

**ORDINANCE NO. 24 -50-OA**

**AN ORDINANCE OF THE TOWNSHIP OF BERKELEY,  
COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING  
AND SUPPLEMENTING CHAPTER XXXV, ENTITLED "LAND  
DEVELOPMENT" SO AS TO AMEND VARIOUS SECTIONS**

**September 16, 2024**

**SECTION 1.** Chapter 35 of the Township Code of the Township of Berkeley, entitled "Land Development," is hereby amended and supplemented so as to amend §35-10, entitled "Schedule of Escrow Deposits", which shall read as follows:

**§35-10. Schedule of Escrow Deposits.**

- a. Minor Subdivision. - \$500 (for each lot formed by the minor subdivision) - ~~\$1,500~~  
\$2,000 minimum.
- b. Preliminary Approval, Major Subdivision.

Number of Lots	Fee
0 to 10	\$3,000
11 to 24	\$3,250 + \$60/lot
25 to 100	\$5,500 + \$50/lot
101+	\$12,500 + \$15/lot

- c. Final Approval, Major Subdivision. Final approval, 1/2 of the preliminary plat application fee, with a minimum fee of \$2,000 for each subdivision.
- d. Upon receipt of final or minor subdivision approval, the applicant shall be required to post with the Township Clerk an amount equal to the estimated cost of revising the Township tax map to reflect such approval. Such cost shall be based upon an estimate to be prepared by the Township Engineer. No subdivision plat or deed

shall be signed by Board officials unless such cost shall have been posted with the Township Clerk in accordance with this chapter. The amount posted by the applicant shall be placed by the Township in an escrow account to defray engineering costs for tax map revisions.

- e. Sectionalization or Staging Plan Approval for Previously Approved Final Plats. \$350.
- f. Certificate of Subdivision. \$100.
- g. Preliminary Site Plan Application. (New Nonresidential Development, including any alterations, additions or changes or use)

Acreage	Fee
Up to 2.0 acres	\$3,500
Over 2.0 acres	\$3,500 plus \$500/acre or portion thereof for each additional ac

- h. Public, Quasi-Public and Nonprofit Institutions and Agencies not subject to approval of other government agencies, churches and other similar uses.

Acreage	Fee
Up to 2.0 acres	\$500
Over 2.0 acres	\$1,000

- i. Residential Dwelling Units, such as Multifamily Development and Condominium Development. \$125 per dwelling unit, minimum fee \$2,500.

**SECTION 2.** Chapter 35 of the Township Code of the Township of Berkeley, entitled "Land Development," is hereby amended and supplemented so as to amend §35-11, entitled "Variances", which shall read as follows:

**§35-11. Variances.**

- a. Hear and decide application appeals - \$750.
- b. Interpretation of Zoning Map and Ordinance - \$750.
- c. Variances involving pools or additions or modifications to an existing residential dwelling - \$2,000.
- d. Hardship variances involving new residential construction on undersized lots and all nonresidential hardship variances - \$2,000 for the first variance, plus \$250 for each additional hardship variance (i.e., per dimension, lot, unit, etc.)
- e. Other variances under N.J.S.A. 40:55D-70c - \$2,000.
- f. Use Variance - residential or nonresidential - \$2,500, plus \$250 for additional variances.
- g. Conditional Uses - \$2,000.
- h. Building permit in conflict with official map or building permit for lot not related to a street - \$500.
- i. Erection of a structure on an unimproved street pursuant to N.J.S.A. 40:55D-36 of the Municipal Land Use Law - \$2,000, plus \$250 for each additional variance.
- j. Construction of a Fence - \$1,500.
- k. Any and all other types of variances or design waivers not already covered - \$2,000.

**SECTION 3.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

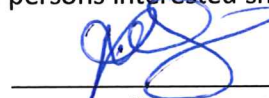
**SECTION 4.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent

jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

  
\_\_\_\_\_  
John A Bacchione, Mayor  
\_\_\_\_\_  
Keith Buscio, Council President  
Angelo Guadagno, Council Vice President

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Berkeley, in the County of Ocean, State of New Jersey, held on **September 16, 2024** and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the **21<sup>st</sup>** day of **October, 2024**, at 6:00 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 627 Pinewald-Keswick Road, Bayville, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

  
\_\_\_\_\_  
**Karen Stallings, RMC**  
Township Clerk, Township of Berkeley





# DASTI, McGUCKIN, McNICHOLS, CONNORS, ANTHONY & BUCKLEY

Jerry J. Dasti †  
Gregory P. McGuckin  
Timothy J. McNichols ‡  
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Kelsey A. McGuckin-Anthony  
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Sea Girt, NJ 08750  
P 732-295-3000  
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September 20, 2024

Karen Stallings, RMC/CMR Township Clerk,  
Township of Berkeley  
627 Pinewalkd-Keswick Road  
Bayville, NJ 08721

**RE: Planning Board Review of Ordinance 24-45-OA: an Ordinance of the Township of Berkeley, County of Ocean, State of New Jersey, Amending and Supplementing Chapter XXXV Entitled "Land Development", so as to amend Various Sections of 35-101**

**Planning Board Review of Ordinance 24-45-OA: an Ordinance of the Township of Berkeley, County of Ocean, State of New Jersey, Amending and Supplementing Chapter XXXV Entitled "Land Development", so as to amend Various Sections**

Dear Ms. Stalling:

At its September 19, 2024 meeting, the Planning Board in accordance with N.J.S.A. 40:55D-26, undertook a review of the above referenced ordinances to amend various sections of Chapter XXXV entitled "Land Development." Please accept this response as the Board's report to the Mayor and Counsel pursuant to the statutory formulation as discussed hereinabove.

Conclusion: In accordance with its responsibilities, under N.J.S.A. 40:55D-26, the Planning Board concluded that the amendments were not inconsistent with the Township's Development Regulations and Master Plan.

I trust this information is of assistance to the Mayor and Counsel, and should you have any questions, please do not hesitate to contact me. As always, we thank you for your time and attention to our matters.

Very truly yours,

*Patrick F. Varga*

PATRICK F. VARGA

For the Firm

PFV:aac

**PROUDLY SERVING OUR CLIENTS AND THE COMMUNITY FOR OVER 40 YEARS**

**AFFIDAVIT OF PUBLICATION**

State of New Jersey, County of Hudson, ss:

Laquansay Nickson Watkins, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of The Press of Atlantic City, a newspaper printed and published in the City of Linwood, distributed in the following counties: Atlantic, Camden, Cape May, Cumberland, Gloucester, and Ocean and mailed to various parts of the State of New Jersey, the United States, and foreign countries, does hereby certify that the Notice was published in The Press of Atlantic City on:

**PUBLICATION DATES:**

Sep. 24, 2024

**NOTICE ID:** Uqsv4B3UtOFTRe0QcuSR

**PUBLISHER ID:** COL7470

**NOTICE NAME:** 09-16-24 Meeting Ordinances

**Publication Fee:** 82.96

All interested parties may rely upon the representations contained herein limited solely to the authenticity of the Notice accompanying this Certification to be an accurate reproduction of the same and the date upon which it was published.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

(Signed) Laquansay Nickson Watkins

**VERIFICATION**

State of New Jersey  
County of Hudson

SHANNEA H HOLMES  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
My Commission Expires August 1, 2026

Subscribed in my presence and sworn to before me on this: 09/26/2024

Shanea H. Holmes

Notary Public

Notarized remotely online using communication technology via Proof.

## 09-16-24 Meeting Ordinances Intro & Adopted

### 09-16-24 Berkeley Township Notice of Pending Ordinances 24-49-0A

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE, SO AS TO AMEND CHAPTER VII, ENTITLED "TRAFFIC" ( Stop Sign Ver-non Place)

#### 24-50-0A

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XXXV, ENTITLED "LAND DEVELOPMENT" SO AS TO AMEND SECTION 35-10, ENTITLED "SCHEDULE OF ESCROWS DEPOSI

#### 24-51-0A

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING VARIOUS Sections In Chapter XXVI Entitled "Use Of Public Resorts" (Hourly Rates for Building Use)

#### 24-52-0A

ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF BLOCK 946, LOT 4.01 ON THE MUNICIPAL TAX MAP TO THEODORE & SLOANE ZAREM-BA IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:12-13 (\$25,000.00)

NOTICE IS HEREBY GIVEN that the foregoing ordinance was Introduced and passed on first reading at a regular meeting of the Township Council of the Township of Berkeley, in the County of Ocean, State of New Jersey, held on September 16, 2024, 2024, and will be considered for second reading and final passage at the regular meeting of said Govern-ing Body to be held on the 21 st day of October, 2024, at 6:00 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 627 Pinewald-Keswick Road, Bayville, New Jersey, at which time all persons interested shall be given an oppor-tunity to be heard concerning this ordinance. Copies of the Ordinance will be provided upon request from the Clerk's office at the address above, during regular business hours and can be found online at [www.berkeleytownship.org](http://www.berkeleytownship.org) - Karen Stallings, RMC Township Clerk, Township of Berkeley

### Berkeley Township Notice of Ordinance Adoption

#### 24-43-OAB

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XXXV, ENTITLED "LAND DEVELOPMENT" SO AS TO AMEND SECTION 35-63.14, ENTITLED "ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT"

#### 24-44-OAB

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XVII, ENTITLED "STREETS AND SIDEWALKS" SO AS TO AMEND VARIOUS SECTIONS

#### 24-45-OAB

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XXXV, ENTITLED "LAND DEVELOPMENT", SO AS TO AMEND VARIOUS SECTIONS OF 35-101

The Foregoing Ordinances were duly passed after Public Hearing held March 18, 2024 at a regular meeting of the Township of Berkeley and were approved by the Mayor on 9/16/2024  
Printer Fee: \$82.96  
Pub Date: September 24th, 2024

Order #: COL7470