

BOROUGH OF ELMER
SALEM COUNTY, NEW JERSEY

ORDINANCE 2002-1

Title: AN ORDINANCE AMENDING THE LAND
DEVELOPMENT ORDINANCE OF THE
BOROUGH OF ELMER

Date of Introduction: December 5, 2001

Anticipated Date of Adoption: January 1, 2002

Contents: Ordinance
First Resolution
Notice of Introduction
Final Resolution
Notice of Adoption

CRAIG W. KUGLER, ESQ.
P. O. BOX 285
FRANKLINVILLE, NEW JERSEY 08322

ORDINANCE 2002-1

AN ORDINANCE AMENDING THE LAND DEVELOPMENT
ORDINANCE OF THE BOROUGH OF ELMER

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Elmer,
County of Salem, and State of New Jersey as follows:

WHEREAS, the Mayor and Borough Council of the Borough of Elmer have
determined that LAND DEVELOPMENT ORDINANCE OF BOROUGH OF ELMER should
be amended to eliminate the Zoning Board of Adjustment described in Article III and to combine
all functions of the Zoning Board of Adjustment with the Municipal Planning Board as
authorized by New Jersey State § 40:55D-25(c) and said combined board shall be known as the
Elmer Land Use Board;

NOW THEREFORE, the Land Development Ordinance for the Borough of Elmer is
amended as follows:

ARTICLE I - LAND USE BOARD

§2.1. Establishment; Composition.

A. Regular Members.

There is hereby established in the Borough of Elmer a Land Use Board of nine (9)
members consisting of the following four (4) classes pursuant to 40:55D-23;

- A. Class I: The Mayor or his/her designee
- B. Class II: One (1) of the officials of the municipality, other than a member of the Borough Council, to be appointed by the Mayor;
- C. Class III: One (1) member of the Borough Council appointed by the Council.
- D. Class IV: Six (6) other citizens of the Borough to be appointed by the Mayor. The members of Class IV shall hold no other municipal office,

except that one (1) Class IV member may be a member of the Board of Education.

B. Alternate Members.

The Mayor may appoint four (4) alternate members meeting the qualifications of Class IV members. These shall be designated as alternates number 1 through 4. Their terms of office shall be for two (2) years, and their expiration dates shall be staggered so that two (2) alternates can be appointed each year. Should a vacancy occur in an alternate position, then the Mayor may fill that position for the unexpired term only. Alternates may only serve as provided in N.J.S.A. 40:55D23.1.

§2.2. Terms of Office.

1. The term of the Class I members shall correspond with his or her official tenure.
2. The terms of the Class II and Class III members shall be for one (1) year or terminate at the completion of their respective terms of office, whichever occurs first.
3. The term of a Class IV member, who is also a member of the Board of Education shall terminate whenever he or she is no longer a member of the Board of Education or at the completion of his or her Class IV term, whichever occurs first. The terms of all Class IV members first appointed pursuant to this ordinance shall be so determined that to the greatest practicable extent, the expiration of such terms shall be distributed evenly over the first four (4) years after their appointments, as determined by resolution of the Elmer Borough Council; provided, however, that no initial term of any Class IV member shall exceed four (4) years and further provided that nothing herein shall affect the term of any present member of the Planning Board, all of whom shall continue in office until the completion of the terms for which they were appointed. Thereafter, all Class IV members shall be appointed for terms of four (4) years, except as otherwise herein provided. All terms shall run from January 1 of the year in which the appointment was made.

§ 2.3 - 2.5 (No Change)

§ 2.6. Powers and Duties.

- A. The Land Use Board shall have the following powers and duties: (No Change)
- B. (No change)
- C. The Land Use Board shall have the following additional powers previously granted to the Zoning Board of Adjustment:

- (1) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of the zoning ordinance. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and make such other requirement, decision or determination as ought to be made and, to that end, have all the powers of the administrative officer from whom the appeal was taken.
- (2) To hear and decide requests for interpretation of the zoning map or ordinance or for decisions on other special questions upon which the Board is authorized to pass in accordance with N.J.S.A. 40:55D-1, *et seq.*
- (3) Whereby reason of exceptional narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographic conditions or by reason of other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulations in the zoning ordinance would result in peculiar and exceptional practical difficulties to, or exceptional and undo hardship upon, the developer of such property, grant upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship; provided, however, that no variance shall be granted under this subsection to allow a structure or use in a district restricted against such structure or use.
- (2) To grant a variance to allow a structure or use in a district restricted against such structure or use in particular cases and for special reasons, but only by the affirmative vote of at least two-third (2/3) of the fully authorized membership of the Board. No variance or other relief may be granted under the provisions of this section unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. The Class I and Class III members of the Land Use Board shall not participate in or vote upon any application for a use variance brought under this paragraph pursuant to N.J.S.A. 40:55D070(d).
- (3) To direct the issuance of a permit pursuant to N.J.S.A. 40:55D-34 for a building or structure in the bed of a mapped street or public drainage way or flood control basin or public area reserved on the official map but only by the affirmative vote of a majority of the full authorized membership of the Board.

- (4) To direct issuance of a permit for a building or structure on a lot not abutting a street as required by N.J.S.A. 40:55D-35 where the enforcement of this requirement would entail practical difficulty or unnecessary hardship or where the circumstances do not require the building or structure to be related to a street pursuant to N.J.S.A. 40:55D-36.

D. Pursuant to N.J.S.A. 40:55D-25(c) when this Board is exercising the powers of the previous Zoning Board of Adjustment as set forth herein, the Class I and Class II members shall not participate in the consideration of actions for development which involve relief pursuant to Subsection (d) of N.J.S.A. 40:55D-70.

E. The Land Use Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this Chapter.

F. No variance or other relief may be granted under the provisions of this section, including a variance or other relief involving an inherently beneficial use, without a showing that such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan. Any application under any subsection of this section may be referred to any appropriate person or agency for its report, provided that such reference shall not extend the period of time within which the Land Use Board shall act.

ARTICLE II - No Change

ARTICLE III - TIME LIMITS AND APPEALS.

(Previous §2.16 - 2.22 - Eliminated)

§2.16. Appeals and Time Limits.

1. Pursuant to N.J.S.A. 40:55D-72 appeals to the Land Use Board may be taken by any interested party affected by any decision of an administrative officer of the municipality or of the historic preservation commission based on or made in the enforcement of the zoning ordinance or official map. Such appeal shall be taken within twenty (20) days by filing a notice of appeal with the officer from whom the appeal was taken, together with ten (10) copies of said notice with the Secretary of the Land Use Board specifying the grounds of such appeal. The officer from whom the appeal is taken shall immediately transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.
2. A developer may file an application for development with the Land Use Board for action under any of its powers without prior application to an administrative officer pursuant to N.J.S.A. 40:55D-72. Ten (10) copies of a

completed application form and ten (10) copies of all plats or plans along with all required accompanying documents and fees shall be filed with the Land Use Board secretary at least ten (10) days prior to the date set for the hearing. The applicant shall obtain all necessary forms from the Land Use Board secretary who shall inform the applicant of the steps to be taken to initiate proceedings and of the regular meeting dates of the Board.

3. An appeal stays all proceedings in furtherance of the action in respect to which the decision appealed from was made, unless the officer from whose action the appeal is taken certifies to the Land Use Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed other than by an order of the Superior Court of New Jersey upon notice of the officer from whom the appeal is taken and on due cause shown.
4. The Land Use Board shall render its decision not later than one hundred and twenty (120) days after an appeal is taken of an administrative officer or after the submission of a complete application for development pursuant to the provisions of N.J.S.A. 40:55D-72b. Failure of the Board to render a decision within the specified time period or within such further time as may be consented to by the applicant shall constitute a decision favorable to the applicant.
5. Any variance granted from the terms of this Chapter permitting the erection or alteration of any structure or structures shall expire by limitation unless such construction or alteration shall have been actually commenced on each and every structure permitted by said Chapter, or unless such permitted use has actually been commenced, within one (1) year from the date of publication of the notice of determination of the Land Use Board, provided that a longer period of time before such expiration may be granted by the Board as a term and condition of the variance where the Board finds such an extended time period reasonably necessary and appropriate due to circumstances clearly demonstrated by the applicant at the hearing; except, however, that the running of the period of limitation herein provided shall be suspended from the date of filing an appeal from the decision of the Land Use Board to a court of competent jurisdiction, until the termination in any matter of such appeal or proceeding.

§2.17 - Appeal to Borough Council - (Previously §2.22)

Any appeal from any decision of the Land Use Board with regard to those powers noted in § 2.6C may be taken into the Borough Council provided that such appeal shall be made within ten (10) days of the date of the publication of the Board's final decision. Such appeal shall be taken in accordance with N.J.S.A. 40:55D-17.

ARTICLE VI - GENERAL PROVISIONS

§2.18. Meetings - (Previously §2.23).

1. Regular meetings of the Land Use Board shall be scheduled no less often than once a month and any meeting so scheduled shall be held as scheduled unless canceled for lack of applications for development to process.
2. Special meetings may be called by the chairman or on request of any two (2) Board members which shall be held on notice to its members and the public in accordance with all applicable legal requirements.
3. No action shall be taken at any meeting without a quorum being present.
4. All action shall be taken by a majority of the vote of the members present except as otherwise provided in the Municipal Land Use Law (N.J.S.A. 40:55d-1, et seq.) the Open Public Meetings Law (N.J.S.A. 10:4-6, et seq.) or as provided in this ordinance.
5. The provisions of the Open Public Meetings Law, where applicable, shall be observed.

§2.19 Minutes - (Previously §2.24)

(No Change other than Section #)

§2.20. Notice Requirements for Hearings - (Previously §2.25)

(No Change other than Section #)

§ 2.21. Hearings - (Previously §2.26)

1. Rules. The Land Use Board shall make rules governing the conduct of hearings which rules shall not be inconsistent with the provisions of N.J.S.A. 40:55D-1, et seq., or of this Chapter.
2. (No Change other than Section #)
3. (No Change other than Section #)
4. (No Change other than Section #)
5. Records. The Board shall provide for the verbatim recording of the proceedings by either stenographic, mechanical or electronic means. The Board shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at his or her expense.

§2.22. Decisions - (Previously §2.27)

1. (No Change other than Section #)
2. (No Change other than Section #)
3. (No Change other than Section #)
4. A brief notice of every final decision shall be published in the official newspaper of the municipality. Such publication shall be arranged by the Land Use Board secretary without separate charge to the applicant. Said notice shall be sent to the official newspaper for publication within ten (10) days of the date of any such decision.

§2.23. Conflicts of Interest.

No member of the Land Use Board shall act on any matter in which he or she has either, directly or indirectly, any personal or financial interest. Whenever any such member shall disqualify himself or herself from acting on a particular matter, he or she shall not continue to sit with the Board on the hearing of such matter nor participate in further discussion or decision relating thereto.

§2.24. Payment of Taxes.

Pursuant to the provisions of N.J.S.A. 40:55D-39 and N.J.S.A. 40:55D-65, every application submitted to the Land Use Board shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of such application; or, if it is shown that taxes or assessments are delinquent on said property, any approvals or other relief granted by the Board shall be conditioned upon the prompt payment of such taxes and/or assessments or the making of adequate provision for the payment thereof in such manner that the municipality will be adequately protected.

§ 2.25. Fees - (Previously §2.30)

(No Change other than Section #)

Fees due and payable with applications to the Land Use Board shall be established by a separate fee ordinance.

All ordinances or parts of ordinances heretofore adopted that are inconsistent with the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency. This ordinance shall become effective on January 1, 2002. As of that date, the Elmer Zoning Board of Adjustment shall no longer exist and all applications and matters pending before the

1. Application fee - \$50.00 plus escrow fees of \$300.00

K. Informal Review

1. No fees

L. Amendment of Preliminary Major Subdivision Approval

1. Application fee - \$150.00 plus escrow fees of \$500.00

M. Bulk Variance

1. Application fee - \$75.00 plus escrow fees of \$500.00

2. The foregoing Ordinance is further amended by adding the following to the "Elmer Borough Zoning Ordinance Schedule of District Regulations Maximum-Minimum Building Standards (Page 37):

RP Principal/Accessory 15,000' 125' 175' 35'/35' 20'/10' 40'/20' 35'/25' 20%
20%

3. The foregoing Ordinance is further amended by adding the following to the "Elmer Borough Zoning Ordinance Schedule of District Regulations Maximum-Minimum Building Standards (Page 39):

- | | | | |
|----|----|---|-----|
| RP | A. | Principal Uses | N/A |
| | | 1. Single family dwellings | |
| | | 2. Professional offices limited to accountants, architects, brokers (insurance, real estate and stock), consulting engineers and other professional consultants, doctors, lawyers and land surveyors. | |
| | B. | Accessory Uses | |
| | | 1. Permitted by right in the LR-1 district. | |

Regulation pertaining to professional offices: A conversion to or development of a professional offices: A conversion to or development of a professional office shall be planned to preserve the residential flavor and special amenities of Front Street to the fullest extent. The Board shall require special safeguards to achieve this.

- | | | | |
|----|----|---|--------------------|
| LC | A. | Principal Uses (medical & Civic) | 1. Medical clinics |
| | | 1. Medical laboratories | 2. Funeral homes |
| | | 2. Pharmacies | |
| | | 3. Establishments for the sale or lease of and surgical equipment and supplies. | |
| | | 4. Public educational, recreational, cultural uses. | |

B. Accessory Uses

1. Permitted by right in the MR district
2. Any use customarily incidental to a permitted use.

4. The foregoing Ordinance is further amended by deleting Section 3.1, A. and

B. (Page 42) and the following:

A. For the purposes of this Ordinance, the Borough of Elmer is hereby divided into the districts as follows:

"CONS"	Conversation
"LR-1"	Low density residential 1
"LR-2"	Low density residential 2
"LM"	Low-medium density residential
"MR"	Medium density residential
"RP"	Residential professional
"LC"	Limited commercial
"GB"	General business
"HB"	Highway business
"C/LI"	Commercial-light industry
"LI"	Light industry

B. District map. The boundaries of these zoning districts are established on the map entitled "Elmer Borough Zoning Map", dated February 1, 1993, or as may be subsequently amended. Said map and all notions, references, and dates pertaining to zoning and zoning districts shown thereon are hereby incorporated by reference into this ordinance and shall be as much a part of this ordinance as if they were fully described herein.

5. The foregoing Ordinance is further amended by adding the following to Section 3.3 (Page 43) entitled "Justification and Intent of District Categories, Locations and Regulations":

RP-Residential Professional

The residential-professional district has been delineated to encourage the location of professional offices and health related support facilities because of the character of existing development in this area and the proximity of the hospital.

LC-Limited Commercial District

The limited commercial district includes an area along Front Street in the western portion of the Borough. The intent of this district is to encourage mixed commercial and light industry uses, thus permitting economic development compatible with the current land use pattern.

6. If any section or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.


7. All Ordinances, or parts of Ordinances, heretofore adopted and that are consistent with the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.


8. This Ordinance shall be effective upon its final passage, adoption and publication in the manner prescribed by law.

ADOPTED: December 13, 2006

Approved by the Mayor on December 13, 2006

ATTEST:


Beverly S. Richards, Clerk


Herbert D. Stiles, Jr., Mayor

Roll call vote:

	YES	NO	ABSTAINING	ABSENT
Lynda Davis	✓	—	—	—
Peggy L. Harz	✓	—	—	—
Benjamin H. Laury	✓	—	—	—
Lewis M. Schneider	✓	—	—	—
Steven A. Schalick	✓	—	—	—
Joseph Stemberger	✓	—	—	—

BOROUGH OF ELMER
SALEM COUNTY, NEW JERSEY

ORDINANCE 2006-9

**TITLE: AN ORDINANCE OF THE BOROUGH OF ELMER, COUNTY OF SALEM,
AND STATE OF NEW JERSEY, ESTABLISHING HOUSING STANDARDS-
AMENDMENT NO. 3**

Date of Introduction:	November 8, 2006
Anticipated Date of Adoption:	December 13, 2006
Contents:	3 rd Amended Ordinance First Resolution Notice of Introduction Final Resolution Notice of Adoption

CHARLES J. GIRARD, ESQ.
825 ELMER STREET
VINELAND, NJ 08360

ORDINANCE 2006-9

AN ORDINANCE OF THE BOROUGH OF ELMER, COUNTY OF SALEM, AND
STATE OF NEW JERSEY, ESTABLISHING HOUSING STANDARDS-AMENDMENT
NO. 3

This Ordinance shall be known as and may be cited as “An Ordinance of the Borough of Elmer, County of Salem, and State of New Jersey, Establishing Housing Standards-Amendment No. 3.”

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Elmer County of Salem and State of New Jersey, that the above-captioned Ordinance shall be amended as follows:

Section 2

DEFINITION: DWELLING STRUCTURES

103.5 FEES: The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule: **The Borough of Elmer shall be entitled to receive a \$50.00 fee for the initial inspection and for first re-inspection. Any failed re-inspection shall be a \$25.00 fee for each re-inspection.**

302.4 Weeds: All premises and exterior property shall be maintained free from weeds or plant growth in excess of **8 inches**.

304.14 Insect screens: During the period from April 1 to December 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every door used for insect control shall have a self-closing device in good working order.

602.3 Heat supply: Every owner and operator of any building who rents, leases or lets one or more dwelling units on terms, either expressed or implied, to furnish heat during the period from **October 1 to May 15** to maintain a temperature of not less than 68° (20°C) in all habitable rooms, bathrooms, and toilets rooms.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from **October 1 to May 15** to maintain a temperature of not less than 65° (18°C) during the period the spaces are occupied.

Section 4

STANDARDS

Pursuant to the provisions of Chapter 21, P.L. 1946 as amended (N.J.S.A. 40:49-5.1) the "New Jersey State Housing Code" as approved by the State Departments and filed in the Secretary of State's Office and the "Property Maintenance Code" is hereby accepted, adopted and established as standards to be used as a guide in determining the fitness of a building of a building for human habitation, occupancy or use. Copies of the "Property Maintenance Code" are annexed to this ordinance and three copies of the same have been placed on file in the office of the Borough Clerk and are available to all persons desiring to use and examine the same.

Section 5

OCCUPANCY PROHIBITED

No person shall occupy as owner occupant or rent to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not conform to the provisions of the "New Jersey State Housing Code" and the "Property Maintenance Code" and established hereby as the standards to be used in determining whether a dwelling is safe, sanitary ad fit for human habitation.

Section 8

FEES

The Borough of Elmer shall be entitled to receive a \$30.00 fee for the initial inspection and a \$20.00 fee for any re-inspection. Any failed re-inspection shall be a \$25.00 fee for each re-inspection.

Section 12

A. If any section or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

B. All Ordinances, or parts of Ordinances, heretofore adopted and that are consistent with the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

C. This Ordinance shall be effective upon its final passage, adoption and publication in the manner prescribed by law.

D. All other sections in Amendment #1 and #2 remain the same.

ADOPTED: December 13, 2006

Approved by the Mayor on
December 13, 2006

ATTEST:

Beverly S. Richards
Beverly S. Richards, Clerk

Herbert D. Stiles, Jr.
Herbert D. Stiles, Jr., Mayor

Roll call vote:

Lynda Davis

Peggy L. Harz

Benjamin H. Laury

Lewis M. Schneider

Steven A. Schalick

Joseph P. Stemberger

YES	NO	ABSTAINING	ABSENT
<u>✓</u>	—	—	—
<u>✓</u>	—	—	—
<u>✓</u>	—	—	—
<u>✓</u>	—	—	—
<u>✓</u>	—	—	—
<u>✓</u>	—	—	—

ORDINANCE 2007-13

AN ORDINANCE AMENDING THE LAND DEVELOPMENT
OF THE BOROUGH OF ELMER

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Elmer,
County of Salem, and State of New Jersey as follows:

WHEREAS, the Mayor and Borough Council of the Borough of Elmer have
determined that LAND DEVELOPMENT ORDINANCE OF BOROUGH OF ELMER should be
amended to change the length of time allowed for political signs.

NOW THEREFORE, the Land Development Ordinance for the Borough of Elmer is
amended as follows:

ARTICLE IV – GENERAL STANDARDS

Section 3.8 Signs

A. **Permitted Signs.** The following signs are permitted in accordance
with the specified standards:

12. Temporary non-illuminated political signs giving notice of political
campaigns provided:

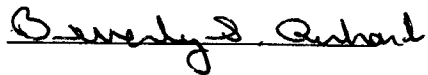
- a. The size of such sign shall not exceed sixteen (16) square feet.
- b. Such signs shall be located at least fifteen (15) feet from any
street or property lines.
- c. Such signs shall only be permitted within thirty (30) days prior to
any municipal, county, state, or national election and shall be
removed within seven (7) days after said elections.
- d. No political signs are allowed on any Borough-owned property.

Elmer Zoning Board of Adjustment shall be transferred to the Elmer Land Use Board for disposition.

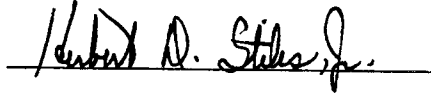
ADOPTED: January 1, 2002

Approved by the Mayor on
January 1, 2002

ATTEST:



Beverly S. Richards, Clerk



Herbert D. Stiles, Jr., Mayor

Roll call vote:	Yes	No	Abstaining	Absent
Lynda Davis	<input checked="" type="checkbox"/>	—	—	
Peggy L. Harz	<input checked="" type="checkbox"/>	—	—	
Robert Y. McWilliams	<input checked="" type="checkbox"/>	—	—	
Marc Adams	<input checked="" type="checkbox"/>	—	—	
Stephen A. Richards	<input checked="" type="checkbox"/>	—	—	
Joseph Stemberger	<input checked="" type="checkbox"/>	—	—	

ORDINANCE 2006-8

**LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF ELMER-AMENDMENT
NO. 2**

This Ordinance shall be known as and may be cited as **Land Development Ordinance of the Borough of Elmer-Amendment No. 2.”**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Elmer County of Sale and State of New Jersey as follows:

1. The foregoing Ordinance is amended by changing the application fee entitled Fee Schedule (Page 32) and amending the following:

A. Minor Subdivision

1. Application fee-\$125.00
2. Review fee deposit-\$200.00 per lot with a minimum deposit of \$65.00 for legal and engineering review, including map revisions required by the subdivisions.

B. Major Subdivision

1. Application fee-\$250.00

C. Major Subdivision Preliminary Review

1. Application fee-\$250.00
2. Review fee deposit-\$250.00 per lot, with a minimum deposit of \$1,000.00 for legal and engineering review.

D. Major Subdivision Final Review

1. Application fee-\$400.00
2. Review fee deposit-\$250.00 per lot, with a minimum deposit of \$1,000.00 for legal and engineering review.

E. Conditional Use

1. Application fee-\$150.00

2. Review fee deposit-\$2.00 per gross square foot of building floor area included in the proposed development, plus \$200.00 per area pro-rated for fractions of land included in the lots involved, but not less than \$200.00.

F. Site Plan, Preliminary Review

1. Application fee-\$250.00
2. Review fee deposit-\$1,250.00 per lot or fraction thereof submitted for review, with a minimum of \$1,250.00 for legal and engineering review.

G. Site Plan, Final Review

1. Application fee-\$150.00
2. Review fee deposit-\$100.00 per lot or fraction thereof submitted for review, with a minimum of \$500.00 for legal and engineering review.

Reduced fee for certain residential applicants.

When the subject matter of an application consists of an addition, whether attached or detached, to an existing single-family residential how ,or alterations thereof, site plan approval, subdivision approval or variance fees shall be as follows:

- A. Application fee-\$50.00
- B. Review Fee Deposit-\$300.00

The determination of the appropriate application fee shall be at the discretion of the Planning Board and/or Zoning Board and said determination shall be binding on the applicant.

H. Use Variance

1. Application fee-\$150.00
2. Review fee deposit-\$2.00 per gross square foot of building floor area included in the proposed development, plus \$500.00 per area pro-rated for fractions of land included in the lots involved, but not less than \$500.00. All other types of variances-\$25.00.

I. Site Plan Waiver

1. Application fee - \$50.00 plus escrow fees of \$500.00

J. Amendment of Minor Subdivision Approval

All ordinances or parts of ordinances heretofore adopted that are inconsistent with the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency. This ordinance shall become effective on July 11, 2007.

ADOPTED: July 11, 2007

Approved by the Mayor on
July 11, 2007

ATTEST:

Beverly S. Richards
Beverly S. Richards, Clerk

Herbert D. Stiles Jr.
Herbert D. Stiles Jr., Mayor

Roll call vote:	Yes	No	Abstaining	Absent
Lynda Davis	✓	—	—	—
Benjamin H. Laury	✓	—	—	—
Steven A. Schalick	✓	—	—	—
Lewis M. Schneider	—	—	—	✓
Jospeh P. Stemberger	✓	—	—	—
James W. Zee III	✓	—	—	—

RESOLUTION

Number 71-08

LAND USE BOARD APPOINTMENT CHANGES

WHEREAS vacancies have occurred on the Elmer Land Use Board, now therefore,

BE IT RESOLVED that Leigh Bostwick be named a Class IV member of the Elmer Land Use Board to complete an unexpired four-year term ending December 31, 2008.

BE IT RESOLVED that Jay L. Dubois be named a Class IV Alternate No. 1 member of the Elmer Land Use Board to complete an unexpired four-year term ending December 31, 2012.

BE IT RESOLVED that Denny Hardman be named a Class IV Alternate No. 2 member of the Elmer Land Use Board to complete an unexpired four-year term ending December 31, 2010.

BE IT RESOLVED That Scott McDonald be named a Class IV Alternate No. 3 member of the Elmer Land Use Board for an unexpired four-year term ending December 31, 2010.

BE IT RESOLVED that Lorraine Berks be named a Class IV Alternate No. 4 member of the Elmer Land Use Board to complete an unexpired four-year term ending December 31, 2011.

Adopted: June 11, 2008

Attest:

Beverly S. Richards
Beverly S. Richards, Borough Clerk

Joseph P. Stemberger
Joseph P. Stemberger, Mayor

ROLL CALL VOTE as follows:

	<u>MOTION</u>	<u>SECOND</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Laury	---	---	✓	---	---	---
Davis	✓	---	✓	---	---	---
Schalick	---	---	✓	---	---	---
Schneider	---	---	✓	---	---	---
Shapiro	---	---	✓	---	---	---
Zee	---	✓	✓	---	---	---