

**TOWNSHIP OF MILLBURN  
ORDINANCE NO. 2467-16**

**ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE 4 “GENERAL PROVISIONS” OF THE  
MILLBURN TOWNSHIP DEVELOPMENT REGULATIONS AND ZONING ORDINANCE CONCERNING FEE  
PAYMENT PROVISIONS APPLICABLE TO THE PLANNING BOARD, BOARD OF ADJUSTMENT AND  
HISTORIC PRESERVATION COMMISSION, FUNDING OF OFF TRACT IMPROVEMENTS,  
AUTHORIZATION OF DEVELOPER AGREEMENTS AND ADOPTION OF APPLICATION CHECKLISTS**

**WHEREAS**, the Municipal Land Use Law of the State of New Jersey (N.J.S.A. 40:55D-1 et seq.), authorizes a municipality’s governing body to provide by ordinance for a planning board, board of adjustment, and historic preservation commission; and

**WHEREAS**, the Municipal Land Use Law, allows the governing body to appropriate funds for the expenses of the planning board, board of adjustment, and historic preservation commission in connection with review of applications and administration of development projects; and

**WHEREAS**, the Municipal Land Use Law authorizes a municipality to collect escrow fees for professional services employed by the municipality to review applications for development and for municipal inspection fees; and

**WHEREAS**, it is the intention of the Township of Millburn that professionals involved in the inspection of such development be reimbursed by applicants for their services; and

**WHEREAS**, it is further the intention of the Township of Millburn that developers contribute a determined share towards off-tract improvements for water, sewer, drainage, street improvements and other improvements as provided by the Municipal Land Use Law; and

**WHEREAS**, it is further the intention of the Township to require a Developer’s Agreement in situations involving the implementation of land development approvals.

**BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MILLBURN, IN THE COUNTY OF ESSEX AND THE STATE OF NEW JERSEY, as follows:**

**Section 1. Article 4 “General Provisions”, Section 410 “Fees” is hereby amended and supplemented by the addition of a new Subsection 410.5 entitled “Historic Preservation Applications”, as follows:**

- a. Concept Review by the Commission  
No fee
- b. Application for Certificate of Appropriateness  
\$200.00
- c. Minor Application Review  
\$100.00

**Section 2. Article 4 “General Provisions”, Section 410 “Fees” is hereby amended and supplemented by the addition of a new Subsection 410.6 entitled “Street Graphics” as follows:**

- a. Single-family dwellings - \$5. fee per application
- b. Other uses - \$10. Plus \$1 per square foot of graphic area, up to a maximum of \$100.

**Section 3. Article 4 “General Provisions”, Section 410 “Fees” is hereby amended and supplemented by the addition of a new Subsection 410.7 entitled “Technical Review Fees”, as follows:**

In addition to the filing fees required by Sections 410.1 through 410.6, an applicant shall pay fees equal to the costs incurred for the technical review of the application by the Township Engineer, planning and engineering consultants to the Planning Board, the Board of Adjustment or Historic Preservation Commission; the Attorney for the Planning Board, the Board of Adjustment or Historical Preservation Commission, and any other professional expert or consultant whose review, study, research and reports and/or testimony is deemed necessary by the municipal agency in order to assure compliance with State and Township laws, ordinances, rules and regulations. Technical review fees shall be calculated in accordance with the actual time required for review at rates established by a schedule of professional fees adopted and from time to time amended by resolution of the Township Committee, which schedule shall be maintained in the office of the Township Clerk for public inspection. If the salary and overhead for a professional are provided by the Township, the hourly rate charged to the deposit from said professional shall be 200% of the sum of the product resulting from multiplying the hourly base salary of each of the professionals by the number of hours spent by the respective professional on review of the application for development or inspection of the developer’s improvements, as the case may be. Unless such fees are waived or deferred by the applicable agency, at the time of filing an application for development with the Planning Board, Board of Adjustment or the Historic Preservation Commission, the applicant shall pay to the Township an initial deposit for technical review fees in accordance with the following schedule:

a. Minimum Escrow Fees for Anticipated Legal Services:

Minor and Major Subdivisions	\$750.
Site Plan	750.
Special Meetings & Misc.	As set by resolution of the Township Committee

b. Minimum Escrow Fees for Anticipated Professional Planner Services:

Minor Subdivision	\$1,100.
Major Subdivision	2,500.
Site Plan	1,100.
Site Inspection	750. each visit
Attendance at meetings	500.

Hourly billing rate As set by resolution of the Township Committee

c. Minimum Escrow Fees for Anticipated Professional Engineering Services for Plan Review:

Minor Subdivision	\$400.
Major Subdivision - Sketch Plat	200. + 50./Lot
Major Subdivision - Preliminary Plat	600. + 200./Lot
Major Subdivision - Final Plat	300. + 50./Lot
Site Plan – Preliminary	\$1,000. plus

(based on the cost of site improvements exclusive of the buildings):

3%	(0-\$10,000)
\$300. + 1 1/2% over \$10,000.	(\$10,001. - 25,000)
\$525. + 1% over \$25,000.	(\$25,001. - 100,000)
\$1,275. + 1/2% over \$100,000.	(\$100,001. - 250,000)
\$2,025. + 1/2% over \$250,000.	(over \$250,000)
Site Plan – Final	1/3 of Preliminary Fee

Hourly Billing Rate As set by resolution of Township Committee

- d. The minimum escrow fee deposit for anticipated professional review by the Historic Preservation Consultant to the Historic Preservation Commission: \$750.00. Thereafter, if additional services are required, the Historic Preservation Consultant shall be paid in accordance with the hourly rate established by Township Resolution.
- e. A review fee of \$1,000.00 for all proposals concerning wireless telecommunications installation where a new tower or other structure is proposed in addition to all other required fees.
- f. Miscellaneous Special Services  
Traffic or other relevant professional study and analysis if required as determined by the Municipal Engineer.

No major application for development shall be deemed complete until such time as the applicant shall have posted with the Township in cash or certified check the amount of

escrow deposit determined by the Township Engineer based upon the following criteria: (a) complexity of the application; (b) proximity of the proposed development to other uses; (c) traffic considerations; (d) public safety considerations; (e) infrastructure needs and impact; and (f) related considerations. The Township Engineer's determination of the escrow may be modified by the Chairperson of the Planning Board, Board of Adjustment or Historic Preservation Commission or by a vote of the entire applicable board.

**Section 4. Article 4 "General Provisions", Section 410 "Fees" is hereby amended and supplemented by the addition of a new Subsection 410.8 entitled "Inspection Fees and Costs" as follows:**

The applicant shall pay fees equal to the expenses incurred by the Township with respect to:

- a. The inspection of on-site, on-tract, off-site and off-tract improvements constructed or installed by the applicant in accordance with the terms and conditions of subdivision and/or site plan approval or the grant of a variance;
- b. The testing of materials or construction work performed by the applicant in the event that such testing is deemed necessary by the Township;
- c. Analyses or tests to determine compliance by the applicant with any monitoring standards established by the terms and conditions of subdivision or site plan approval; and
- d. The inspection of improvements constructed or installed by the applicant for purposes of determining compliance with any maintenance obligations of the applicant.

The improvements constructed or installed to meet the requirements of subdivision or site plan approval, which are the subject of inspection, include the following: pavement subgrade, base course pavement, surface course pavement, sidewalks, storm drainage facilities, sanitary sewerage facilities, street signs, topsoil and erosion protection, grading, landscaping and monuments. An applicant shall give notice at least 24 hours in advance of the undertaking of any work which is the subject of inspection. Overtime inspection will not be provided unless special arrangements are made therefor prior to the overtime period. Inspection fees shall be calculated in accordance with the actual time required for inspection at rates established by a schedule of inspection fees, which schedule shall be adopted and from time to time amended by resolution of the Township Committee and maintained in the office of the Township Clerk for public inspection.

At the time of the grant of final subdivision or site plan approval, or prior to the commencement of any work on subdivision or site plan improvements, if such work is undertaken before final approval, the applicant shall pay to the Township an initial deposit for inspection fees and costs. Such initial deposit shall be in accordance with the following schedule:

*Estimated Costs of Improvements (exclusive of building)*

Under \$5,000. 8%

\$5,000.-\$10,000.	\$40. + 5% over \$5,000.
\$10,000.-\$50,000.	\$650. + 4.5% over \$10,000.
\$50,000.-\$100,000.	\$2,450. + 4% over \$50,000.
Over \$100,000.	\$4,450. + 3% over \$100,000.
Hourly Billing Rate	As set by resolution of the Township Committee.

The Estimated Costs of Improvements shall be determined by the Township Engineer based on plans and certified quantity estimates prepared by the applicant's engineer and shall include a 20% excess contingency.

Inspection shall not relieve the applicant from the obligation of performing work strictly in accordance with the plans and specifications approved therefor or the obligation of performing work in a workmanlike manner using first-class materials. Until such time as the Township Committee shall approve the construction and installation of any improvement by a resolution adopted pursuant to the provisions of N.J.S.A. 40:55D-53, any improvement not meeting the aforesaid plans, specifications or standards shall be replaced, reconstructed or repaired by the applicant despite any previous oversight or error in inspection.

- e. When an application to the Historic Preservation Commission has been approved and the Construction Code Official and/or the Township Engineer has issued a Construction Permit and/or any other associated permits then in addition to construction code and engineering inspections with respect thereto, the Construction Code Official and/or Township Engineer shall request that the Historic Preservation Commission Consultant inspect the project for compliance with approved historic architectural elements or construction, then the HPC Consultant shall be paid therefor upon presentation of a bill associated with such inspections from the escrow deposit made by the applicant and administered by the Township Treasurer as required by law.

**Section 5. Article 4 “General Provisions”, Section 410 “Fees” is hereby amended and supplemented by the addition of a new Subsection 410.9 entitled “Fee Deposits Held in Escrow” as follows:**

Each deposit for anticipated municipal expenses for professional services shall be held in escrow by the Township in an account separate from the general funds of the Township pursuant to N.J.S.A. 40:55D-53.1. The account shall be in a banking institution or savings and loan association in this State, insured by an agency of the Federal government, or in any other fund or depository approved for such deposits by the State, in an account bearing interest at the minimum rate bearing interest at the minimum rate currently paid by the institution or depository on time or savings deposits. The Township Treasurer shall notify the applicant in writing of the name and address of the institution or depository in which the deposit is made and the amount of the deposit. All interest earned on any account shall be retained in the account until paid over as hereinafter provided. The Township Business Administrator shall from time to time certify to the Township Committee the inspection fee as determined in accordance with the aforementioned schedule of professional fees, as well as any

inspection costs. Such fees or charges shall be based upon a schedule established by resolution pursuant to N.J.S.A. 40:55D-53.1. If the Township Committee determines the costs as certified to be reasonable, then such amount shall be withdrawn from the escrow account and paid over to the Township as an item of miscellaneous revenue. An applicant may at any time examine Township records with respect to an escrow account and expenditures therefrom. All deposits for inspection fees shall be made prior to the performance of the inspection services which the deposit is intended to cover. In the event that the initial deposit made by an applicant is not sufficient to cover all technical review fees or costs with respect to the application for which the deposit was made or all inspection fees and/or costs with respect to the application for which the deposit was made, upon request by the Township, the applicant shall make such further deposit or deposits as may be necessary to cover further inspection fees and/or costs. Whenever the interest earned on any escrow account shall exceed \$100.00 in any calendar year, the Township Treasurer shall pay to the applicant 66 2/3% of the interest earned during the calendar year on such account, with the remaining 33 1/3% of such interest being paid over to the Township for administrative expenses. Such payments shall be made within 30 days after the termination of the calendar year in which the interest was earned or upon the termination of the account in the event that the account shall be terminated prior to the end of the calendar year. Whenever the interest earned on any escrow account is no more than \$100.00 in any calendar year, all of such interest shall remain in the account until the termination of the account at which time all of such interest shall be paid over by the Township Treasurer to the Township for administrative expenses. After the issuance of a report by the Township Engineer that all subdivision and/or site plan improvements have been completed, inspected and approved, and after all inspection fees and/or costs have been paid from the escrow account for such application, the Township Treasurer shall refund to the applicant all deposit moneys remaining in the escrow account, together with the interest, if any, which the applicant is entitled to receive. After the interest which the Township is entitled to receive is paid over to the Township, the escrow account shall be terminated.

**Section 6. Article 4 “General Provisions”, Section 410 “Fees” is hereby amended and supplemented by the addition of a new Subsection 410.10 entitled “Off Tract Improvement Charges”, as follows:**

a. Construction or Contribution Required.

Pursuant to N.J.S.A. 40:55D-39 and N.J.S.A. 40:55D-42, where the need for off-tract improvements for water, sewer, drainage, street improvements and other improvements as provided by law are, in whole or in part, made necessary or required as a result of a proposed development application, the Planning Board may require the developer, as a condition of subdivision or site plan approval, to construct such off-tract improvements, or to contribute its pro-rata share of the cost of the construction of such off-tract improvements in accordance with the provisions of this section.

1. Determinations by Planning Board.

The Planning Board shall review all subdivision and site plan applications to determine their impact on the Township’s infrastructure. The Board’s determination shall include a review of whether the off-tract improvement is a benefit solely to the developer, and/or whether additional parties will receive a benefit as a result of the construction of the off-tract improvement. In making its determination, the Board shall be guided by the rules

and regulations specified in this ordinance. The Board may also be guided by recommendations regarding the subject matter from the Board Attorney, Township Engineer, Municipal Officials and other qualified experts. Thereafter, the Planning Board shall, with the assistance of such professionals:

(a) Determine the need for off-tract improvements.

(b) Determine the total cost of the off-tract improvement(s). For the purposes of this section, total cost of improvements may include: all payments to contractors and subcontractors; design and engineering costs; bonding costs; permit, inspection and application fees; property and/or easement acquisition costs; and costs for overhead, project supervision and legal fees. All costs for off-tract improvements shall be verified by the Township in the event that the Township or any other entity shall make any contribution toward the completion of any off-tract improvement.

(c) Determine the amount, if any, by which all properties to be serviced thereby including the developer's property will be specially benefited therefrom.

(d) In cases where reasonable and necessary need for the off-tract improvement or improvements is necessitated or required by the proposed development application and where no other property owners receive a special benefit thereby, the Planning Board shall require the developer, as a condition of approval, at the developer's expense, to provide for and construct such improvements as if such were on-tract improvements and shall forward a report of its findings to the Township Committee.

(e) In cases where the need for any off-tract improvement is necessitated by the proposed development application and where the Planning Board determines that properties outside the development could also be benefited by the improvement, the Planning Board shall forward to the Township Committee a report containing a list and description of all such improvements, together with its request that the Township Committee determine the matters in (2) below and advise the Planning Board of the Township Committee's decision.

2. Determination by Township Committee. Upon receipt of the recommendations and report of the Planning Board, the Township Committee shall, within thirty (30) days from the receipt thereof, determine and advise the Board whether:

(a) The recommended off-tract improvement should be undertaken in the manner recommended by the Board or whether the Township Committee is of the opinion that an alternative improvement should be considered by the Board.

(b) The improvement is to be constructed or installed by the Township as a general improvement or as a local improvement.

(c) The improvement is to be constructed or installed by the developer under a formula providing for partial reimbursement by the Township or otherwise for benefits to properties other than the development where appropriate.

3. Amount of contribution. Once the Township Committee has made the determinations in (2) above, the developer may be required to provide, as a condition for final approval of the development, a combination of performance and maintenance guarantees, cash contributions, developer's agreements and/or other forms of surety permitted by law to insure payment to the Township of one (1) of the following amounts:

(a) If the improvement is to be constructed by the Township as a local improvement, the developer's proportionate share of the total cost of the improvement.

(b) If the improvement is to be constructed by the developer, the total cost of the off-tract improvement less an offset for the value of any special benefit to properties other than the developer's.

(c) If the improvement provides no special benefits to properties other than the property which is the subject of the Planning Board application, the off-tract improvement shall be constructed by the developer in accordance with the Township rules and regulations relating to the construction of on-tract improvements.

4. Pro-rata formula for determining developer's share of off-tract improvements. Where an off-tract improvement is required, and it is the determination of the Planning Board and Township Committee that the developer is responsible for only a proportionate share of the costs of such improvement, the following criteria shall be utilized in determining the proportionate share of the cost of such improvements which shall be paid by the developer:

(a) Roadways. For street widening, alignment, channelization of intersections, construction of barriers, new or improved traffic signalization, signs, curbs, sidewalks, trees, utility improvements not covered elsewhere, the construction or reconstruction of new or existing streets and other associated street or traffic improvements, the developer's proportionate costs shall be determined by the Township as follows:

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<i>Future Peak-Hour Traffic Generated by the Development divided by (÷) Future Peak Hour Traffic</i>	<i>x</i>	<i>Total Cost of the Roadway Improvement and/or Extension</i>	<i>=</i>	<i>Developer's Cost</i>
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(b) Drainage Improvements. For stormwater and drainage improvements, including installation, relocation or replacement of transmission lines, culverts, catch basins and the installation, relocation or replacement of other appurtenances associated therewith, the developer's proportionate share shall be determined as follows:

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*Development Cubic*

$$\frac{\text{Feet Per Second (cfs)}}{\text{divided by } (\div)} \times \frac{\text{Total Enlargement of Improvement Cost}}{\text{Total Increase in Tributary cfs}} = \text{Developer's Cost}$$


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Developer's cost cannot be less than \$0.

(c) Sanitary Sewers. For distribution facilities including the installation, relocation or replacement of collector, trunk and interceptor sewers and the installation, relocation or replacement of other appurtenances associated therewith, the developer's proportionate share shall be computed as follows:

i) If the existing system does not have adequate capacity for the total developed drainage basin, the pro-rated enlargement of improvement share shall be computed as follows:

$$\frac{\text{Development Gallons Per day ("gpd")}}{\text{divided by } (\div)} \times \frac{\text{Total Enlargement of Improvement Cost}}{\text{Total Increase in Tributary gpd}} = \text{Developer's Cost}$$


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ii) If it is necessary to construct a new system in order to develop the subdivision, the prorated enlargement share to the developer shall be computed as follows:

$$\frac{\text{Development Tributary gpd}}{\text{divided by } (\div)} \times \frac{\text{Total Project Cost}}{\text{Total Tributary gpd to a New System}} = \text{Developer's Cost}$$


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(d) Water. For water distribution facilities including the installation of new water mains, the extension of existing water mains, the relocation of such facilities and the installation of other appurtenances associated therewith, the developer's proportionate share shall be computed as follows:

$$\frac{\text{Use of Water (gpd) by the Developer}}{\text{divided by } (\div)} \times \frac{\text{Total Enlargement or Improvement Cost}}{\text{Total Increase in Use of Water (gpd) of Area Served by the Improvement}} = \text{Developer's Cost}$$


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(e) Adjustments to formulas. It is recognized that the foregoing

formulas may require adjustment because of peculiar or exceptional circumstances or may require the application of alternative criteria in order to arrive at a fair and equitable distribution of cost. For example, in the case of linear improvements, such as streets, water and sewer lines and storm drains, length of property frontage may be a more appropriate determining factor. In such instances, the Board may modify or adjust the formulas.

5. Cash contributions, methods of payment.

(a) The estimated developer's cost plus a reasonable inflation cost for the off-tract improvement allocated to the developer, if deposited in cash, shall be paid by the developer to the Township Finance Department with a copy of the developer's transmittal letter forwarded to the Township Committee, the Township Engineer and the Board. Any and all monies received by the Finance Department shall be deposited in a separate interest-bearing account to the credit of the Township, and such funds shall be used only for the improvements for which they are deposited or improvements serving the same purpose. If such improvements are not initiated by the developer or the Township within a period of ten (10) years from the date of payment or other mutually agreeable period of time, then the funds so deposited shall be returned to the developer, together with accumulated interest less ten percent (10%) of accumulated interest for administration costs. If, after diligent inquiry, the Township is unable to locate the developer or its successor in order to return said funds, then the funds so deposited shall be placed in the Township's general capital improvement fund and shall not be returnable to the developer thereafter.

(b) In the event the payment by the developer to the Township Finance Department provided for herein is less than its share of the actual cost of the off-tract improvements, then it shall be required to pay its additional share of the cost thereof.

6. Assessment of properties. The Township may adopt a local improvement assessment ordinance for the purpose of construction and installation of the off-tract improvements, based upon the cost for the project, including administration and finance charges. Any portion of the cost of the improvements not defrayed by a developer may be assessed by the Township against benefiting property owners according to their pro-rata share. Any such assessments for benefits made against the developer or its successors in interest shall be first offset by a pro-rata share credit of the allocated costs previously deposited with the Township Finance Department pertaining thereto. The developer or its successors in interest shall not be liable for any part of an assessment for such improvements unless the assessment exceeds its pro-rata share credit for its deposit, and then only to the extent of the deficiency.

7. Design standards. Should the developer and the Township enter into a contract for the construction and installation of the off-tract improvements to be done by the developer, the

developer shall observe all requirements and principles of this Chapter and other ordinances in the design of such improvements.

8. Condition of approval. The terms set forth herein shall be a condition of either preliminary approval or final approval of a subdivision or site plan. If not imposed as condition of preliminary approval, such off-tract improvements and the apportionment of the cost thereof shall be considered improvements under N.J.S.A. 40:55D-1 et seq., which may be imposed at the time of final approval.

9. Notice and appeal. Before apportioning the cost of off-tract improvements to a developer, the Planning Board shall notify and afford the developer an opportunity to be heard thereon at a public meeting. The developer may appeal from the Township Council's decision to the Superior Court within 45 days from the date of the Council's decision.

b. Omissions.

Omissions from the bond of any improvement will in no way be construed as to relieve the developer from his legal obligation to conform to the required improvements as provided in this Chapter.

c. Certification.

Prior to the final acceptance of any of the required improvements by the Township the subdivision owner or owners shall have submitted satisfactory affidavits certifying that no unpaid bills, liabilities or liens against such improvements and installations are outstanding.

**Section 7. Article 4 "General Provisions", Section 410 "Fees" is hereby amended and supplemented by the addition of a new Subsection 410.11 entitled "Agreement Between Developer and the Township – Fees, Charges and Obligations" as follows:**

Within ninety (90) days of the adoption of a Resolution granting a land development approval requiring as a condition, the execution of a Developer Agreement, there shall be executed and delivered to the Township an Agreement between the Developer and the Township incorporating the terms and conditions of approval and provisions including, but not limited to, bonds, performance guarantees, letters of credit, escrow deposits, conveyances to the Township, remediation of environmental conditions including those discovered during development, insurance requirements, time for completion of improvements, and payment of municipal charges, water and sewer connection fees, road opening and other application fees. The Agreement shall be prepared by the Township and shall be executed by the Owner and Developer of the land development project.

**Section 8. Article 4 "General Provisions" is hereby amended and supplemented by the addition of a new Section 425 "Checklists" as follows:**

The following checklists are hereby adopted for inclusion in the Township of Millburn Development Regulations and Zoning Ordinance and shall appear in the Appendix:

Section 425.1, Checklist A – Planning Board- Checklist –  
See Appendix Schedule F

Section 425.2, Checklist B – Zoning Board Checklist –  
See Appendix Schedule G

Section 425.3, Checklist C – Historic Preservation Checklist –  
See Appendix Schedule H

**Section 9. Conflicts and Severability**

If any portion or clause of this Ordinance is declared invalid or for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this ordinance.

a. Conflicts. All other Ordinances, parts of Ordinances, or other local requirements that are inconsistent or in conflict with this Ordinance are hereby superseded to the extent of any inconsistency or conflict, and the provisions of this Ordinance apply.

b. Severability.

1. This Ordinance shall be so construed as not to conflict with any provision of New Jersey law.

Notwithstanding that any provision of this Ordinance may be held invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the Ordinance shall continue to be in full force and effect.

2. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

**Section 10.** This Ordinance may be renumbered for purposes of codification.

**Section 11.** This Ordinance shall take effect after final passage and publication as provided by law.

*1<sup>st</sup> Reading and Introduction: 10/19/2016*

# SCHEDULE F

## TOWNSHIP OF MILLBURN DEVELOPMENT REGULATIONS AND ZONING ORDINANCE SECTION 425.1, CHECKLIST A – PLANNING BOARD

An application before the Planning Board shall not be considered complete until all the material and information specified below has been submitted, unless a specific requirement is waived by the municipal agency. The request for waiver shall accompany the application.

Name of Applicant: \_\_\_\_\_ Application No. \_\_\_\_\_

Street Address: \_\_\_\_\_ Date Filed \_\_\_\_\_

### PLANNING BOARD APPLICATION SUBMISSION CHECKLIST

#### MAJOR SUBDIVISION:

PRELIMINARY \_\_\_\_\_

APPLICATION NO. \_\_\_\_\_

(Assigned by Millburn Township)

FINAL \_\_\_\_\_

#### MAJOR SITE PLAN:

PRELIMINARY \_\_\_\_\_

FINAL \_\_\_\_\_

BLOCK \_\_\_\_\_

MINOR SUBDIVISION \_\_\_\_\_

LOT(S) \_\_\_\_\_

MINOR SITE PLAN \_\_\_\_\_

LOT(S) \_\_\_\_\_

CONDITIONAL USE \_\_\_\_\_

SITE STREET ADDRESS \_\_\_\_\_

BULK VARIANCE \_\_\_\_\_

APPLICANT \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE/FAX  
COMPLETE \_\_\_\_\_

APPLICATION ACCEPTED AS

BY: \_\_\_\_\_

DATE:

\_\_\_\_\_

**DEADLINE FOR PLANNING BOARD DECISION:** \_\_\_\_\_

**REQUIRED DATA AND INFORMATION**

**C - Complete  
I – Incomplete  
WR – Waiver Requested**

	<b>C</b>	<b>I</b>	<b>WR</b>
(1) A complete application shall include the following items:			
a) Application & Fee Form Submitted (21 Copies)	[ ]	[ ]	[ ]
b) Application Fee Paid	[ ]	[ ]	[ ]
c) Consent of Owner Submitted	[ ]	[ ]	[ ]
d) Tax & Assessment Form Submitted	[ ]	[ ]	[ ]
e) Proof of Service Submitted	[ ]	[ ]	[ ]
f) Newspaper Advertisement Submitted	[ ]	[ ]	[ ]
g) Plat/Plans Submitted (21 Copies)	[ ]	[ ]	[ ]
*h) EIS or Request for Waiver	[ ]	[ ]	[ ]
i) Fact Sheet	[ ]	[ ]	[ ]
j) For Corporations & Partnerships, Names & Address of All Stockholders Owning at Least 10% of its Stock	[ ]	[ ]	[ ]
k) Existing Protective Covenants, Deed Restrictions, Easements	[ ]	[ ]	[ ]
l) Sustainability Checklist	[ ]	[ ]	[ ]

**PLAT**

a) Survey Drawing by Land Surveyor	[ ]	[ ]	[ ]
b) Improvements – Designed by Professional Engineer	[ ]	[ ]	[ ]
c) Scale: 1" = 10', 1" = 20', 1" = 40', 1" = 50'	[ ]	[ ]	[ ]
d) 8½x13, 15x21, 24x36, 30x42	[ ]	[ ]	[ ]

	<b>C</b>	<b>I</b>	<b>WR</b>
e) Required Information	[ ]	[ ]	[ ]
Lot Lines, Metes & Bounds Description	[ ]	[ ]	[ ]
North Arrow	[ ]	[ ]	[ ]
Graphic Scale	[ ]	[ ]	[ ]
Zoning District & Data	[ ]	[ ]	[ ]
Date of Original Drawing & Revisions	[ ]	[ ]	[ ]
Existing & Proposed Streets & Street Names	[ ]	[ ]	[ ]
*Contours-2ft. intervals-Existing & Proposed on & within 100' of site	[ ]	[ ]	[ ]
Title Block – Lot & Block Number	[ ]	[ ]	[ ]
Location and Description of Existing & Proposed Monuments	[ ]	[ ]	[ ]
Area – To 1 Square Foot	[ ]	[ ]	[ ]
Streams & Ponds	[ ]	[ ]	[ ]
Parking Spaces	[ ]	[ ]	[ ]
Loading Areas	[ ]	[ ]	[ ]
Setback Dimensions & Dimensions of All Improvement	[ ]	[ ]	[ ]
Key Map of General Area, includes Properties & Owners within 200 ft.	[ ]	[ ]	[ ]
Signatures of Planning Board Chairman, Secretary and Engineer	[ ]	[ ]	[ ]
Existing Structures to be Removed or Altered	[ ]	[ ]	[ ]
Name, Phone Number, Address of Applicant	[ ]	[ ]	[ ]
Name, Phone Number, Address & Signature of Owner	[ ]	[ ]	[ ]

**CIRCULATION PLANS**

a) Street Names & R.O.W. Lines	[ ]	[ ]	[ ]
*b) Curbs, Driveways, Structures & Signs within 100' of site	[ ]	[ ]	[ ]
*c) Acceleration/Deceleration Lanes	[ ]	[ ]	[ ]
d) Aisles & Lanes	[ ]	[ ]	[ ]
e) Sidewalks & Bikeways	[ ]	[ ]	[ ]
f) Site Triangles	[ ]	[ ]	[ ]
g) Easements	[ ]	[ ]	[ ]
h) Parking	[ ]	[ ]	[ ]
i) Loading Areas	[ ]	[ ]	[ ]

	<b>C</b>	<b>I</b>	<b>WR</b>
j) Pavement Arrows & Striping	[ ]	[ ]	[ ]
*k) Light Standards, Fixture Types, Height, Intensity, Angle & Direction	[ ]	[ ]	[ ]
*l) Cross Sections	[ ]	[ ]	[ ]
*m) Profiles	[ ]	[ ]	[ ]
n) Traffic Regulation Signs	[ ]	[ ]	[ ]

### **BUILDING PLANS**

a) Floor Plans-including Square Footage by Use Category	[ ]	[ ]	[ ]
b) Elevations (architectural) with Materials, Dimensions & Signage	[ ]	[ ]	[ ]
c) Number of Dwellings – Apartment and Townhouse Projects	[ ]	[ ]	[ ]

### **LANDSCAPE PLANS**

a) Existing & Proposed Wooded Areas	[ ]	[ ]	[ ]
*b) Individual Tress Outside Wooded Area Greater than 6' diameter	[ ]	[ ]	[ ]
c) Buffer Areas	[ ]	[ ]	[ ]
*d) Shrubbery	[ ]	[ ]	[ ]
*e) Lawn Areas	[ ]	[ ]	[ ]
*f) Ground Cover	[ ]	[ ]	[ ]
g) Retaining Walls	[ ]	[ ]	[ ]
*h) Species & Caliper of Trees	[ ]	[ ]	[ ]
i) Signs (Existing & Proposed)	[ ]	[ ]	[ ]
	<b>C</b>	<b>I</b>	<b>WR</b>
j) Fencing	[ ]	[ ]	[ ]

**FACILITIES PLAN**

*a) Drainage Calculations	[ ]	[ ]	[ ]
b) Draining Structures	[ ]	[ ]	[ ]
*c) Existing & Proposed Runoff	[ ]	[ ]	[ ]
d) Open Space	[ ]	[ ]	[ ]
e) Common Property	[ ]	[ ]	[ ]
*f) Gas Lines	[ ]	[ ]	[ ]
*g) Electric Lines	[ ]	[ ]	[ ]
*h) Telephone Lines	[ ]	[ ]	[ ]
*i) Sewer Lines	[ ]	[ ]	[ ]
*j) Domestic Water Lines	[ ]	[ ]	[ ]
*k) Fire Protection Water Lines	[ ]	[ ]	[ ]
l) Solid Waste Disposal Methods	[ ]	[ ]	[ ]
m) Handling of Recyclable Materials	[ ]	[ ]	[ ]
n) Easements, Required & Documentation	[ ]	[ ]	[ ]
o) Construction Details	[ ]	[ ]	[ ]
*p) Soil Erosion & Sediment Control Plan	[ ]	[ ]	[ ]
q) Floodway & Flood Hazard Area Limits	[ ]	[ ]	[ ]
r) Wetlands: Mapping & Letter of Interpretation Or Exemption from NJDEP	[ ]	[ ]	[ ]

**\*Not required for minor subdivision and minor site plan**

# SCHEDULE G

**TOWNSHIP OF MILLBURN  
DEVELOPMENT REGULATIONS AND ZONING ORDINANCE  
SECTION 425.2, CHECKLIST B –  
ZONING BOARD OF ADJUSTMENT**

An application before the Zoning Board of Adjustment shall not be considered complete until all the material and information specified below has been submitted, unless a specific requirement is waived by the municipal agency. The request for waiver shall accompany the application.

**Name of Applicant:** \_\_\_\_\_ **Calendar No.** \_\_\_\_\_

**Street Address:** \_\_\_\_\_ **Date Filed** \_\_\_\_\_

**Applicant Phone/Fax:** \_\_\_\_\_

**REQUIRED DATA AND INFORMATION**

	<b>C - Complete I – Incomplete WR – Waiver Requested</b>		
	<b>C</b>	<b>I</b>	<b>WR</b>
(1) A complete application shall include the following items:			
h) Board Application (Attachment A)	[ ]	[ ]	[ ]
i) Letter of Denial from Zoning Official, if applicable (Attachment B)	[ ]	[ ]	[ ]
j) Tax and Assessment Payment Report (Attachment C)	[ ]	[ ]	[ ]
k) Notice of Appeal (N.J.S.A. 40:55D-70a), if applicable (Attachment D)	[ ]	[ ]	[ ]
l) Summary of Variances (Attachment E)	[ ]	[ ]	[ ]
	<b>C</b>	<b>I</b>	<b>WR</b>
m) Spec/F.A.R. Calculation Form (Attachment F)	[ ]	[ ]	[ ]
n) Sample Request for List Owners (Attachment G)	[ ]	[ ]	[ ]

- |  |            |               |           |
|--|------------|---------------|-----------|
| o) Sample Notice of Hearing (for publication)<br>(Attachment H)  | [ ]        | [ ]           | [ ]       |
| p) Sample Notice to be Served on Property Owners and<br>Others entitled to notice<br>(Attachment I)  | [ ]        | [ ]           | [ ]       |
| q) Construction Drawings/Plan: Floor Plans, Elevations<br>And/or Renderings: 1/4"=1'-0" recommended  | [ ]        | [ ]           | [ ]       |
| r) Survey Map of Site to Scale:  |            |               |           |
| a) Maximum of 1" = 20' scale;  | [ ]        | [ ]           | [ ]       |
| b) Show all existing and proposed structures,<br>Buildings, impervious areas, drainage facilities,<br>etc.   | [ ]        | [ ]           | [ ]       |
| c) Certified "Substantially Correct" by licensed<br>Civil Engineer or Surveyor.  | [ ]        | [ ]           | [ ]       |
| d) Show environmentally constrained land on site<br>including where necessary floodplain areas,<br>wetlands, wetlands buffers, stream and state open<br>waters, steep slopes and other areas specified<br>Ordinance Section 509.2 (subdivision and<br>site plan only). | [ ]        | [ ]           | [ ]       |
| s) Official Millburn Township Tax Map Sheet: Include<br>properties within 200 feet and list of owners of<br>properties within 200 feet at a 1" = 100' scale.   | [ ]        | [ ]           | [ ]       |
| t) Topographic Survey: All pool applications and/or any<br>proposed use affected by a natural slope in excess of<br>20%.   | [ ]        | [ ]           | [ ]       |
| u) Site Plan Exemption   |            |               |           |
| a) Is this variance Site Plan Exempt in accordance<br>with Section 301.60 of our Ordinance?  | No<br>[ ]  | Yes<br>[ ]    |           |
| b) If not, were copies of the completed application<br>forwarded to the Township Forester, Engineer,<br>Police Chief and Fire Chief for review and<br>comment (14 days before is desirable)?<br>Date forwarded: _____  | Yes<br>[ ] | No/N/A<br>[ ] | [ ]       |
|  | <b>C</b>   | <b>I</b>      | <b>WR</b> |
| 15) Certificate of corporate or partnership ownership<br>Disclosure, if required by N.J.S.A. 40:55D-48.1<br>(Attachment J)   | [ ]        | [ ]           | [ ]       |
| 16) "Subdivision Package" (If applicable)  | [ ]        | [ ]           | [ ]       |

- |   |     |     |     |
|---|-----|-----|-----|
| 17) Historic Preservation Committee   | Yes | No  |     |
| a. Development requested in designated historic district or on designated historic site?  | [ ] | [ ] |     |
| b. If so, a copy of the memorializing resolution shall be included with this application. | Yes | No  | N/A |
| 18) Photographs/Elevations (Optional)   | [ ] | [ ] | [ ] |
| 19) Board of Adjustment Fee: \$_____  | [ ] | [ ] | [ ] |

The attached application has been found to be COMPLETE and may now be scheduled for a hearing pursuant to the laws and regulations of the Board of Adjustment and may be subject to further submission required based on reviews by Consultants or Township officials.

Date Submitted to Administrative Officer: \_\_\_\_\_

Date Application Deemed COMPLETE: \_\_\_\_\_

By: \_\_\_\_\_ (Administrative Officer Signature)

# SCHEDULE H

## TOWNSHIP OF MILLBURN DEVELOPMENT REGULATIONS AND ZONING ORDINANCE SECTION 425.3, CHECKLIST C – HISTORIC PRESERVATION

An application before the Historic Preservation Commission shall not be considered complete until all the material and information specified below has been submitted, unless a specific requirement is waived by the municipal agency. The request for waiver shall accompany the application.

**Name of Applicant:** \_\_\_\_\_ **Application No.** \_\_\_\_\_

**Street Address:** \_\_\_\_\_ **Date Filed** \_\_\_\_\_

### REQUIRED DATA AND INFORMATION

	<b>C - Complete</b>	<b>I – Incomplete</b>	<b>WR – Waiver Requested</b>
	<b>C</b>	<b>I</b>	<b>WR</b>
(2) A complete application for a certificate of appropriateness shall include the following items:			
v) Property information, including zone of property and block/lot.	[ ]	[ ]	[ ]
w) Applicant and owner contact information.	[ ]	[ ]	[ ]
x) Application fee and escrow fee (if required) paid to the Township of Millburn.	[ ]	[ ]	[ ]
y) Applicant’s verification signature and owner’s authorization signature.	[ ]	[ ]	[ ]
z) Photographs showing existing condition of the entire building façade; and	[ ]	[ ]	[ ]
aa) Close-up photographs showing details of the area of work.	[ ]	[ ]	[ ]
	<b>C</b>	<b>I</b>	<b>WR</b>

(3) Signage and awning applications must also include the following:

- a) Photo montage with sign or awning drawn or photo-manipulated/ photoshopped in the

- |  |          |          |           |
|--|----------|----------|-----------|
| exact location proposed.   | [ ]      | [ ]      | [ ]       |
| b) Proposed sign material noted (i.e., wood, acrylic, PVC) or awning fabric sample and measured drawings showing height and width dimensions of proposed sign or awning (see Figure 2).  | [ ]      | [ ]      | [ ]       |
| c) Section drawing showing side view and projection of proposed sign or awning from the building façade and method of installation of sign or awning onto storefront or sign band. Note the storefront material. (for brick buildings, signs should be attached in the mortar); and      | [ ]      | [ ]      | [ ]       |
| d) Dimensions and size calculations of proposed signage for zoning compliance.   | [ ]      | [ ]      | [ ]       |
| (4) Lighting applications must also include the following:   |          |          |           |
| e) Detail photographs of area of attachment;   | [ ]      | [ ]      | [ ]       |
| f) Manufacturer's information/cut sheets of type of fixture to be used.  | [ ]      | [ ]      | [ ]       |
| g) Photomontage of proposed lighting, showing where it attaches to the building; and   | [ ]      | [ ]      | [ ]       |
| h) Details showing dimensions of proposed light fixtures including the distance the lights will project from the facade, height above the street or sidewalk, any supports or framing; location of electrical conduits, and how the light fixtures will be mounted to the exterior wall. | [ ]      | [ ]      | [ ]       |
| (5) Window applications must also include the following:   |          |          |           |
| a) Photographs of each existing window to be altered.  | [ ]      | [ ]      | [ ]       |
| b) Note if the replacement proposed is of the entire window frame or sash only.  | [ ]      | [ ]      | [ ]       |
| c) Photo or drawing showing as-built/existing windows to be replaced, including a cross-section of existing window as-built, showing head, jamb and sill.  | [ ]      | [ ]      | [ ]       |
|  | <b>C</b> | <b>I</b> | <b>WR</b> |
| d) Details showing proposed windows, including a cross-section of proposed window showing head, jamb and sill (manufacturer's cut sheets are acceptable if they show dimensions).  | [ ]      | [ ]      | [ ]       |
| e) Documentation about the original windows, photographs or typical windows for the historic period (if available and only necessary if the existing   |          |          |           |

- |  |          |          |           |
|--|----------|----------|-----------|
| are not historic windows); and   | [ ]      | [ ]      | [ ]       |
| f) Conditions statement describing the type and extent of deterioration justifying the window removal.   | [ ]      | [ ]      | [ ]       |
| (6) Applications for new storefronts, façade alterations/restorations or new construction/additions must also include the following:   |          |          |           |
| a) Existing site plan or detailed survey drawing.  | [ ]      | [ ]      | [ ]       |
| b) Proposed site plan with color graphics to differentiate new from existing.  | [ ]      | [ ]      | [ ]       |
| c) Photographs of the existing structure, with “detail” photos of the specific facades and architectural features (doors, windows, railings, siding, roofing, paving, etc.) that are to be altered or repaired; If the proposed project is within any historic district, applicants must include photographs of adjacent structures and the existing streetscape taken from across the street.   | [ ]      | [ ]      | [ ]       |
| d) Existing exterior elevation drawings.   | [ ]      | [ ]      | [ ]       |
| e) A complete set of working drawings for the proposed project, and, in the case of an addition, elevation drawings that show the proposed addition together with the existing structure. Scaled construction drawings showing proposed alterations of the relevant façade(s) and architectural features. If the proposed project is located within a historic district, applicants must include a streetscape elevation and/or a color rendering showing the new development in the context of neighboring buildings, structures, and sites. Three-dimensional models are optional. | [ ]      | [ ]      | [ ]       |
| f) Photo montage, renderings, and color elevation drawings of the proposed façade(s).  | [ ]      | [ ]      | [ ]       |
| g) Descriptions of the materials, size, and spacing of architectural features that are to be altered or repaired, their present condition, and the reasons for their proposed alteration or repair.  | [ ]      | [ ]      | [ ]       |
|  | <b>C</b> | <b>I</b> | <b>WR</b> |
| h) Detailed specifications, cut sheets, manufacturer’s product information, and mock-up boards for all proposed exterior materials and color palettes, including dimensions, compositions, application methods, and recommended uses; samples of the proposed materials may be required.   | [ ]      | [ ]      | [ ]       |
| i) Specifications, cut sheets, and manufacturer’s product information for all exterior lighting proposed.  | [ ]      | [ ]      | [ ]       |

- j) Specifications for any proposed masonry patching, brick repointing, mortar analysis, brick replacement, and façade cleaning. [ ] [ ] [ ]
  - k) Specifications, cut sheets, and manufacturer’s product information for any proposed exterior coatings, waterproofing measures, or chemical solutions to be applied. [ ] [ ] [ ]
  - l) Scaffolding drawings (if applicable). [ ] [ ] [ ]
- (7) Relocation of Existing Structures must also include the following:
- a) Photographs of the existing structure and adjacent buildings, and the proposed relocation site and its adjacent buildings. [ ] [ ] [ ]
  - b) Statement of the need / purposes for the proposed relocation, and any alternatives to relocation that were considered by the applicant. [ ] [ ] [ ]
  - c) Estimated damage to the structure or loss of any of its architectural elements that may result from the proposed relocation (if any alterations are proposed to the structure after relocation, applicant must meet the requirements of the sections above. [ ] [ ] [ ]
  - d) Description of the relocation process and timeframe, including moving the building intact; numbering and disassembling; and storage security before reassembly; and [ ] [ ] [ ]
  - e) Site plan for the existing structure, as well as the site plan for the structure on the proposed relocation site. [ ] [ ] [ ]
- (8) Demolition of Structures must also include the following:
- a) Complete photography record of all exterior elevations, interior spaces, and important details of all existing structures and any adjacent properties. [ ] [ ] [ ]
- C                      I                      WR**
- b) Statement of the need/purposes for the proposed demolition. [ ] [ ] [ ]
  - c) In any instance where there is a claim of no other alternative to demolition, the applicant shall provide written documentation of good faith attempts to sell the building at a reasonable and comparable amount or to offer it without charge to purchasers willing to move the building to another location and preserve, rehabilitate, relocate, or restore the building. A

- reasonable and comparable sales price shall be indicated by providing evidence such as recent appraisals, comparable values of properties similar to the building proposed to be demolished or other evidence the commission deems acceptable. [ ] [ ] [ ]
- d) Written and pictorial record of the building's history and architectural features for archival purposes, including, without limitation, the dates of original construction of the building or structure to be demolished, original documents, maps, drawings, photographs, the square footage or dimensions of the building or structure to be demolished, a brief description of the materials, configuration and use of the existing building or structure, significant events and occupants associated with the history of the building or property, architectural features, and a description of the building through photographs, plans, and maps. [ ] [ ] [ ]
- e) Archaeological study of the property before and/or during demolition if the property falls within the area demonstrated to have a medium or high probability to contain archaeological resources; and [ ] [ ] [ ]
- f) Preservation or Salvage of Architectural Elements and photographic Documentation: The Building Department can provide applicants with local service directories of salvage centers. [ ] [ ] [ ]