

PENNINGTON BOROUGH PLANNING/ZONING BOARD

General Instructions for Submission of Planning/Zoning Applications

If you have questions, please contact Katie Ronollo, planning@penningtonboro.org, 609-737-0276 Ext. 3

Advance preparation of a clear and specific application will greatly improve the chances of a timely decision on the application.

If the property is in the Historic District a Certificate of Appropriateness may be required with the application.
(Historic District map enclosed)

Initial applications will be reviewed for completeness by the Application Review Committee. If the application is found incomplete, additional submissions will be required until the application is deemed complete. The applicant will be contacted when the application is deemed complete and a hearing date is assigned.

For the initial application please submit:

1 digital and 6 hard copies of:

1. Application
2. Completed submission checklist and waiver requests appropriate for the application type.
The application review committee will recommend approval, denial or send waiver request for professional review. The applicant will have the opportunity to provide more information based on ARC/Professional feedback. If recommended for approval, at the scheduled hearing the applicant will testify as to why a waiver is appropriate and the Board will vote on the waiver. If the waiver is denied the full application cannot be heard.
3. Plans, drawings or photos that support the application.

1 hard copy of:

1. Escrow agreement
2. W-9 form for escrow account
3. Request to tax collector of proof of payment of taxes
4. Request to tax assessor for Certified list of Property owners within 200' of the site
5. If necessary, proof that the application has been filed with the Mercer County Planning Board and Soil Erosion Review Board
6. Signed consent entry form
7. Payment of application and escrow fees (separate checks)

Once a hearing date is assigned the applicant will submit to the Land Use Administrator:

1. Digital and hard copies of any revisions suggested by the ARC Committee. All revisions should be identified and submitted at one time to avoid delays.
2. Any additional or revised items requested by the ARC.
3. Notice of Hearing* (More on Notices below)

Once an application has been heard the applicant will:

1. Submit any additional or revised items requested by the Board
2. Comply with any conditions of approval

***More on Notices:**

The applicant is responsible for giving official written notice of the hearing. Notice must be given to neighbors (as per the certified list of property owners within 200'), utilities and by newspaper advertisement to the general public at least 10 days before the scheduled Board hearing date. Notice should not be given until the application is deemed complete and a hearing date is officially assigned. This notice must be published at least **10 days prior to the hearing in the Hopewell Valley News**. The Hopewell Valley News is a weekly newspaper, therefore, your notice must be published at least two weeks before your hearing date. Check with the paper concerning the deadline for submission. If proper notice is not provided at least 10 days ahead of the hearing date the application cannot be heard on the scheduled date.

1. Obtain a certified list of property owners, utilities and other interested agents who require notice of the application's hearing date from the Borough Tax Assessor using the request form in the packet.
2. Prepare a notice for hearing using the "Sample Notice" as a guide.
3. No less than 10 calendar days before the scheduled Board hearing, send the prepared notice to all parties on the certified list via US Postal Service (USPS) Certified Mail. You must write the recipient's address on the receipts before they are stamped by the USPS. The USPS will stamp the receipts with the mailing date, which must be at least 10 days prior to the hearing.

Please note if the certified list includes "HOPEWELL TOWNSHIP," then you must also request a certified list from the Zoning Officer in Hopewell Township and notice everyone on that list in addition to the Borough list.

If the property is located on a **County road** notice should also be sent to: County of Mercer Planning Division, 640 South Broad Street, P.O. Box 8068, Trenton, NJ 08650.

If the property is located on the **State highway** notice should also be sent to: N.J. Department of Transportation, P.O. Box 600, Trenton, NJ 08625-0600.

4. The law permits that notices may be served in person upon the surrounding property owners on the certified list, however some parties on the certified list, such as utilities, will have to be noticed via certified mail. If you serve notice in person, you must obtain a signature from the property owner indicating that the notice was received. The signatures must be notarized by a Notary Public using the "Proof of Service" form attached. The notarized proof of Service must be delivered to the Land Use Administrator more than 3 business days prior to the hearing date.
5. The applicant must publish a notice of hearing in the official newspaper of the Pennington Planning/Zoning Board., the Hopewell Valley News, at least 10 days before the meeting and provide an affidavit of publication for the newspaper to the Land Use Administrator more than 3 days prior to the hearing date. Please contact the Hopewell Valley News for details on their lead time and plan ahead for proper publication to meet the 10 day timeline.
6. If the hearing is carried to a future date, the Board may request that all parties be notified of the new hearing date via regular mail.

The Following Should be submitted to the Land Use Administrator as soon as possible but not less than 3 days before the hearing date:

- ☐ Letter from Tax Collector that taxes and assessments have been paid
- ☐ Copy of certified list
- ☐ Notarized Statement of Delivery
- ☐ Documentation for Certified/Return Receipt
- ☐ Copy of Notice that was sent
- ☐ Proof of Publication

If noticing is not complete the Board will not be able hear the application

Commercial Applications:

1. All commercial applicants must be represented by a lawyer
2. Current Plot plan and proposed plot plan must be included
3. Floor plan is necessary for all change in use applications. The plan should indicate "as is" and "as proposed"
4. Traffic analysis may be necessary
5. Parking review and calculation may be necessary
6. Additional items may be necessary

Tips & Definitions:

1. Familiarize yourself with Board procedures by attending one or two meetings prior to your hearing.
2. Do not assume Board members are familiar with your property or neighborhood. Present your application as if you were talking to complete strangers.
3. Keep your presentation clear and concise. Clearly describe "special reasons" in your proposal that justify overriding the Borough's Zoning Ordinance.
4. Escrow is used to pay for professional consultants who will review your application and proposal. The Borough office pays these invoices through your escrow. There may be a need for additional escrow if consultant fees exceed original deposit.

PLOT PLAN OR SURVEY

A plot plan is required showing the proposed work. The application should include a clear diagram showing existing conditions on the property in question. These include, but are not limited to a footprint of all structures (house, shed, garage, fences, etc.); location of driveways, walkways, shade trees and property lines. The plot plan should show the distances of each structure from the property lines.

PROPOSED PLOT PLAN

Present a plan showing elevations (façade design and dimensions) and all proposed changes to the property. These include, but are not limited to: exterior lighting, drainage plans, windows, air conditioners, and type(s) of building material. Indicate any changes in site grading, window and door locations/sizes, etc. If you propose to modify existing structures, you must show their distance from your property lines. Please note that some changes NOT INCLUDED on your plans may be required for consideration by the Planning Board at a subsequent meeting.

FLOOR PLAN

A floor plan is required on all applications for a change in **USE**. The plan should show the current configuration and all proposed changes. The Board recommends that applicants seeking a use variance meet in advance with the construction code official to determine what building modifications, if any, are required by the BOCA code.

PHOTOGRAPHS

In order to have a variance approved, you must clearly demonstrate that what you propose will not have a negative effect on the surrounding area. In some cases, you may wish to argue that your proposal will have a positive effect on the neighborhood. In either case, photos of the property from different angles and photos of the surrounding area, such as the streetscape, are extremely useful to the Board. It would be particularly helpful to include photos of any similar, existing conditions on nearby properties.

APPROVALS BY OTHER AGENCIES

The applicant shall be solely responsible for securing all approvals from any and all other Federal, State or County agencies. When known, the Board may require, as a condition of approval, the applicant to secure approvals from various agencies. Mercer County Planning Board approval is required of all applications for Site Plan or Subdivision approval

BOROUGH OF PENNINGTON

PLANNING/ZONING BOARD

MEETING AND SUBMISSION DATES 2023

Regular meetings are held the second Wednesday of each month except where noted. Meetings are being held on Zoom Webinars until further notice. Agendas, information and a link to the Zoom meeting will be on the Borough's web site, penningtonboro.org.

Window of Submission	Application Review Date	Board Meeting Date
November 28-December 12, 2022	December 14, 2022	January 11, 2023
December 22-January 9	January 11	February 8
January 23-February 6	February 8	March 8
February 27-March 13	March 15	April 12
March 27-April 10	April 12	May 10
May 1-May 15	May 17	June 14
May 29-June 12	June 14	July 12
June 26-July 10	July 12	August 9
July 31-August 14	August 16	September 13
August 28 – September 11	September 13	October 11
September 25-October 10	October 11	November 8
October 30-November 13	November 15	December 13
November 27-December 11	December 13	January 10, 2024

App# _____

Date Received _____

PENNINGTON BOROUGH30 North Main Street
Pennington, NJ 08534**PLANNING & ZONING BOARD APPLICATION**

To be completed by all applicants

Date:	Block:	Lot:
Address:		Zone:
Property Owner Name:		
Property Owner Address:		
Property Owner Phone # and Email:		
<i>I have reviewed this application and supporting documentation and consent to the filing if the same with the Pennington Borough Planning/Zoning Board.</i>		
Property Owner Signature:		
Applicant Name:		
Applicant Address:		
Applicant Phone Number & Email:		
Contact or Agent's Name (primary point of contact for application)		
Contact or Agent's Address:		
Contact or Agent's Phone Number & Email:		
<i>I do hereby consent to the filing of this application and appoint _____ to perform all duties as may be required to present this application before the Pennington Borough Planning/Zoning Board. I do further acknowledge my agent will be the sole recipient of all documentation (reports, agendas, etc.) produced by Pennington Borough with regard to this application.</i>		
Applicant's Signature:		
<i>I do hereby accept the responsibilities as agent for this application.</i>		
Contact or Agent's signature:		
Name of Preparer of Plans:		
Preparer Address:		
Preparer Phone Number & Email:		
Architect's Name:		
Architect's Address:		
Architect's Phone Number & Email:		
Attorney's Name		
Attorney's Address:		
Attorney's Phone Number & Email:		

Application Type-Check all that apply:

- ☐ Appeal of Zoning Officer Decision
- ☐ Request for Interpretation of Zoning Ordinance
- ☐ Sketch Site Plan Review (see Sketch Site Plan form and Borough Code 169.9 for details)
- ☐ Technical Review with Professionals
- ☐ Resubmittal Due to Incompleteness
- ☐ Extension of Time
- ☐ Conditional Use Permit
- ☐ Variance –Bulk or “C”
- ☐ Variance-Use or other “D” (please specify) _____
- ☐ General Development Plan
- ☐ Major Sub-Division
- ☐ Minor Sub-Division
- ☐ Preliminary Site Plan
- ☐ Site Plan Amendment
- ☐ Site Plan Waiver
- ☐ Final Site Plan
- ☐ Other (specify) _____

Has there been a prior application to the Planning and Zoning Board regarding this property? YES or NO If yes, please indicate date, nature and disposition of application. _____

Please provide a description of the current project or the reason for an appeal. Attach additional sheets if necessary.

Provide a description of any requested variances. Attach additional sheets if necessary.

Ordinance Section Cited	Description of variance requested with justification for request

General Building/Project Information Zone: _____

	Existing	Proposed	Allowed in Zone*
Lot Size			
Lot Width			
Lot Length			
Building Height			
Front Setback			
Rear Setback			
Distance from: Right property line Left property line			
% of lot coverage			
Height side yard ratio			
Floor area ratio			
Gross floor area			

*Refer to Pennington Code, Section 215, Attachment 2, "Schedule of Area, Yard and Building Regulations" or Attachment 3, "Schedule of Area and Bulk Regulations for MU-3 Mixed Use Zone."

ALSO COMPLETE AND SUBMIT THE APPLICATION CHECKLIST AND ALL SUPPORTING DOCUMENTS

1.3.2023

PENNINGTON BOROUGH PLANNING/ZONING BOARD APPLICATION CHECKLIST

Name of Applicant: _____ Application # _____

Block: _____ Lot: _____ Date Filed _____

An Application shall not be considered complete until all of the materials and information specified below have been submitted, unless a waiver is requested. The waiver request shall be granted or denied within 45 days of receipt of said request. If an item is considered by the applicant to be "Not Applicable", a waiver request (W) should be made.

ALL APPLICATIONS	X=Provided W=Waiver Request	ARC Recommendation
1. Applicable fees and escrow (2 separate checks), Escrow Agreement Form, W-9 Form, Consent to Entry Form and Checklist (1 copy of each)		
2. Applications for certified list of property owners within 200 feet and taxes paid statement from tax collector. (\$10.00 fee, may be included in check with fees) (1 Copy)		
3. If the applicant is a corporation or partnership, a list of the names and address of all persons having a 10% or more interest, in accordance with NJ Statute. (1 digital and 6 hard copies for initial submission)		
4. Fully completed application form (1 digital and 6 hard copies for initial submission)		
5. Original sealed survey showing present status of property, prepared by a NJ licensed land surveyor (1 original & 6 copies for initial submission)		
6. Copies of all easements, covenants & deed restrictions with metes & bounds descriptions, including right of way dedications, on or affecting the property in question. (1 digital and 6 hard copies for initial submission)		
7. Plans showing the following information: (1 digital and 6 hard copies for initial submission) A. Dimensions & lot area of existing lot and lot areas if new lot is proposed B. Zoning district of subject property & surrounding lots; bulk requirements applying to subject property in table form & displayed graphically C. The location & purpose of all easements or rights-of-way on the subject property & adjoining lots D. Location of adjacent streets, existing & proposed buildings, structures, driveways & parking areas on the subject property, indicating setbacks from all lot and road lines	A_____ B_____ C_____ D_____	A_____ B_____ C_____ D_____

<p>E. Location & details of all existing & proposed stormwater control measures, including, but not limited to, roof drains, down spouts, dry wells, storm water inlets, manholes, piping, stormwater basins, outfalls, ditches, streams or other water courses</p> <p>F. Where a basement or cellar is proposed for any building, including single family and multi-family dwellings, the supplicant shall provide information regarding the depth to seasonal high water table, based on soil borings taken at the locations of the proposed structure. (n/a if no basement)</p> <p>G. Title block containing the name of the applicant, the name address & telephone number of the plat preparer, license number, signature & seal, existing lot and block numbers, the date prepared & the date and substance of each revision.</p> <p>H. IF COMMERCIAL, parking requirement calculations & the location of parking, including dimensions from parking spaces to the property lines, street & structures. Existing parking areas with designated spaces should be shown</p> <p>I. Plans and elevations should be accurate, true to scale and readable.</p>	<p>E_____</p> <p>F_____</p> <p>G_____</p> <p>H_____</p> <p>I_____</p>	<p>E_____</p> <p>F_____</p> <p>G_____</p> <p>H_____</p> <p>I_____</p>
<p>8. Copies of the following: (1 digital and 6 hard copies for initial submission)</p> <p>a. A current key map with north arrow showing the subject & adjacent properties & structures thereon. An aerial or Google map could be used.</p> <p>b. Architectural elevations</p> <p>c. Floor plans</p> <p>d. Photograph(s) of the subject premises that may prove useful in helping the Board make an informed decision</p> <p>e. Lot area if new lot is proposed</p>	<p>A_____</p> <p>B_____</p> <p>C_____</p> <p>D_____</p> <p>E_____</p>	<p>A_____</p> <p>B_____</p> <p>C_____</p> <p>D_____</p> <p>E_____</p>
<p>SKETCH PLAN</p> <p>Plans should be preliminary in form but should be true to scale. The plans should indicate the size, shape and location of existing and proposed buildings, parking areas and drives, the location of proposed plantings, utilities, fences, signs and other important features, and a key map showing the entire project, and its relation to the surrounding properties and the existing buildings thereon. Basic bulk information should be provided indicating requirements of the zone district and what is proposed.</p>		
<p>SITE PLAN/SUBDIVISION</p> <p>See Site Plan Review, Chapter 163 or Subdivision, Chapter 181 in the Pennington Code Book for specific submission details that are required. You can find the Code Book at penningtonboro.org or request a copy from the Land Use Administrator</p> <p>In addition to requirements above for ALL applications the plans MUST include:</p> <p>a. Names of adjoining owners</p> <p>b. Zone district and adjoining zones</p>	<p>a._____</p> <p>b._____</p>	<p>a._____</p> <p>b._____</p>

c. Location of site structures, outside dimensions and architectural elevations	c. _____	c. _____
d. Location of structures and streets surrounding site	d. _____	d. _____
e. Existing natural features; existing & proposed contours	e. _____	e. _____
f. Setbacks, yards and lot line dimensions	f. _____	f. _____
g. Location and design of all utilities	g. _____	g. _____
h. Road cross sections; design details	h. _____	h. _____
i. Location and design of storm water, sewer system refuse disposal, fire prevention, etc.	i. _____	i. _____
j. Landscape plan	j. _____	j. _____
k. Lighting details	k. _____	k. _____
l. Sign details; locations and dimensions	l. _____	l. _____
m. Soil erosion and sediment control plans	m. _____	m. _____
n. Names of owner and applicant	n. _____	n. _____
o. Name of person or firm responsible for plan preparation	o. _____	o. _____
p. Signature block	p. _____	p. _____

Applicant: Please explain why you believe each requested waiver should be granted. Refer to each specific checklist item for which you are requesting a waiver. Use a separate sheet if necessary

Legend for ARC Recommendations:

- A-ARC recommends waiver be approved
- D-ARC recommends the waiver be denied
- E-Sent to Engineer
- P-Sent to Planner
- I-ARC finds application Incomplete and recommends it not be heard

1 COPY

**PENNINGTON BOROUGH
PLANNING/ZONING BOARD**

PENNINGTON BOROUGH CONSENT TO ENTRY

Date: _____

The undersigned property owner hereby gives consent to entry onto the property known as _____ and also known as Block(s) _____, Lot(s) _____, on the Tax Map of Pennington Borough by members of the Borough Joint Zoning/Planning Board, the Environmental Commission, the Historic Preservation Commission, or any Borough employees, appointed agents or appointed consultants to perform inspections / observations of the property, at reasonable times, in connection with the development application submitted. This consent permits entry onto the property only by the above-mentioned Representatives for the purpose of conducting visual inspections / observations while the application is active with the Borough. This right of entry onto the subject property is limited only to those persons listed above.

Property Owner (Print)

Property Owner Phone #

Property Owner (Signature)

Witness (Print)

Witness (Signature)

1 COPY

**PLANNING/ZONING BOARD
PENNINGTON BOROUGH**

ESCROW AGREEMENT

Application #: _____

Applicant's name: _____
(property owner)

Applicant's address: _____

Application for the following property:

Block: _____ Lot(s): _____

Street address: - _____

Pursuant to Chapter 98-12 of the Pennington Borough Code, the undersigned hereby agrees to pay for the cost of professional services, including, but not limited to engineering, professional planning and legal services, necessary to review the developer's (property owner's) application as captioned above.

Name (print or type legibly)

Property owner's signature

Date

**Request for Taxpayer
Identification Number and Certification**

1 COPY

Give Form to the
requester. Do not
send to the IRS.

Print or type
See Specific Instructions on page 2.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification; check only one of the following seven boxes:

- ☐ Individual/sole proprietor or single-member LLC
☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶
Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.
☐ Other (see instructions) ▶
- ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) _____

Exemption from FATCA reporting

code (if any) _____

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.)

Requester's name and address (optional)

6 City, state, and ZIP code

7 List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number

				-			-				
--	--	--	--	---	--	--	---	--	--	--	--

or

Employer identification number

--	--	--	--	--	--	--	--	--	--	--	--

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification; but you must provide your correct TIN. See the instructions on page 3.

Sign
Here

Signature of
U.S. person ▶

Date ▶

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/fw9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding?* on page 2.

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued).
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.

1 COPY

TO: Assessor

DATE: _____

I hereby request a certified list of property owners within 200 feet of the property known as:

Block _____ Lot(s) _____

Address _____

for purposes of notification.

FROM: _____

I have enclosed the required fee of \$10.00.

(Signature)

TO: Tax Collector

DATE: _____

I hereby request a certified list of property owners within 200 feet of the property known as:

Block _____ Lot(s) _____

Address _____

for purposes of notification.

FROM:

I have enclosed the required fee of \$10.00.

(Signature)

Sample form for Legal Notice ---

**Borough of Pennington
Mercer County, New Jersey**

Please take notice that the Pennington Borough Planning/Zoning Board will hold its regular meeting on **Wednesday, (date) at 7:30 p.m.** Due to restrictions related to COVID-19, the meeting will be held remotely via a ZOOM webinar. The remote meeting connection information will be available on the on the Borough's web site at www.penningtonboro.org where instructions regarding the ZOOM webinar will also be available. Documents will be available for viewing Monday-Friday, from 8:30am to 4:30pm at Pennington Borough Hall, 30 North Main Street, Pennington, New Jersey. Members of the public may make comments on any items not on the agenda during the public portion of the hearing. **All comments or testimony on any applications on the agenda must be made during the course of the hearing on the application and cannot be submitted by email or in writing to be considered by the Board.**

The Public Hearing will be on an application for (Site Plan Review / Subdivision / Variance) for property located at Block _____ Lot _____ at (Street Address). (State nature or application and describe application, addition, new residence etc. List all variances being requested). **It is advised to also include the following statement: Approvals are also being requested for any other approvals or waivers that may be needed.**

Applicant: you must obtain the link and passcode from the Planning Board Secretary (planning@penningtonboro.com) to put in your legal notice.

Link and passcode to join the webinar can also be found at www.penningtonboro.org

Name _____

Address _____

THIS IS A SAMPLE FORM ONLY – RETYPE OR REWRITE IN ITS ENTIRETY, FILLING IN THE BLANKS WITH THE PROPER INFORMATION. DO NOT SUBMIT THIS FORM TO THE PAPER. THIS FORM CAN ALSO BE USED AS YOUR REQUIRED NOTICE TO PROPERTIES WITHIN 200 FEET.

TO: PLANNING/ZONING BOARD OF THE BOROUGH OF PENNINGTON

STATE OF NEW JERSEY)

ss.

COUNTY OF MERCER)

, being duly sworn according to law upon oath
disposes and says:

I served a notice, of which the attached is a true copy, upon each of the persons hereinafter listed (they being all the owners of property within 200 feet of the subject property) on the dates and in the manner hereinafter indicated.

Owner(s) Name and address	Date Served	Personal Service	Left with Agent	Certified Mail
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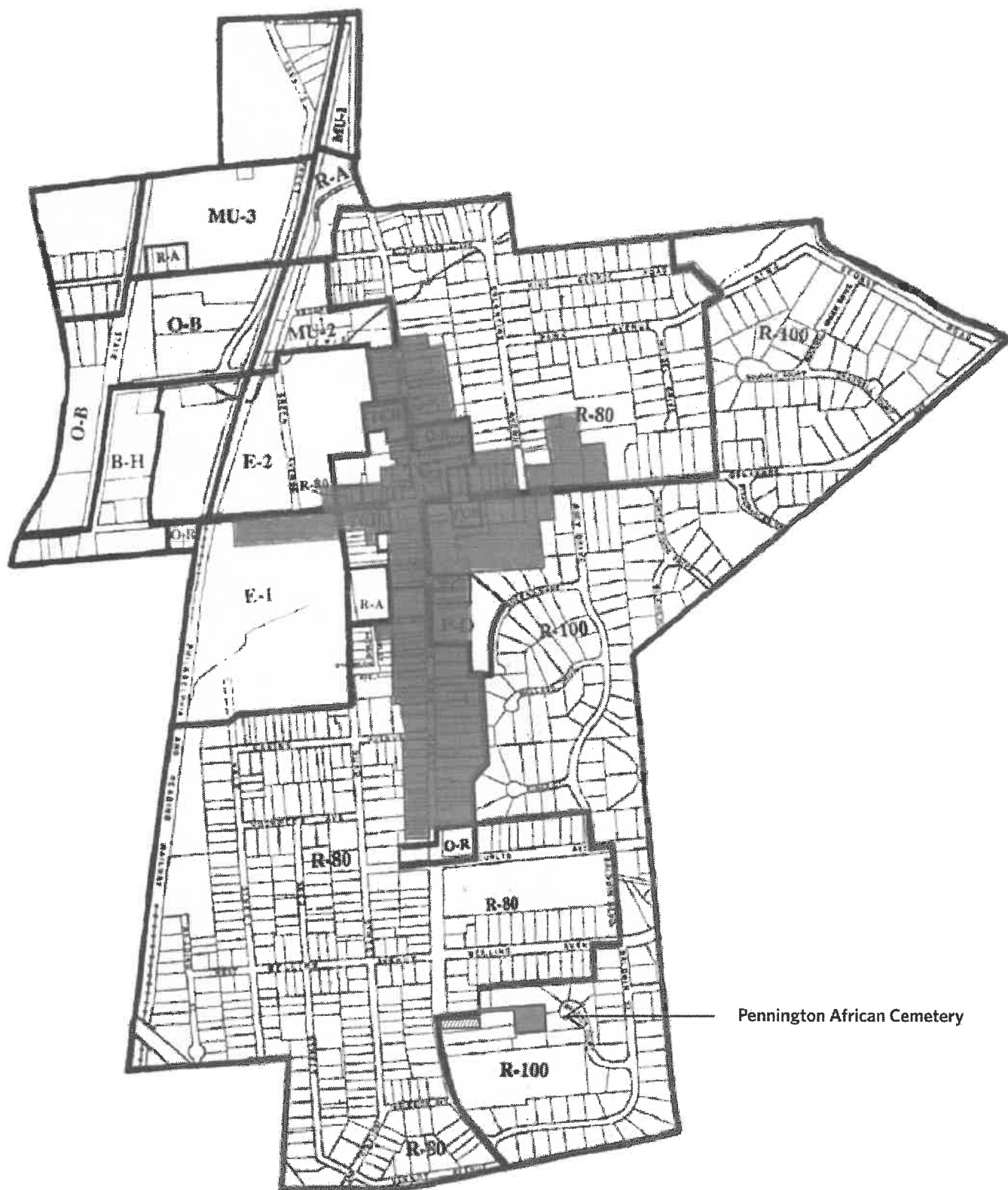
Sworn to and subscribed before me this

..... day of, 20.....



.....
(Signature of notary)

.....
(Signature of applicant)

Pennington Crossroads Historic District



Pennington African Cemetery

-  Pennington Crossroads Historic District
-  Property Subject to HPC Review

MASON, GRIFFIN & PIERSON

A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW

MEMORANDUM

via Electronic Mail

To: Mary Mistretta, Secretary
Pennington Borough Planning Board

From: Edwin W. Schmierer, Esq.
Board Attorney



Date: October 8, 2020

Re: Resolution Adopting Remote Public Meeting Procedures

In March 2020, the New Jersey Department of Community Affairs, Division of Local Government Services issued guidelines for conducting remote Land Use Board Meetings. The Division of Local Government Services is now in the process of codifying those guidelines and incorporating them into the New Jersey Administrative Code. We recently received a directive from the State that the remote public meeting guidelines should be formally adopted by Land Use Board to be in compliance with State guidelines.

To this end, I have prepared and enclose herewith a proposed resolution. Attached to the resolution as Exhibit A are the guidelines for the Pennington Borough Planning Board to conduct remote public meetings.

I would suggest therefore, that the Board consider adopting the enclosed resolution at its meeting on October 14, 2020.

Encl.

BOROUGH OF PENNINGTON PLANNING BOARD

RESOLUTION ADOPTING REMOTE PUBLIC MEETING PROCEDURES

WHEREAS, Section 8 of P.L.2020, c.34 provides that whenever a public health emergency, pursuant to the *Emergency Health Powers Act*, P.L.2020, c.11 (N.J.S.A. 26:13-1, *et seq.*), and/or a state of emergency pursuant to P.L.1942, c.251 (C.App.A.9-33 *et seq.*), or a state of local disaster emergency has been declared by the Governor and is in effect, a local public body may conduct a public meeting remotely by electronic means, provided that reasonable public notice and provision for public input is made under the circumstances; and

WHEREAS, P.L.2020, c.34 also provides that the Director of the Division of Local Government Services in the Department of Community Affairs ("DLGS") shall adopt rules and regulations concerning the conduct of remote public meetings during a public health emergency or state of emergency that are necessary to implement the provisions of the law, which shall include minimum procedures to be followed to provide reasonable public notice and allowance for public input; and

WHEREAS, DLGS promulgated emergency regulations codified as N.J.A.C. 5:39-1.1 through -1.7 that implement P.L.2020, c.34; and

WHEREAS, DLGS issued Local Finance Notice LFN 2020-21 on September 24, 2020 to accompany and explain the new regulations; and

WHEREAS, N.J.A.C. 5:39-1.4(h) requires local public bodies to adopt, by resolution, standard procedures and requirements for public comment made during a remote public meeting and for public comments submitted in writing ahead of a remote public meeting; and

WHEREAS, the Pennington Borough Planning Board ("Board") desires to establish and adopt the procedures and requirements attached hereto as Exhibit A as its standard procedures and requirements for public comment during a declared public health emergency and/or state of emergency.

NOW, THEREFORE, BE IT RESOLVED by the Pennington Borough Planning Board in Mercer County, New Jersey, that the Procedures and Requirements for the Conduct of Remote Public Meetings during a Declared Public Health Emergency and/or State of Emergency, attached hereto as Exhibit A, are hereby adopted as the standard procedures and requirements for public comment during a declared public health emergency and/or state of emergency.

CERTIFICATION

I, Mary Mistretta, do hereby certify that this Resolution was adopted by the Pennington Borough Planning Board at its meeting on October 14, 2020.



Mary Mistretta, Board Secretary

- B. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to § 20 of P.L. 1985, c. 222 (N.J.S.A. 52:27D-320).
- C. The Borough of Pennington shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification, nor shall the Borough of Pennington retroactively impose a development fee on such a development.
- D. The Borough of Pennington shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

Article II. Land Use Fees

[Adopted 7-6-1998 by Ord. No. 98-11; amended in its entirety 10-4-1999 by Ord. No. 99-12]

§ 98-10. Rules for submission of applications for development.

[Amended 12-19-1999 by Ord. No. 99-16]

All applications for development to the Planning Board or the Planning Board acting as a Board of Adjustment shall be in such form and submitted to the respective Board in accordance with the rules prescribed by the Board and by this article.

§ 98-11. Application fee, escrow deposit and inspection fee.

[Amended 10-1-2007 by Ord. No. 2007-8]

Applications for development shall be accompanied by the payment to the Borough of an application fee, escrow deposit and, if appropriate, an inspection fee. The application fee and escrow deposit shall be paid separately according to the following schedule:

Application	Fee	Escrow
MINOR SUBDIVISION	\$400	\$500 per lot
Resubmission or amendment	\$100	
Concept review	\$300	\$300 to be credited
MAJOR SUBDIVISION		
Preliminary	\$600	\$600 per lot
Final	\$400	\$400 per lot
Resubmission or amendment	\$300	\$400 per lot
Extension	\$100	
Concept review	\$500	\$500 to be credited
SITE PLAN		
Preliminary		
Residential	\$600	\$10 per unit; minimum \$500
Nonresidential	\$600	\$0.10 per square feet improved; minimum \$500
Final		
Residential	\$400	\$10 per unit; minimum \$300
Nonresidential	\$400	\$0.05 per square feet improved minimum \$300
Resubmission or amendment		

Application	Fee	Escrow
Residential	\$300	\$300 + \$10 per unit
Nonresidential	\$300	\$300 + \$0.10 per square feet improved
Waiver	\$300	\$200
Extension	\$100	\$300
Concept review	\$200	\$500 to be credited
CONDITIONAL USES		
Residential	\$300	\$400
Nonresidential	\$400	\$800
INTERPRETATIONS		
Residential	\$200	\$600
Nonresidential	\$300	\$600
APPEALS		
Residential	\$200	\$500
Nonresidential	\$400	\$500
VARIANCES		
Bulk		
Residential	\$250 per variance	\$1,000
Nonresidential	\$400 per variance	\$1,000 per variance
Use		
Residential	\$300	\$1,000
Nonresidential	\$500	\$1,500
SPECIAL MEETING OF BOARD	\$500	
ZONING PERMITS		
Residential		
Principal use	\$50	
Accessory use	\$25	
Commercial		
Principal use	\$100	
Accessory use	\$50	
Temporary activity permit	\$25	
Residential conversion	\$50	

§ 98-12. Purpose of fees.

[Amended 12-29-1999 by Ord. No. 99-16]

The application fee as set forth hereinabove is a flat fee to cover direct administrative expenses, other than professional services, and is nonrefundable. The escrow amount as set forth hereinabove is established to cover the cost of professional services, including but not limited to engineering, professional planning, legal and other expenses connected with the review of the submitted materials, the related hearing process and followup thereto. The applicant shall execute an escrow agreement to authorize payment of said expenses. Sums not utilized in the review process shall be returned to the applicant within a reasonable period of time after the adoption of a resolution of memorialization by either the Planning Board or Planning Board acting as a Board of Adjustment disposing of the pending land development application. If additional funds are deemed necessary, the applicant shall be notified

of the required additional amount and add such sum to the account as required by the Planning Board or Planning Board acting as a Board of Adjustment. Where applicable, no building permit or development certificate of occupancy shall be issued until all escrow charges have been paid. All escrow charges which are due and owing shall become a lien upon the premises with respect to which said charges are required and shall remain so until paid. Said overdue charges shall accrue the same interest from time to time as taxes upon real estate in the Borough. The Borough shall have the same remedies for the collection thereof with interest, costs, and penalties as it has by law for the collection of taxes upon real estate. All escrow fees shall be administered in accordance with the provisions of the Municipal Land Use Law, as amended from time to time.

§ 98-13. Applications with several requests.

Where one application for development included several approval requests, the sum of the individual required fees shall be paid.

§ 98-14. Professional review and inspection fees associated with subdivision and site plan approval.

Each applicant for subdivision or site plan approval shall agree, in writing, to pay all reasonable costs for professional review of the application and for inspection of the improvements. All such costs for review and inspection must be paid before any approved plat, plan or deed is signed or any construction permit is issued, and all remaining costs must be paid in full before any occupancy of the premises is permitted or certificate of occupancy issued.

§ 98-15. Traffic study fees.

[Amended 12-29-1999 by Ord. No. 99-16]

If either the Planning Board or the Planning Board acting as a Board of Adjustment determines that a land development application requires a traffic study, then, in accordance with the provisions of N.J.S.A. 40:55D-53.1 et seq., either the Planning Board or Planning Board acting as a Board of Adjustment shall notify the land development applicant that a traffic study is necessary for the proper review and analysis of said application. In lieu of having the applicant hire a traffic consultant to prepare said study, the applicant shall deposit with the Borough sufficient funds so as to allow the Borough to contract for professional engineering services in order to prepare the traffic study for the application. Once the study is completed, a copy shall be furnished to the applicant, as well as to the board of jurisdiction. The Chief Financial Officer of the Borough shall also, simultaneously with providing the applicant with a copy of the traffic study, prepare and send to the applicant a statement advising as to the cost of the study and the balance, if any, remaining in the applicant's land development escrow account which shall be utilized to pay for said study. If there are insufficient funds in said escrow account, the applicant, within reasonable time period, shall post an additional deposit to said account to cover the cost of said traffic study and such other consulting expenses as are authorized by the above-referenced provisions of Chapter 291, Laws of New Jersey, 1975, as amended from time to time.

§ 98-16. Court reporter fees.

If an applicant desires a court reporter, the cost for taking testimony and transcribing it and providing a copy of the transcript to the Borough shall be at the expense of the applicant, who shall arrange for the reporter's attendance.

§ 98-17. Waivers and modifications.