

55-279. APPLICATIONS FOR MINOR DEVELOPMENT.  
[Amended 6-5-89 by Ord. No. 1989-14]

A. *General Requirements.* Any application for approval of minor development shall include at least the following information:

- (1) The applicant's name and address and his interest in the subject property;
- (2) The owner's name and address, if different from the applicant's, and the owner's signed consent to the filing of the application;
- (3) The legal description, including block and lot designation and street address, if any, of the subject property;
- (4) A description of all existing uses of the subject property;
- (5) A brief written statement generally describing the proposed development;
- (6) A USGS Quadrangle map, or copy thereof, and a copy of the municipal tax map sheet on which the boundaries of the subject property and the Pinelands management area designation and the zoning designation' are shown;

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- (7) A plat or plan showing the location of all boundaries of the subject property, the location of all proposed development, and existing or proposed facilities to provide water for the use and consumption of occupants of all buildings and sanitary facilities which will serve the proposed development. The following information shall be included with respect to existing or proposed sanitary facilities:
- (a) On-site treatment facilities: Location, size, type and capacity of any proposed on-site wastewater treatment facilities; and
  - (b) Soil borings and percolation tests: If on-site sewage disposal is proposed, results of soil borings and percolation tests in accordance with N.J.S.A. 58:11-23 et seq., and the regulations adopted pursuant thereto, shall be submitted at suitable location with a tract map showing location, logs, elevations of all test holes, indicating where ground water was encountered, estimating the seasonal high water table and demonstrating that such facility is adequate to meet the water quality standards contained in Article XIX;
- (8) A location map, including the area extending at least three hundred (300) feet beyond each boundary of the subject property, showing ownership boundary lines, the boundary of the proposed development, owners of holdings adjoining and adjacent to the subject property, existing facilities, buildings and structures on the site, all proposed development, wetlands, streams (including intermittent streams), rivers, lakes and other water bodies and existing roads;
- (9) A soils map including a county soils survey which conforms to the guidelines of the United States

Department of Agriculture Soil Conservation Service, showing the location of all proposed development;

- (10) A map showing existing vegetation, identifying predominant vegetation types in the area, and showing proposed landscaping of the subject property, including the location of the tree line before and after development and all areas to be disturbed as a result of the proposed development;
- (11) A certificate of filing from the Pinelands Commission issued pursuant to *N.J.A.C. 7:50-4.34* or, until January 14, 1991, evidence of prior approval from the Pinelands Development Review Board or the Pinelands Commission pursuant to the Interim Rules and Regulations; and
- (12) When prior approval for the development has been granted by the approval agency, evidence of Pinelands Commission review pursuant to Section 55-277E. [Amended 7-16-01 by Ord. No. 2001-29]
- (13) In lieu of A(1) through (12) above, the application requirements of Section 55-279.1 shall apply to applications for the development of a single family dwelling on an existing lot of record. [Added 7-16-01 by Ord. No. 2001-29]

**B. *Pre-application Conference; Waiver or Modification of Application Requirements.***

- (1) Any applicant for minor development may meet with the municipal agency or official having jurisdiction prior to submitting an application for minor development, to discuss the proposed development and the specific information to be included in an application. Where a site plan or subdivision approval is required, a pre-application conference may be scheduled with the appropriate agency or official by written request at least fifteen

(15) days prior to such conference. Such request shall indicate the location and nature of the proposed minor development.

- (2) The municipal agency or official having jurisdiction over an application, shall have the authority to waive or modify any application requirement set forth in this section, where such requirement is deemed unnecessarily duplicative of other requirements of this chapter, or is otherwise deemed unnecessary to assure proper consideration of an application for minor development.

*C. Reserved.*

**55-279.1 Procedures for Applications for the Development of a Single Family Dwelling. [Added 7-16-01 by Ord. No. 2001-29]**

- A. The Zoning Officer is hereby authorized and directed to issue preliminary zoning permits as a prerequisite to the issuance of a construction permit or other permits or approvals which are needed to develop a single family dwelling on an existing lot of record,

*B. Applications for a Preliminary Zoning Permit.*

- (1) An application for a preliminary zoning permit shall be submitted to the Zoning Officer and shall include the following:
- (a) The applicant's name and address and his interest in the subject property;
  - (b) The applicant's signed certification that he is duly authorized to submit the application, that the materials and information are accurate, and that duly authorized representatives of the Township of Barnegat and Pinelands Commission are authorized to inspect the property;

- (c) The owner's name and address, if different from the applicant's, and the owner's signed consent to the filing of the application;
- (d) The street address, if any, the tax map sheet and block and lot number of the property;
- (e) Proof that taxes for the property have been paid;
- (f) Acreage of the property in square feet;
- (g) A dated plot plan, with the scale noted, showing:
  - [1] The zoning district in which the property is located;
  - [2] The location and dimensions of all property lines, easements affecting the property and streets abutting the property,
  - [3] The location of all yards and setbacks required pursuant to the Schedule of Area, Yard and Building Requirements;
  - [4] The location and use of all existing structures and improvements on the property and their intended disposition;
  - [5] A building envelope within which the single family dwelling is to be located;
  - [6] The location and dimensions of the proposed driveway;
  - [7] The location and dimensions of any proposed accessory structures or improvements;
  - [8] The location and dimensions of the area in which any sewage disposal system,

including the disposal field, is proposed to be located; and

[9] The location of any proposed water supply well.

- (h) If proposed, certification that central sewer and/or water service are available.
- (i) If development of the property is proposed in accordance with the density transfer program of Section 55-42.A(2), the street address, if any, the tax map sheet, block and lot number and acreage in square feet of the noncontiguous property.

- (2) The Zoning Officer is authorized to require such additional information as may be necessary to determine compliance with Chapter 55. Such may include, but is not limited to, a soil boring in the area of any proposed septage system disposal field, a wetland and wetland buffer map and information to determine compliance with any permitted use requirement of Chapter 55.
- (3) The Zoning Officer is authorized to waive any of the aforementioned application requirements if the information is not necessary to determine compliance with Chapter 55.
- (4) Within fourteen (14) days of receipt of an application, the Zoning Officer shall determine whether the application is complete and, if necessary, notify the applicant of any additional information which is necessary to complete the application.

C. *Permit Decisions.* Within fourteen (14) days of determining an application to be complete, the Zoning Officer shall issue either a preliminary zoning permit or a refusal to issue a preliminary zoning permit.

*D. Preliminary Zoning Permit.*

- (1) A preliminary zoning permit shall be issued if:
  - (a) The application is consistent with the requirements of Chapter 55 or any necessary variance from those requirements has been obtained;
  - (b) No waiver of strict compliance from the requirements of the Pinelands Comprehensive Management Plan is necessary or any such waiver has been approved by the Pinelands Commission; and
  - (c) A duly authorized representative of the Pinelands Commission approves the Zoning Officer's determination and so signifies by signing the preliminary zoning permit.
- (2) A preliminary zoning permit shall expressly incorporate the plot plan being approved, shall specify any conditions which the Zoning Officer determines are necessary to ensure compliance with Chapter 55 and shall specify the expiration date of the permit.
- (3) The Zoning Officer shall provide copies of the application and the preliminary zoning permit to the Pinelands Commission within five (5) days of the issuance of the permit.

*E. Effect of the Preliminary Zoning Permit.*

- (1) A preliminary zoning permit represents a determination that the application meets the requirements of Chapter 55 and the Pinelands Comprehensive Management Plan, N.J.A.C. 7:50-1.1 et seq.
- (2) A preliminary zoning permit shall be valid for two (2) years and shall, during that period, confer the following rights and privileges:

- (a) The approved application shall not be subject to any substantive revisions of Chapter 55 of the Code of Barnegat Township or the Pinelands Comprehensive Management Plan, N.J.A.C. 7:50-1.1, et seq.
- (b) Any subsequent approvals necessary for the development of the single family dwelling on the property may be sought without the need for a certificate of filing from the Pinelands Commission.
- (3) Any subsequent approvals to be sought, including but not limited to construction permits, shall be subject to the notice, review and decision requirements of Sections 55-277.0 through G.

*F. Refusal to Issue a Preliminary Zoning Permit.*

- (1) The Zoning Officer shall issue a refusal to issue a preliminary zoning permit if any of the following are found to apply:
  - (a) A variance from Chapter 55 of the Code of Barnegat Township is required;
  - (b) A variance from Chapter 55 of the Code of Barnegat Township is not required but the Zoning Officer determines that the application does not meet any requirement of Chapter 55 that reflects a provision of the Pinelands Comprehensive Management Plan;
  - (c) A waiver of strict compliance from the Pinelands Comprehensive Management Plan is required; or
  - (d) The duly authorized representative of the Pinelands Commission has not attested to the consistency of the application with the Pinelands Comprehensive Management Plan, N.J.A.C. 7:50-1.1 et seq.



- (2) A refusal to issue a preliminary zoning permit shall expressly reference the reasons why the refusal was issued. If the refusal is predicated solely upon the need to obtain a variance from Chapter 55, the refusal shall also indicate that upon the applicant's submission of evidence of Planning Board or Board of Adjustment approval of the necessary variance, the Zoning Officer shall determine whether a preliminary zoning permit may be issued pursuant to paragraph F(4) above.
  - (3) When a refusal to issue a preliminary zoning permit is predicated solely upon the need to obtain a variance from Chapter 55, the Zoning Officer shall provide a copy of the application and the refusal to the Pinelands Commission within five (5) days of issuance.
  - (4) When a refusal to issue a preliminary zoning permit is predicated wholly or in part upon paragraph F(1)(b), (c) or (d) above, the Zoning Officer shall provide the original application and a copy of the refusal to the Pinelands Commission within five (5) days of the issuance. The Pinelands Commission shall thereafter process the application pursuant to the Pinelands Comprehensive Management Plan, N.J.A.C. 7:50-1.1 et seq. and Section 55-277 of the Code of Barnegat Township. In lieu of a preliminary zoning permit, a certificate of filing from the Pinelands Commission shall thereafter be required as a prerequisite to the issuance of a construction or other permit.
- G. *Zoning Officer Vacancy.* Should the position of Zoning Officer become vacant for any reason, the application procedures set forth in Section 55-279.1 shall be of no force or effect and the procedures of Sections 55-279 and 55-277 shall apply until the position has been filled.