

ORDINANCE NO. 2013-394

AN ORDINANCE TO AMEND ORDINANCE NO. 156 ENTITLED "AN ORDINANCE ESTABLISHING LAND USE DEVELOPMENT REGULATIONS AND RESTRICTIONS PURSUANT TO THE MUNICIPAL LAND USE LAW (CHAPTER 291, P.L. 1975); ESTABLISHING A ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD PURSUANT TO SAID LAW; AND REPEALING ALL PRIOR ORDINANCES RELATING TO ZONING AND PLANNING, AND PROVIDING PENALTIES FOR THE VIOLATION OF THE TERMS AND PROVISIONS THEREOF IN THE VILLAGE OF LOCH ARBOUR, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY."

BE IT ORDAINED by the Board of Commissioners of the Village of Loch Arbour, in the County of Monmouth and the State of New Jersey, that the Ordinance referred to in the title hereof is amended and supplemented as follows:

Section 1. Article 4, GENERAL PROVISIONS, is hereby amended and supplemented to add a new subsection as follows:

411.01 Minor Subdivision.

- (a) The planning board may waive notice and public hearing for an application for development if the planning board finds that the application for development conforms to the definition of "minor subdivision" in N.J.S.A. 40:55D-5 and Section 302 of the Loch Arbour Land Development Regulations. Minor subdivision approval shall be deemed to be final approval of the subdivision by the board, provided that the board may condition such approval on terms ensuring the provision of improvements pursuant to N.J.S.A. 40:55D-38, N.J.S.A. 40:55D-39 and N.J.S.A. 40:55D-53.
- (b) Minor subdivision approval shall be granted or denied within 45 days of the date of submission of a complete application to the administrative officer, or within such further time as may be consented to by the applicant. Failure of the planning board to act within the period prescribed shall constitute minor subdivision approval and a certificate of the administrative officer as to the failure of the planning board to act shall be issued on request of the applicant; and it shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the county recording officer for purposes of filing subdivision plats.

- (c) Whenever review or approval of the application by the county planning board is required by N.J.S.A. 40:27-6.3, the municipal planning board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the county planning board or approval by the county planning board by its failure to report thereon within the required time period.
- (d) Except as provided in subsection (f) of this section, approval of a minor subdivision shall expire 190 days from the date on which the resolution of municipal approval is adopted unless within such period a plat in conformity with such approval and the provisions of the "Map Filing Law", N.J.S.A. 46:23-9.9, et seq., or a deed clearly describing the approved minor subdivision is filed by the developer with the county recording officer, the municipal engineer and the municipal tax assessor. Any such plat or deed accepted for such filing shall have been signed by the chairman and secretary of the planning board. In reviewing the application for development for a proposed minor subdivision, the planning board is permitted to accept a plat not in conformity with the "Map Filing Law," P.L. 1960, c. 141 (N.J.S.A. 46:23-9.9, et seq.); provided that if the developer chooses to file the minor subdivision as provided herein by plat rather than deed such plat shall conform with the provisions of said act.
- (e) The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision approval was granted, shall not be changed for a period of two years after the date on which the resolution of minor subdivision approval is adopted; provided that the approved minor subdivision shall have been duly recorded as provided in this section.
- (f) The planning board may extend the 190-day period for filing a minor subdivision plat or deed pursuant to subsection (d) of this section if the developer proves to the reasonable satisfaction of the planning board (1) that the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities and (2) that the developer applied promptly for and diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the planning board. The developer may apply for the extension either before or after what would otherwise be the expiration date.

- (g) The planning board shall grant an extension of minor subdivision approval for a period determined by the board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the required approvals. A developer shall apply for the extension before (1) what would otherwise be the expiration date of minor subdivision approval or (2) the 91st day after the developer receives the last legally required approval from other governmental entities, whichever occurs later.

Section 2. This Ordinance shall become effective twenty days after its final passage and publication as required by law.

CERTIFICATION

I, Daniel J. Mason, Acting Clerk of the Village of Loch Arbour, do hereby certify That the above is a true and exact copy of the Ordinance introduced during the first reading on the 6th day of November, 2013 and adopted after a second reading and public hearing thereon held the 4th day of December, 2013.



Daniel J. Mason, Acting Clerk
Village of Loch Arbour

Introduced: November 6, 2013
Public Hearing: December 4, 2013
Adoption: December 4, 2013
Publication: December 10, 2013
& December 12, 2013