

**ORDINANCE 2024-03**

**ORDINANCE OF THE BOROUGH OF SHIP BOTTOM, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING TITLE 16 TO INCLUDE A CHECKLIST FOR VARIANCE RELIEF SOUGHT BEFORE THE LAND USE REVIEW BOARD**

**WHEREAS**, the Borough of Ship Bottom Land Use Review Board (the "Board") is a joint land use board, vested with the authority to hear applications for development as both a municipal planning board and as a board of adjustment under the Municipal Land Use Law; and

**WHEREAS**, Title 16 and the application materials promulgated thereby do not presently provide for additional fundamental information where an applicant is seeking a variance pursuant to N.J.S.A. 40:55D-70(d)(1)-(6) that would assist the Board in determining whether an application is administratively complete prior to scheduling a substantive hearing on an application for development; and

**WHEREAS**, such a checklist and the information requested thereby would be in the interest of both the Board and the applicants, as same would require focus on the specific relief and magnitude of same being requested.

**THE MAYOR AND COUNCIL OF THE BOROUGH OF SHIP BOTTOM DOES HEREBY ORDAIN:**

**SECTION I**

**§16.76.060 entitled "Checklist for Use Variance Relief," is hereby created as follows:**

- A. Any application for development filed with the Land Use Review Board by which an applicant seeks relief pursuant to N.J.S.A. 40:55D-70(d)(1)-(6) shall be deemed administratively incomplete unless and until the materials identified in this section are submitted to the Board for its review, in addition to any materials required under Section 16.80 for either subdivision or site plan review.
- B. The applicant shall submit to the administrative officer eighteen (18) copies of the following on the timelines prescribed in Section 16.80:
  - (i) a traffic impact study, analyzing the differences between uses permitted on the subject parcel and the uses as proposed, as well as detailing any proposed off-tract improvements required to maintain existing levels of service within the surrounding roadway network, all based on traffic data collected within six (6) months of the date upon which the application for development is filed with the Board;
  - (ii) a planning report, signed and sealed by a professional planner licensed in the State of New Jersey, in support of the application for development, which must specifically detail:
    - (a) the bases upon which the applicant and its professionals believe the requested variance relief ought to be granted;
    - (b) a community impact analysis, focusing on population changes, school impacts, municipal infrastructure and facilities, and any additional services to be required by the municipality for such a project.
  - (iii) a geotechnical report, detailing the appropriateness of the soils on the subject parcel for the proposed use;
  - (iv) if the subject parcel exceeds two (2) acres in size, an environmental impact study for the proposed development on the subject parcel, which reviews existing conditions and proposed impacts, including, but not limited to, the following:
    - (a) An inventory of existing environmental conditions at the subject parcel and surrounding area which shall describe air quality, water supply, hydrology, geology, soils and properties thereof, including capabilities and limitations, sewage systems, topography, slope, vegetation, habitats, noise characteristics and levels, demography, historical land use, aesthetics, and history;
    - (b) Air and water quality shall be described with reference to standards promulgated by the Department of Environmental Protection of the State of New Jersey;



- (c) Soils shall be described with reference to criteria contained in the Ocean County Soil Conservation District standards and specifications;
  - (d) An assessment of the probable impact of the project upon all topics set forth in subsection (a) above;
  - (e) A listing and evaluation of adverse environmental impacts which cannot be avoided, with particular emphasis upon air or water pollution, increase in noise, damage to plant, tree and wildlife systems, damage to natural resources, displacement of people and businesses, and increase in sedimentation and siltation. Off-site impacts shall also be set forth and evaluated;
  - (f) A description of steps to be taken to minimize adverse environmental impacts during construction and operation, both at the subject parcel and in the surrounding region, such description to be accompanied by necessary maps and schedules and other explanatory data as may be needed to clarify and explain the actions to be taken.
  - (v) color photographs of the subject parcel and any present uses, taken from the opposite curb line from any frontage.
- C. Any review of the administrative completeness of the application materials, and all requests for waivers of the foregoing requirements, shall be addressed by the administrative officer consistent with the processes outlined in Section 16.80.030(C).

## **SECTION II**

All ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

## **SECTION III**


If any word, phrase, clause, section, or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

**EFFECTIVE DATE.** This ordinance shall take effect after final adoption and publication as required by law.

## **NOTICE**

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Mayor and Council of the Borough of Ship Bottom, County of Ocean, State of New Jersey, held on Thursday, January 4, 2024, at 9:00 a.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Mayor and Council to be held on Thursday, January 23, 2024, at 6:30 p.m. at the Municipal Building, 1621 Long Beach Boulevard, Ship Bottom, New Jersey 08008.

  
**Kristy DeBoer, RMC**  
Municipal Clerk

