applicant is not the Property Owner, the PROPERTY OWNER AUTHORIZATION section must be completed. Applicant is:

Property Owner Tenant Contract Purchaser Other: _____

If the applicant is a corporation or partnership, the name, address and percentage of ownership of all persons owning 10% or more of the corporate stock or partnership interest must be disclosed. Applicant is:

Individual(s) Corporation Partnership Other: _____

PROPERTY INFORMATION

Street Address: _____ Block: _____ Lot: _____

Lot Dimensions (feet): _____ Lot Area (square feet): _____ Corner Lot: Yes No

Zoning District: R-50 R-10 B-1 B-2 B&B Conservation

Number of Buildings (including garages and storage sheds): _____ Swimming Pool: Yes No

Current Use: Vacant

Single Family Residence

Multi-Family Residence.....# of Dwelling Unites: _____

Commercial.....# of Units: _____Total Gross Floor Area (Square Feet): _____

Hotel, Bed & Breakfast...# of Dwelling Units (Including Efficiencies): _____# of Rooms: _____

Other: _____

Proposed Use: _____

- Yes No Does the proposal increase the present number of uses or dwelling units located on the property or within any building?
 Yes No Have there been any previous Planning Board (or former Zoning Board of Adjustment) hearings involving the subject property? If yes, attach a copy of the written decision(s).
 Yes No Are there any deed restrictions, covenants or easements effecting the subject property? If yes, attach a copy.
 Yes No Does applicant own adjacent property?
 Yes No Is adjacent property vacant?

- Check all applicable items. Property is located within 200 feet of Borough of Mantoloking.
 Property is located within 200 feet of the Borough of Point Pleasant.
 Property is located within 200 feet of the Borough of Point Pleasant Beach.
 Property is located adjacent to a County Road.
 Property is located adjacent to a State Highway.

PROPOSAL INFORMATION. Summarize the proposed physical changes and use of the property.

LOT INFORMATION

	Required		Current	Proposed
Lot Width	_____	Feet Min.	_____	_____
Lot Depth	_____	Feet Min.	_____	_____
Lot Area	_____	S.F. Min.	_____	_____

ON-SITE PARKING INFORMATION

	Required		Current	Proposed
Parking Space	_____	Min.	_____	_____

BUILDING INFORMATION

	Required		Current	Proposed
Front Yard	_____	Feet Min.	_____	_____
Rear Yard	_____	Feet Min.	_____	_____
Side Yard #1	_____	Feet Min.	_____	_____
Side Yard #2	_____	Feet Min.	_____	_____
Bldg. Height	_____	Feet Max.	_____	_____
Bldg. Cov.	_____	% Max	_____	_____
Accessory Bldg.	_____	Feet Min.	_____	_____

BUILDING INFORMATION – Corner Lots Only

	Required		Current	Proposed
Front Yard #1	_____	Feet Min.	_____	_____
Front Yard #2	_____	Feet Min.	_____	_____
Side Yard #1	_____	Feet Min.	_____	_____
Side Yard #2	_____	Feet Min.	_____	_____
Bldg. Height	_____	Feet Max.	_____	_____
Bldg. Cov.	_____	% Max	_____	_____
Accessory Bldg.	_____	Feet Min.	_____	_____

ACTION REQUESTED

- Appeal Alleging Zoning Officer Error (N.J.S.A. 40:55D-70a)
- Interpretation of Zoning Map or Zoning Ordinance & Special Questions (N.J.S.A. 40:55D-70b)
- Request for "Bulk Variance" (N.J.S.A. 40:55D-70c)
- Request for Use Variance (N.J.S.A. 40:55D-70d)
- Request to Direct Issuance of a Permit to Build in Bed of Mapped Street (N.J.S.A. 40:55D-76a-1)
- Request to Direct Issuance of a Permit to Build on Lot not Abutting a Street (N.J.S.A. 40:55D-76a-2)
- Request for Issuance of Certificate of Non-Conforming Use (N.J.S.A. 40:55D-68)
- Conditional Use Approval (N.J.S.A. 40:55D-67)
- Waiver of Required Submissions
- Extend Time period for Previously approved Application

- Major Site Plan Approval:**
 - Informal Review
 - Preliminary Plat
 - Final Plat
 - Combined Preliminary & Final Plat
 - Amended Preliminary & Final Plat
 - Request for Exception to Site Plan Requirements & Standards (N.J.S.A. 40:55D-51b)
- Minor Subdivision Approval
- Major Subdivision Approval:**
 - Informal Review
 - Preliminary Plat
 - Final Plat
 - Combined Preliminary & Final Plat
- Request for Exception to Subdivision Requirements & Standards (N.J.S.A. 40:55D-51a)

OTHER: _____

REASONS FOR APPROVAL(S). Summarize the reasons why the variance or other requested approval(s) can be granted without substantial detriment to public good or substantial impairment to the intent and purposes of the zone plan and zoning ordinance.

APPLICATION ATTACHMENTS. Please check all items which are attached to the application.

- Application Fee & Escrow Deposit Application Fee: \$ _____ Escrow Deposit: \$ _____
- Tax Collector Certification
- Zoning Officer Denial (for variance applications or Zoning Officer Appeal)
- Property Survey (all applications)
- Plot Plan
- Architectural Elevations and Floor Plan
- Photos of Property
- Environmental Impact Report (Site Plan Applications)
- Site Plan (Site Plan Applications)
- Subdivision

APPLICANT EXPERTS. (If applicable)

Attorney _____
 Address _____

 Phone () _____
 Fax () _____

Engineer _____
 Address _____

 Phone () _____
 Fax () _____

Architect _____

Other _____

Address _____

Address _____

Phone (_____) _____

Phone (_____) _____

Fax (_____) _____

Fax (_____) _____

PROPERTY OWNER AUTHOTIZATION. If the Applicant is not the property owner, provide the following information:

Property Owner Name: _____

Address: _____

Subject to applicable penalties, I hereby certify the statements and information submitted with this application are true; that all surveys, plot plans and drawings accurately reflect the current condition of the subject property and I am the owner of the property which is the subject of the within application, and that said application is hereby authorized.

Date

Signature of Property Owner or Authorized Agent

REVIEW FEE ESCROW AGREEMENT & APPLICANT CERTIFICATION

Subject to applicable penalties, it is hereby certified the foregoing statements and information submitted with this application are true and that all surveys, plot plans and drawings accurately reflect the current conditions of the subject property. It is further certified the undersigned is the applicant, a general partner of partnership applicant or an authorized officer of a corporate applicant.

CHECK IF APPLICABLE [] I hereby certify the plans and specifications which accompany this application were prepared by me, as I am acting as the design of said building/alterations which is to be constructed by myself for my own occupancy or occupancy by my immediate family. The phrase "constructed by myself" does not mean that I intend to personally do the work but that I am the person undertaking the work as owner and principal.

In accordance with §18-59B (Schedule of Fees) of the Bay Head Land Use Ordinance, the applicant agrees to pay an amount equal to the fee(s) which the Planning Board pays to a professional engineer or planner to review the Development Application and agrees to pay an initial deposit and such other additional deposits as may be required to offset these special review costs incurred by the Planning Board. The Planning Board shall not be required to process the application or take further action in the application until such additional deposits are made by the applicant. In the event that additional deposits requested by the Planning Board remains unpaid for a period of sixty (60) days, this development application shall be deemed to be withdrawn and shall be dismissed without prejudice by the Planning Board. In the event the fees imposed are not paid, any development approvals granted shall be considered null and void.

Sworn to subscribed before me this

day of

Signature of Applicant or Authorized Agent

Notary Public

FOR OFFICE USE ONLY

Applicant Name: _____ Block _____ Lot _____
 Application No.: _____
 Date Application Filed: _____
 Date Application Certified Complete: _____
 Scheduled Hearing Date: _____

Calculation of Application Fee & Escrow Deposit	Application Fee	Escrow Deposit	Total
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Totals	_____	_____	_____

Payments Received

Date	Cash/Check No.	Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Professional Costs Charged to Escrow Deposit			Total Escrow Deposit	\$ _____
Date	Description	Amount		
_____	_____	_____		
_____	_____	_____		
_____	_____	_____		
_____	_____	_____		
_____	_____	_____		
_____	_____	_____		
_____	_____	_____		
_____	_____	_____		

Refund of Escrow Deposit				Refund Due	\$ _____
Date	Resolution No.	Check No.	Amount		
_____	_____	_____	_____		

Development Application Instructions & Filing Procedures

These instructions are intended to provide general information and guidance for submitting Development Applications to the Borough of Bay Head Planning Board. This information is provided as a service to make the Development Application process easier but is not intended to supersede the detailed requirements outlined in the Borough’s Land Use Ordinance and the NJ Municipal Land Use Law. Applicants are advised to consult with legal counsel as the applicant is responsible for the preparation of the application, providing required notice and presentation at the hearing.

If the proposal includes erecting a new structure or substantial alteration of an existing structure, applicants should consult with the Construction Official for compliance with the Borough’s Flood Plain Regulation (Ordinance No. 1987-8) prior to finalizing plans since compliance may affect the structure’s height and the encroachment of stairs into required setbacks.

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Zoning, Subdivision, site plan and other regulations regarding land use and development in New Jersey are governed by the Municipal Land Use Law (N.J.S.A. 40:55D-1 et. Seq.) and municipal ordinances adopted in accordance with the law. In the Borough of Bay Head, these municipal regulations are contained in the Borough’s Land Use Ordinance.

The process of approval to develop property including subdividing land, erecting new structures, altering existing structures, or otherwise changing the use of a property or structure usually begins with an application for a zoning permit which is required prior to the issuance of a Building Permit. Depending on the nature of the application, denial of a Zoning Permit by the Borough’s Zoning Officer may be appealed to the Planning Board. Applicants are also authorized by N.J.S.A 40:55D-72b to file a Development Application without first requesting approval from the Zoning Officer.

PLANNING BOARD

The Planning Board, whose members include the Mayor, a member of the Borough Council, a municipal official, and six (6) residents of the Borough, plus two (2) Alternate Members, is primarily a policy making body which sets the course for future development within the community by formulating and adopting the Master Plan required by the Municipal Land Use Law (N.J.S.A. 40:55D-28). The Planning Board is also authorized to review and approve development proposals, which include subdivision and site Plans (N.J.S.A. 40:55D-37) and conditional uses (N.J.S.A. 40:55D-67) and may grant some types of variances in conjunction with these approvals. The Planning Board also makes recommendations to the governing body regarding zoning ordinances and amendments thereto.

The Borough of Bay Head has authorized a single board as permitted by N.J.S.A. 40:55D-25c and therefore the Planning Board also exercises the powers of a Zoning Board of Adjustment to hear and decide appeals where it is alleged there is an error in any order, requirement decision or refusal made by the Zoning Officer based on or made in the enforcement of the Zoning Ordinances (N.J.S.A. 40:55Da). The Planning Board is also authorized to interpret the Zoning Map and Zoning Regulations (N.J.S.A. 40:55D-70b), which are contained in the Borough’s Land Use Ordinance and is authorized to grant variances for lots, structures and uses which do not conform to the requirements of the Zoning Regulations (N.J.S.A. 40:55D-70c & 40:55D-70d). The Planning Board may also grant subdivision, site plan, and conditional use approvals (N.J.S.A. 40:55D-72b) in conjunction with a request for a use variance. The Planning Board meets monthly in the Municipal Building, located at 81 Bridge Avenue, on the 3rd Wednesday at 7:30 PM.

DEVELOPMENT APPLICATION FORMS

In addition to these Development Application Instructions & filing procedures, the Development Application Packet includes the following forms:

The *Development Application* form is used for proposals being reviewed by the Planning Board. The *Development Application* form provides the Planning Board and interested parties with information about the applicant, the subject property, the proposal and requested approvals and variances.

The Request for *List of property Owners* is used to request the Borough Tax Assessor to prepare a certified list of the owners of property located within two hundred (200) feet of the subject property.

The *Hearing Notice* is a sample of the notice, which, when public notice is required, must be published in *The Ocean Star* or the *Asbury Press*, provided to the owners of property located within two hundred (200) feet of the subject property, provided to public utilities, and in certain instances must also be provided to the Municipal Clerk of an adjoining municipality, the Ocean County Planning Board, and the NJ Department of Transportation.

The *Hearing Notice Affidavit* is used by the applicant to certify that the required notice has been provided in order for the Planning Board to conduct the hearing.

DEVELOPMENT APPLICATION INSTRUCTIONS

Applicant Information

Provide the name, address, and daytime telephone number of the applicant. All correspondence and required notices regarding the application will be mailed to the applicant at the address listed with copies forwarded to the applicant's attorney if no one is listed in the Applicant Experts section of the application. Corporate applicants must be represented by an attorney authorized to practice law in the State of New Jersey. In the space provided, indicate if the applicant is the Property Owner, Tenant, Contract Purchaser or Other. If the applicant is not the property owner, the Property Owner Authorization section of the application must be completed. As required by N.J.S.A. 40:55D-48.1, if the applicant is a corporation or a partnership, in the space provided list the name, address, and percentage of ownership of any person owning 10% or more of the corporate stock or partnership interest. If a corporation or partnership owns 10% or more of the applicant, the name, address, and percentage of ownership must be provided until the names and addresses have been listed of all non-corporate stockholders and individual partners with 10% or more ownership. Attach a separate sheet if additional space is needed.

Indicate the Proposed Use in the space provided. If the proposed use is the same as the current use, indicate "No Change."

In the spaces provided, indicate:

- If the proposal increases the existing number of uses or dwelling units located on the property or within any building.
- If there has been any previous Planning Board (or former Zoning Board of Adjustment) action involving the subject property. This information and copies of written decisions on previous applications are available from the Planning Board Clerk.
- If there are any deed restrictions, covenants or easements effecting the subject property. If yes, attach copies.
- If the applicant owns any adjacent property.
- If any adjacent property is vacant.

In the spaces provided, indicate if any of the following apply to the subject property:

- If the subject property is located on Block 70, Block 74, Block 78 or Block 81, the property is located within 200 feet of the Borough of Mantoloking.
- If the subject property is located on Block 1, Block 2, Block 5, Block 12, Block 41, Block 44, Block 46, Block 47, Block 48, Block 84, Block 85 or Block 86, the property is located within 200 feet of the Borough of Point Pleasant.
- If the subject property is located on Block 1, Block 20, Block 23, Block 31, Block 36, or Block 37, the property is located within 200 feet of the Borough of Pt. Pleasant Beach.
- If the subject property is located adjacent to one of the following streets, which are County Roads: Bridge Ave., Bay Ave., and Osborne Ave.
- If the subject property is located adjacent to Main Ave. which is part of State Highway 35.

Proposal Information

In the space provided, summarize the proposed physical changes and use of the property. For example, indicate if the proposal includes a new structure or an addition to an existing structure, the number and use of the rooms being added. Attach a separate sheet if additional space is needed.

The requested Lot Information, On-Site Parking Information and Building Information is available from the Zoning Permit Denial issued by the Zoning Officer. The second Building Information section is to be used if the subject property is on a corner lot, since corner lots have two front yards, two side yards, and no rear yard.

Action Requested

This section includes a list of the various types of approvals and variances which can be granted by the Planning Board. In some instances, more than one type of action is required. Check all that apply. The type of approval and variances required is included on the Zoning Permit Denial issued by the Zoning Officer.

Reasons for Approval(s)

In the space provided, state the reasons approval should be granted, specifically addressing whether the requested approval can be granted without substantial detriment to the public good and without substantially impairing the intent and the purpose of the zone plan and the zoning ordinance. Attach a separate sheet if additional space is needed.

Application Attachments

In the space provided, check all items which are attached to the Development Application.

Applicant's Experts

Use these spaces to provide the name, address, telephone and fax numbers of the professionals or experts, if any, involved with the application. Corporate applicants must be represented by an attorney authorized to practice law in the State of New Jersey. While not all applications or applicants may require the services of these professionals, the Municipal Land Use Law mandates that Development Applications meet certain legal and technical requirements which are the responsibility of the applicant.

Property Owner Authorization

This section must be complete and signed by the property owner if the applicant is not the owner of the subject property.

Review Fee Escrow Agreement & Applicant Certification

Schedule of Fees of the Borough's Land Use Ordinance requires the applicant to execute an Escrow Agreement agreeing to pay all planning and engineering costs incurred by the Borough of Bay Head in reviewing the Development Application. This required Escrow Agreement has been incorporated into the Development Application form. The Development Application must be signed by the applicant or an authorized agent and notarized.

REQUIRED ATTACHMENTS

The following items must be attached to the Development Application or the applicant must request a waiver of the requirements:

All Applications

- Application fee & Review Escrow Deposit
- Tax Certification, issued by the Borough Tax Collector, which indicates current taxes on the subject property have been paid. Tax Collector Office Phone # 732-892-8920
- Proof of sewer bill payment.

Appeal Alleging Zoning Officer Error

- Zoning Permit denial or Stop Work Notice issued by the Zoning Officer.

Interpretation of Zoning Map or Zoning Ordinance

- Section of Bay Head Land Use Ordinance requiring interpretation.

Variance Request

- Zoning Permit denial issued by the Zoning Officer. (Optional)
- Fifteen (15) copies of survey subject property, or a plot plan based on a survey, which reflects current conditions.
- Fifteen (15) copies of plot plan of subject property, which shows existing and proposed parking spaces, dimensions of all existing and proposed structures, and dimensions of all existing and proposed setbacks.
- Fifteen (15) copies of elevation drawings which indicate the height of all existing and proposed structures, or additions to existing structure.
- Fifteen (15) copies of floor plan which shows the use and dimensions of all rooms.
- Current Photos of subject property.

Site Plan Approval

- Fifteen (15) copies of Environmental Impact Report.
- Fifteen (15) copies of plat in accordance with Bay Head Land Use Ordinance.

Subdivision Approval

- Fifteen (15) copies of plat in accordance with Bay Head Land Use Ordinance.

Application & Review Fees

In accordance with Schedule of Fees of the Borough's Land Use Ordinance, the following Non-Refundable Application Fees & Initial Escrow Deposits must be submitted with an Application for Development.

- A. Non-Refundable Application Fees** The following Non-Refundable Fees have been established to defray the administrative and clerical costs of operating the Planning Board exclusive of legal, planning, engineering and other professional costs incurred in reviewing applications. These fees shall be payable to the Borough at the time of application for development is filed. Additionally, applicants shall pay a Review Fee Escrow Deposit and execute an Escrow Agreement as provided in section B below. Proposals involving more than one fee shall pay a fee equal to the sum of the fees for the component parts of the proposals. In the event any development application requires more than two (2) hearings, other than any requested special meetings, the applicant shall pay an additional fee of \$200.00 for each hearing date.
- B. Review Fee Escrow Deposits** In addition to the Non-Refundable Application Fees set forth above, the applicant shall also pay an amount equal to the legal, planning, engineering, and other professional costs incurred by the Borough in reviewing an application for development. The following schedule of Review Fee Escrow Deposits are estimates of these professional costs and shall be deposited with the Borough at the time an application for development is filed. Additionally, applicants shall execute an Escrow Agreement, in a form approved by the Borough Council, consenting to pay these review costs and specifically stating that in the event the fees imposed are not paid, and development approvals granted shall be considered null and void. The Review Fee Escrow Deposit shall be held in an escrow account to the credit of the applicant. The Borough shall be responsible to keep a record to determine the actual review costs attributed to each application.
1. In the event that the initial deposit is not sufficient to cover the professional charges incurred in reviewing an application, the applicant shall be required to deposit additional funds as determined by the Borough. The Approving Authority shall not be required to process the application to take further action upon an application until such additional deposits are made by the applicant. If these additional deposits remain unpaid for a period of sixty (60) days, the development application shall be deemed to be withdrawn and shall be dismissed without prejudice.
 2. In the event the Review Fee Escrow Deposit shall be in excess of the amounts necessary to cover the professional charges incurred in reviewing an application, the excess funds shall be returned to the applicant within forty-five (45) days of the final decision on the application, or adoption of a resolution memorializing the decision, whichever occurs later.
 3. The initial deposit shall be held in an escrow account to the credit of the applicant and the clerk of the Planning Board shall be responsible to keep such records to determine the special review costs attributable to each application. The clerk of the Planning Board shall, from time to time, charge such special review costs against the escrow account of each applicant. In the event it is determined that the initial deposit is insufficient to cover such costs, the applicant shall deposit additional funds to the account as determined by the Planning Board. The

Planning Board shall not be required to process the application or take further action upon an application until such additional deposits are made by the applicant. Any excess funds remaining after review of the application shall be returned to the applicant.

4. At the time of the filing of the development application, the Planning Board shall have the applicant sign an agreement consenting to pay both the application fee and the special review costs incurred by the Planning Board. The agreement shall specifically, state that in the event the fees imposed by the Planning Board are not paid, any development approvals granted by the Planning Board shall be considered null and void. In the event that additional deposits are requested by the Planning Board remain unpaid for a period of sixty (60) days, the development applications shall be deemed to be withdrawn and shall be dismissed without prejudice by the board.
5. The Planning Board shall have the authority to waive fees or special review charges for any development application made by a bona fide charitable, educational, cultural or other organization or association which are operated on a non-profit basis. The production of a Certificate of Incorporation, issued pursuant to Title 5 of the Revised Statutes of New Jersey, shall be presumptive evidence that the applicant is a non-profit entity.

FILING APPLICATIONS SCHEDULING HEARINGS

The Development Application, together with all required attachments and the required fee must be submitted to the Planning Board Clerk before the filing deadline. The deadline for filing an application is the close of business twenty-one (21) days prior to scheduled meetings.

Upon submission of the Development Application, the Planning Board Clerk will review the application for completeness and calculation of the required fee. The Borough Engineer will review applications which include subdivision and site plan approval to determine compliance with the plat design standards contained in the Bay Head Land Use Ordinance. Upon determination that the Development Application is complete, the Planning Board Clerk will assign an application number, schedule a hearing on the application and notify the applicant of the scheduled hearing date. Hearings will be scheduled in the order Development Applications are certified complete. The applicant may request a scheduled hearing be continued to a future meeting date upon written request to the Planning Board Clerk, which includes the applicant's consent to extend applicable time limits.

HEARING NOTICE REQUIREMENTS

The Municipal Land Use Law prohibits the Planning Board from hearing an application unless all notice requirements have been met by the applicant.

When notice is required, the Municipal Land Use Law (N.J.S.A. 40:55D-11 & 12) and the Bay Head Land Use Ordinance require public notice of all applications except those which involve only:

- Appeal Alleging Zoning Officer Error
- Interpretation of Zoning Map or Zoning Ordinance
- Site Plan Informal Review
- Subdivision Informal Review

Notice must be provided for all applications which include requests for any other action.

How Notice is Made

In accordance with N.J.S.A. 40:55D-11, the required notice must include the date, time, and place of the hearing, the nature of the matters to be considered, the street address and block and lot identification of the subject property, and the location and the times at which the application and documents are available for review. The Hearing Notice included in the application packet is a sample which can be used by the applicant to provide the required notice.

In accordance with N.J.S.A. 40:55D-12, the required notice must be provided at least ten (10) days prior to the date of the hearing. Applicants should not provide the required notice until the Development Application has been submitted, certified complete by the Planning Board Clerk and a hearing scheduled.

In accordance with N.J.S.A. 40:55D-14, any notice made by Certified Mail is deemed complete upon mailing. A return receipt is not required.

Who Should Receive Notice

The applicant must provide notice to the owners of property located within 200 feet in all directions of the subject property, whether located within the Borough of Bay Head or in an adjoining municipality at least ten (10) days prior to the date of the hearing. A certified list of Bay Head property owners and their addresses as shown on the current tax duplicate can be obtained by submitting the Request for List of Property Owners to the Bay Head Tax Assessor. The applicant must also provide notice by publishing the Hearing Notice at least ten (10) days prior to the date of the hearing in either the Ocean Star or the Asbury Park Press which have been designated by the Borough of Bay Head for publication of legal notices. Arrangements for the publication of the notice is made directly with the newspaper.

If the subject property is located on Block 70, Block 74, Block 78 or Block 81, the property is located within 200 feet of the Borough of Mantoloking and in those instances when notice is required, the applicant must provide notice at least ten (10) days prior to the date of hearing to:

Municipal Clerk
Borough of Mantoloking
P.O. Box 247
Mantoloking, NJ 08738

Ocean County Planning Board
129 Hooper Avenue
P.O. Box 2191
Toms River, NJ 08754

If the subject property is located on Block 1, Block 2, Block 5, Block 12, Block 41, Block 44, Block 46, Block 47, Block 48, Block 83, Block 84, Block 85 or Block 86, the property is located within 200 feet of the Borough of Pt. Pleasant and in those instances when notice is required, the applicant must provide notice at least ten (10) days prior to the date of the hearing to:

Municipal Clerk
Borough of Pt. Pleasant
P.O. Box 25
Pt. Pleasant, NJ 08742

Ocean County Planning Board
129 Hooper Avenue
P.O. Box 2191
Toms River, NJ 08754

If the subject property is located on Block 1, Block 20, Block 23, Block 31, Block 36, Block 37, the property is located within 200 feet of the Borough of Pt. Pleasant Beach and in those instances when notice is required, the applicant must provide notice at least ten (10) days prior to the date of the hearing to:

Municipal Clerk
Borough of Pt. Pleasant Beach
416 New Jersey Avenue
Pt. Pleasant Beach, NJ 08742

Ocean County Planning Board
129 Hooper Avenue
P.O. Box 2191
Toms River, NJ 08754

County Roads in Bay Head include Bridge Avenue, Bay Avenue, and Osborne Avenue. If the subject property is located adjacent to one of these County Roads, in those instances when notice is required, the applicant must provide notice at least ten (10) days prior to the date of the hearing to:

Ocean County Planning Board
129 Hooper Avenue
P.O. Box 2191
Toms River, NJ 08754

Main Avenue in Bay Head is part of State Highway 35. If the subject property is located adjacent to Main Avenue, in those instances when notice is required the applicant must provide notice at least ten (10) days prior to the date of the hearing to:

Commissioner, N.J. Department of Transportation
1035 Parkway Avenue
CN 600
Trenton, NJ 08625

REQUESTING LIST OF PROPERTY OWNERS

A certified list of Bay Head Property owners and their addresses can be obtained by submitting the Request for List of Property Owners to the Bay Head Tax Assessor. The \$10.00 fee for this list (payable to "Borough of Bay Head") must accompany the request. This request form should be delivered to the Office of the Tax Assessor located in the Municipal Building, 81 Bridge Avenue, Bay Head, NJ 08742.

In that instance when notice must be provided to the owners of property in the Borough of Mantoloking, Borough of Pt. Pleasant or the Borough of Pt. Pleasant Beach, the certified list of property owners may be obtained by contacting the following:

Tax Assessor Borough of Mantoloking P.O. Box 247 Mantoloking, NJ 08738	Tax Assessor Borough of Pt. Pleasant P.O. Box 25 Pt. Pleasant, NJ 08742	Tax Assessor Borough of Pt. Pleasant Beach 416 New Jersey Avenue Pt. Pleasant Beach, NJ 08742
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In accordance with N.J.S.A. 40:55D-12c, the applicant is entitled to rely upon the information contained in the list provided by a municipality and failure to give notice to an owner not on the list shall not invalidate any hearing or proceeding. Applicants are not required to obtain the list of property owners from the Borough of Bay Head or other municipality. If the applicant wishes to compile the list, it is the applicant's responsibility to make certain that the list is accurate. If the applicant compiles the list of property owners and fails to provide notice to a property owner entitled to notice, the Planning Board cannot begin the hearing until proper notice is provided.

HEARING NOTICE AFFIDAVIT

In accordance with N.J.S.A. 40:55D-12h, in those instances when notice is required, the applicant must file with the Planning Board an affidavit certifying proof of service before the Planning Board can consider the application. The Hearing Notice Affidavit included in the application packet should be used by the applicant to provide the required certification. The Hearing Notice Affidavit must be signed, notarized and filed with the Planning Board Clerk before the scheduled hearing together with the following:

- Copy of Hearing Notice;
- List of Property Owners who were provided notice together with their addresses;
- Post Office Certified Mail Receipts (postmarked with the date of mailing) to property owners who were provided notice; and,
- Affidavit of Publication, provided by the newspaper, which certifies the date on which the Hearing Notice was published in the newspaper.

HEARING PROCEDURES

The Municipal Land Use Law places the burden of demonstrating justification for requested approvals and variances with the applicant. At the scheduled hearing, the applicant must appear in person, or be represented by an attorney, to present the application and provide the Planning Board with information to support the requested approvals or variances.

The Planning Board will begin no new hearings after 10:30 PM. If the hearing on an application has not begun before 10:30PM on the scheduled meeting date, the application will be carried to the next scheduled meeting, unless the applicant wishes to request a special meeting and agrees to pay the required fees.

Hearings on Development Applications are conducted in accordance with the following procedures:

When a case is called by the Planning Board Chairman, the applicant, or attorney representing the applicant shall provide a summary of the proposal and the approvals and variances being sought, the applicant, or attorney shall present testimony by way of witnessed, documentary evidence or exhibits which the applicant intends to rely upon to establish the right to the relief and approvals sought. At the conclusion of the testimony by each witness, the Planning Board Chairman will permit reasonable cross-examination relating to the presented testimony by Planning Board members, Planning Board professionals, and members of the public.

After the applicant has submitted all evidence, objectors may present their case, including the calling of witnesses and introduction of documentary evidence. Each witness shall be subject to reasonable cross-examination relating to the presented testimony by the applicant, or attorney, Planning Board members, Planning Board professionals and members of the public.

After all evidence has been presented to the Planning Board supporting and opposing the application, the applicant may present rebuttal testimony or evidence.

Planning Board members may place relevant evidence, official or personal knowledge regarding the application and subject property before the Planning Board, including facts ascertained from viewing the site and general area.

DECISIONS

The Municipal Land Use Law requires the Planning Board to make a decision on a Development Application within an allotted time period from the date the application is certified complete, unless the time period is extended with the consent of the applicant. These time limits vary depending on the nature of the application: 45 days for most Subdivision and Site Plan approvals; 95 days for Conditional Use approvals; and 120 days for variance requests. Since these time limits commence when an application is certified complete, no hearing can be set until all required attachments and supporting documentation is filed with the Planning Board Clerk.

N.J.S.A. 40:55D-10 requires decision of the Planning Board be reduced to writing. In most instances, a resolution memorializing the decision is adopted by the Planning Board within forty-five (45) days after the date of the meeting at which the Planning Board voted to grant or deny approval.

N.J.S.A. 40:55D-10h requires a copy of the Planning Board's decision be mailed to the applicant within ten (10) days of the date of the decision. N.J.S.A. 40:55D-10i requires publication of a brief notice of the Planning Board's decision in the newspaper designated by the municipality. In accordance with 18-48 of the Bay Head Land Use Ordinance. The Planning Board Clerk will arrange the publication of this notice.

ISSUANCE OF BUILDING PERMITS

The zoning approval required in conjunction with the issuance of building permits cannot be granted until the resolution memorializing the Planning Board's decision has been adopted. In the case of applications, which include subdivision or site plan approvals, zoning approval cannot be granted and building permits cannot be issued until the final plat is signed by the Planning Board Chairman and Planning Board Secretary, Planning Board Clerk and Planning Board Engineer, and until required performance guarantees and inspection fees, if any, are posted in accordance with 18-59 of the Bay Head Land Use Ordinance.

APPEALS

Any interested party, including the applicant or an objector, may appeal a decision of the Planning Board to Superior Court within forty-five (45) days after the publication of the notice of the decision in accordance with N.J.S.A. 40:55D-17h and 40:55D-18.

ADDITIONAL INFORMATION

The Zoning Officer and Planning Board Clerk are available to answer questions but cannot complete the application or provide legal advice to applicants. Prior to filing a Development Application, applicants are encouraged to attend a meeting of the Planning Board and review documents relating to previously submitted Development Applications.

DEVELOPMENT APPLICATION FEES

	Application Fee	Escrow Deposit
Appeal Alleging Zoning Officer Error (N.J.S.A. 40:55D-70a)	\$200	\$550
Interpretation of Zoning Map or Zoning Ordinance and Special Questions (N.J.S.A. 40:55D-70b)	\$200	\$750
Variances Pursuant to N.J.S.A. 40:55D-70c		
Variances Relating to the Construction of Fences	\$250	\$550
Single Family Residential	\$250	\$750
All Others	\$250	\$900
Request for Use Variance (N.J.S.A. 40:55D-70d)		
Single Family Residential	\$300	\$950
Multi-Family Residential	\$300	\$1,200
Business & Commercial	\$300	\$1,200
Request to Direct Issuance of a Permit to Build in Bed of Mapped Street (N.J.S.A. 40:55D-76a-1)	\$200	\$250
Request to Direct Issuance of a Permit to Build on a Lot Not Abutting a Street (N.J.S.A. 40:55D-76a-2)	\$200	\$250
Request for Issuance of Certificate of Non-Conforming Use (N.J.S.A. 40:55D-68)	\$200	\$500
Conditional Use Approval (N.J.S.A. 40:55D-67)	\$500	\$950
Waiver of Required Submissions	\$200	\$300
Extend Time Period for Previously Approved Application	50% of Original Fee	50% of Original Deposit
Minor Subdivision Approval	\$350	\$950
Major Subdivision Approval		
Informational Review	\$100	\$250
Sketch Plat	\$100	\$500
Preliminary Plat		
(plus \$100 Application Fee and \$100 Escrow Deposit for Each Lot in Excess of Three Lots)	\$300	\$950
Final Plat		
(plus \$100 Application Fee and \$100 Escrow Deposit for Each Lot in Excess of Three Lots)	\$300	\$750
Combined Preliminary and Final Plat		
(plus \$200 Application Fee and \$200 Escrow Deposit for Each Lot in Excess of Three Lots)	\$400	\$1,200
Amended Preliminary and Final Plat	50% of Original Fee	50% of Original Deposit
Request for Exception to Subdivision Requirements and Standards (N.J.S.A. 40:55D-51a)	\$200	\$300
Minor Site Plan Approval	\$300	\$500

Borough of Bay Head Planning Board
Planning Board Clerk
732-892-0638 Fax 732-899-6494

83 Bridge Ave., P.O. Box 248
Bay Head, NJ 08742

Major Site Plan Approval

Informal Review	\$200	\$400
Preliminary Plat (Plus \$0.20 Escrow Deposit per Square Foot, Lot Area Over 4,000 sq. ft)	\$200	\$500
Final Plat (Plus \$0.20 Escrow Deposit per Square Foot, Lot Area Over 4,000 sq. ft)	\$200	\$500
Combined Preliminary and Final Plat (Plus \$0.20 Escrow Deposit per Square Foot, Lot Area Over 4,000 sq. ft)	\$500	\$1,000
Amended Preliminary and Final Plat	50% of Original Fee	50% of Original Deposit
Request for Exception to Site Plan Requirements and Standards (N.J.S.A. 40:55D-51b)	\$200	\$300

Tax Map Maintenance Fees

Minor Subdivision, 2 to 4 Lots	\$200
Final Major Subdivision:	
Up to 6 Lots	\$300
7 or Greater Lots	\$400
<i>Plus \$25 Per Lot</i>	