

**Borough of Red Bank Planning and Development Regulations
Codification Adoption Ordinance****Schedule A
Specific Revisions at Time of Codification of
Planning and Development Regulations****Chapter 490, Planning and Development Regulations.**

- A. The definition of "developmentally disabled person" in § 490-6 is amended to change "N.J.S.A. 30:4-23" to "N.J.S.A. 30:4-27.2."
- B. In § 490-6, the original definition of "division" is repealed.
- C. The definition of "environmental impact report (EIR)" in § 490-6 is amended to change "Section 7 of said Act" to "Section 6 of said Act" in the last sentence thereof.
- D. The definition of "maintenance guarantee" in § 490-6 is amended to read as follows:

MAINTENANCE GUARANTEE – Any security, which may be accepted by the Borough, for the maintenance of any improvements required by this chapter, including but not limited to surety bonds, letters of credit under the circumstances specified in N.J.S.A. 40:55D-53.5, and cash. Said guarantee shall be for a term of not less than two years from the date of acceptance.

- E. In § 490-6, the original definition of "nonconforming building or structure" is repealed.
- F. The defined term "nonconforming structure" in § 490-6 is amended to read "nonconforming structure or building."
- G. The definition of "performance guarantee" in § 490-6 is amended to read as follows:

PERFORMANCE GUARANTEE – Any security which may be accepted by the Borough, including but not limited to surety bonds, letters of credit under the circumstances specified in N.J.S.A. 40:55D-53.5, and cash.

- H. The definition of "variance" in § 490-6 is amended to read as follows:

VARIANCE – Permission to depart from the literal requirements of zoning regulations pursuant to N.J.S.A. 40:55D-40b, 40:55D-60, 40:55D-70c and 40:55D-70d.

- I. Section 490-7G is added to read as follows: "If the Planning Board lacks a quorum because any of its regular or alternate members are prohibited by N.J.S.A. 40:55D-23 or N.J.S.A. 40:55D-23.1 from acting on a matter due to the member's personal or financial interests therein, regular members of the Board of Adjustment shall be called upon to serve, for that matter only, as temporary members of the Planning Board, in order of seniority of continuous service to the Board of Adjustment, until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest therein, whether direct or indirect. If a choice has to be made between regular members of equal seniority, the Chairman of the Board of Adjustment shall make the choice."

J. Section 490-8G is added to read as follows: "If the Board of Adjustment lacks a quorum because any of its regular or alternate members are prohibited by N.J.S.A. 40:55D-69 from acting on a matter due to the member's personal or financial interest therein, Class IV members of the Planning Board shall be called upon to serve, for that matter only, as temporary members of the Board of Adjustment. The Class IV members of the Planning Board shall be called upon to serve in order of seniority of continuous service to the Planning Board until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest therein, whether direct or indirect. If a choice has to be made between Class IV members of equal seniority, the Chairman of the Planning Board shall make the choice."

K. Section 490-9C(6) is amended to change "N.J.S.A. 2A:11-15" to "N.J.S.A. 2B:7-4."

L. Section 490-9D(1) is amended to add the following wording to the end thereof: "In addition, public notice shall be given by a public entity seeking to erect an outdoor advertising sign on land owned or controlled by a public entity as required pursuant N.J.S.A. 40:55D-31 or, if so provided by ordinance adopted pursuant to Subsection g of N.J.S.A. 40:55D-39, by a private entity seeking to erect an outdoor advertising sign on public land or on land owned by a private entity."

M. Section 490-9D(8) is amended to change "Director of the Division of State and Regional Planning in the Department of Community Affairs" to "State Planning Commission."

N. Section 490-9D(9) is added to read as follows:

(9) *Notice of hearings on applications for approval of a major subdivision or a site plan not defined as a minor site plan under this act requiring public notice pursuant to Subsection D(1) of this section shall be given:*

(a) *In the case of a public utility, cable television company or local utility which possesses a right-of-way or easement within the municipality and which has registered with the municipality in accordance with Section 5 of P.L. 1991, c. 412 (N.J.S.A. 40:55D-12.1), by serving a copy of the notice on the person whose name appears on the registration form on behalf of the public utility, cable television company or local utility or mailing a copy thereof by certified mail to the person whose name appears on the registration form at the address shown on that form;*

(b) *In the case of a military facility which has registered with the municipality and which is situated within 3,000 feet in all directions of the property which is the subject of the hearing, by serving a copy of the notice on the military facility commander whose name appears on the registration form or mailing a copy thereof by certified mail to the military facility commander at the address shown on that form.*

O. Section 490-9D(13) is amended to change the reference to "Subsection D(5), (6), (7) and (8)" to "Subsection D(5), (6), (7), (8) and (9)."

P. Section 490-9E is amended to read as follows: "Upon the written request of an applicant, the administrative officer of a municipality shall, within seven days, make and certify a list from said current tax duplicates of names and addresses of owners to whom the applicant is required to give notice pursuant to Subsection D of this section. In addition, the administrative officer shall include on the list the names, addresses and positions of those persons who, not less than seven days prior to the date on which the applicant requested the list, have registered to receive notice pursuant to Subsection D(9) of this section. The applicant shall be

entitled to rely upon the information contained in such list, and failure to give notice to any owner, to any public utility, cable television company, or local utility or to any military facility commander not on the list shall not invalidate any hearing or proceeding. A sum not to exceed \$0.25 per name or \$10, whichever is greater, may be charged for such list.”

- Q. Section 490-10A(2)(c)[2] is amended to change “Chief Financial Officer” to “Board Secretary” in the third sentence thereof.
- R. Section 490-10A(2)(e)[1] is amended to change “mail to the Borough Chief Financial Officer and to the Director” to “mail to the Director.”
- S. Section 490-16A is revised to read as indicated: “For any and every violation of the provisions of this chapter, the applicant, subdivider, developer, owner, general agent or contractor of a building or premises where such violation has been committed or shall exist and the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist and the general agent, architect, building contractor or any other person who commits, takes part or assists in such violation or who maintains any building or premises in which any such violation shall exist shall, for each and every day that violation continues, be subject to ~~a fine of not more than \$1,000 or be imprisoned for a term not exceeding 180 days, or both the~~ the penalties set forth in Chapter 1, Article II, General Penalty.”
- T. Original § 25-3.10b3 is repealed.
- U. Section 490-16F is amended to change “shall be subject to a fine not to exceed \$1,000 or to imprisonment for not more than 180 days” to “shall be subject to the penalties set forth in Chapter 1, Article II, General Penalty.”
- V. Original § 25-5.29, Property maintenance, is repealed.
- W. Section 490-95 is amended to change “Section 4, Chapter 358 of the Laws of 1953” to “N.J.S.A. 46:26B-3 et seq.”
- X. Section 490-98P(7) is amended to change “the CBD, CCBD and SBD-2 Zone Districts or in connection with MXRD or MXCD conditional uses” to “the CCD-1, CCD-2, HB, BR-1, PO, WD, BR-2, MS, I and LI Zone Districts.”
- Y. Section 490-103G(1) is amended to change “See Figure No. 7A” to “See Figure No. XIII.”
- Z. Section 490-104D(3)(c) is amended to read as follows: “Signs that require the issuance of a conditional use permit in accordance with the standards specified in § 490-133, including sign types R-C1, P-C1, W-C1, W-C2, G-C1, G-C2 and G-C3.”
- AA. Original § 25-8.37d5, Bulk or size requirements, is repealed.
- BB. The lead-in paragraph of § 490-128 is amended to read as follows: “Public and quasi-public recreation areas include parks, playgrounds, golf courses, tennis courts and swimming pools, and the following shall apply.”
- CC. Original § 25-9.14, Mixed-use residential, as amended, is repealed.
- DD. The lead-in paragraph of § 490-133 is amended to read as follows: “Signs as specified in § 490-104D(3)(c) of this chapter may be permitted as conditional uses in those zones specified, provided that they adhere to the following objectives, design criteria and requirements.”
- EE. Original § 25-9.20c3, pertaining to ground signs which are conditional uses, is repealed.

- FF. Section 490-143B(3) is amended to read as follows: "Buffers and screening, subject to the provisions of § 490-81 of this chapter."
- GG. Original § 25-10.10b5, pertaining to buffers and screening, is repealed.
- HH. Original § 25-10.15b5, pertaining to buffers and screening, is repealed.
- II. Original § 25-10.17b5, pertaining to buffers and screening, is repealed.
- JJ. Original § 25-10.18b5, pertaining to buffers and screening, is repealed.
- KK. Section 490-152D(3) is revised to read as indicated: "Active recreation shall be required, ~~but shall not be subject to the requirements of § 25-8.19(l)~~."