

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 acre

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.

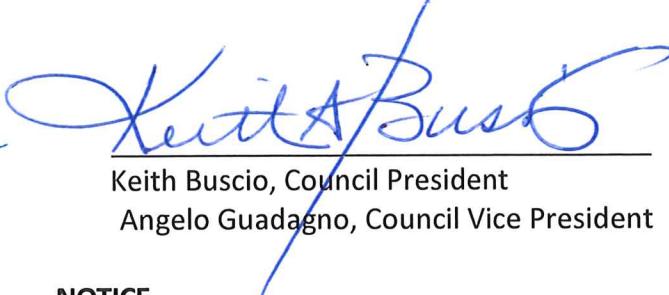
- a. Hear and decide application appeals - \$750.
- b. Interpretation of Zoning Map and Ordinance - \$750.
- c. Variances involving pools or additions or modifications to an existing residential dwelling - \$2,000.
- d. Hardship variances involving new residential construction on undersized lots and 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 21st 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

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September 20, 2024

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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
For the Firm

PFV:aae

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

Shannea 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-OA

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-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 SECTION 35-10, ENTITLED "SCHEDULE OF ESCROWS DEPOSI

24-51-OA

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-OA

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 Governing 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 opportunity 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.berkeleystownship.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-OA B

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 VAROUS SECTIONS OF 35-101

The Forgoing 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