FLORENCE TOWNSHIP
ZONING BOARD OF ADJUSTMENT

RESOLUTION ZB-2019-03

ADOPTING RULES AND REGULATIONS FOR SUBMISSION AND REVIEW OF APPLICATIONS BEFORE THE FLORENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT

WHEREAS, N.J.S.A. 40:55d-8(A) and Section 91-5 of the Code of the Township of Florence provide the Zoning Board of Adjustment with authority to adopt and amend reasonable rules and regulations, not inconsistent with Municipal Land Use Law, N.J.S.A. 40:55d-1 et seq., or with any Township zoning ordinance, for the administration of the Board's functions, powers and duties; and

WHEREAS, the Florence Township Zoning Board of Adjustment has determined that it is appropriate to adopt certain rules and regulations governing its consideration of applications, and particularly governing time frames within which applications shall be deemed complete, shall be considered for agendas, and shall be permitted to be published with notice being given to the public in accordance with the Municipal Land Use Law; and

WHEREAS, N.J.S.A 40:55D-10.3 provides a municipal agency with a forty-five (45) day period within which to review an application submission to determine whether or not that submission is complete for purposes of commencing the applicable time period in which the municipal agency must take action; and

WHEREAS, Sections 91-46, 91-152 (B) and (C), and 91-153 (A) of the Code of the Township of Florence provide that the time for Board's review of an application shall not begin to run until the submission of a complete application with the required fee, and further provide that the administrative officers shall have forty-five (45) days from the date of the actual submission to determine whether or not the application is complete; and

WHEREAS, the Zoning Board of Adjustment deems it appropriate to adopt by Resolution these rules and regulations relative to the submission and review of such applications pursuant to the aforesaid statutes and ordinances;

NOW, THEREFORE, BE IT RESOLVED by the Florence Township Zoning Board of Adjustment that the following administrative rules be and the same are hereby adopted relating to the submission, receipt and review of applications, the authority to give notice of applications, and the commencement of the appropriate time periods within which the Zoning Board of Adjustment must make determinations on the merits of said application.

RULE 1: APPLICATION SUBMISSION. All applications to the Florence Township Zoning Board of Adjustment shall be submitted on the appropriate form, with all information required by ordinance to be provided, during regular business hours to the Clerk of said Board or, in her absence, to such other officer designated by the Township Administrator to accept applications in the Clerk's stead, who shall promptly forward them to the Zoning Board Clerk. The applicant shall initially submit four (4) copies of the application, the original to be filed with the Clerk, and copies to be transmitted to the Board's Engineer, Attorney and Planner. Upon submission, at least one copy of the application form shall be stamped or marked "received" and the date of receipt noted thereon. Supplementary submissions to applications already on file shall be submitted and received in the same manner.

RULE 2: STAFF REVIEW; PLACEMENT OF AGENDA. After receipt of an application, it shall be reviewed by the Zoning Board Clerk, Engineer, Attorney and Planner for completeness and conformance with the requirements of the Township Land Development Ordinance. Deficiencies will be noted and a determination will be made, not later than forty-five (45) days after receipt of the application by the Board Clerk, as to whether or not the application is complete. If the application is found to be incomplete, the Clerk, or the Board's professional staff, will notify the applicant of the deficiencies in the application, in writing, within forty-five (45) days after the receipt. The applicant may request that one or more of the submission requirements be waived, in which event the Board shall grant or deny the request within forty-five (45) days. The Board may waive any submission requirements on request of the applicant, or on its own motion, if it reasonably concludes that such information is not necessary in a particular case to enable it to take action. After an application is certified to be complete, either by the Clerk or by the Board, it shall be set down by the Clerk on the agenda of a Board meeting not later than forty-five (45) days after certification of completeness. The applicant shall be notified of placement on the agenda sufficiently in advance of the meeting to enable the applicant to provide the public notice required. **NO APPLICANT SHALL PUBLISH OR MAIL NOTICE OF THE APPLICATION UNTIL THE BOARD CLERK DETERMINES TO PLACE THE MATTER ON AN AGENDA. MOREOVER, THE BOARD CLERK SHALL NOT BE PERMITTED TO INCLUDE A MATTER ON AN AGENDA UNLESS THE APPLICATION IS DEEMED COMPLETE, OR THE FORTY-FIVE (45) DAYS FOR REVIEW HAS EXPIRED, OR UNLESS THE BOARD, EITHER BY MAJORITY VOTE OR THROUGH THE DIRECTION OF THE CHAIRMAN, AUTHORIZES SAME.** Not later than fifteen (15) days prior to the meeting, the applicant shall submit fourteen (14) additional copies of the complete application to the Clerk who, in turn, shall distribute them to the board and its professionals.

RULE 3: DETERMINATION OF COMPLETENESS. The initial action by the Zoning Board on any application for development that has not been certified as complete by the Clerk shall be to make a determination of completeness. Such determination shall be made not later than forty-five (45) days after the date of the submission of the application and in making such determination the Board shall be guided by the recommendations of its professional advisors. A determination of incompleteness shall not preclude re-submission of a complete application provided that payment of a new application

fee and redeposit of the required escrows shall be made upon re-submission. An applicant whose application has been determined to be incomplete may withdraw the application together with any unused escrow deposits, or may request the Clerk to retain it in inactive status pending correction of deficiencies.

RULE 4: **PUBLIC NOTICE.** Upon being notified by the Clerk of the date set for the hearing, the applicant shall provide the public notices required by State statute and local ordinances. Furthermore, the applicant shall submit proof of service not later than the date of the hearing. Pursuant to State statute, the board may not hear or consider any application it finds that the applicant has not complied with public notice requirements.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

MOTION TO APPROVE:

Moved by	:	Lutz
Seconded by	:	Patel
In Favor	:	Lutz, Patel, Buddenbaum, Cartier, Drangula, Sovak, Zekas
Opposed	:	None
Abstained	:	None
Absent	:	None

MOTION TO ADOPT RESOLUTION:

Moved by	:	Lutz
Seconded by	:	Patel
In Favor	:	Lutz, Patel, Buddenbaum, Cartier, Drangula, Sovak, Zekas
Opposed	:	None
Abstained	:	None

FLORENCE TOWNSHIP
ZONING BOARD OF ADJUSTMENT

Dated: 1/7/2019

,Chairman

CERTIFICATION

BE IT REMEMBERED that the within written Resolution was duly adopted at a regular meeting of the Florence Township Zoning Board of Adjustment held on January 7, 2019 and memorializes a decision taken by the Board on January 7, 2019.

Dated: 01/07/2019

,Secretary