

**SECTION X
PLANNING BOARD**

1-85 Establishment of the Planning Board

A. A Planning Board is hereby established pursuant to C.40:55D-25(c) in West Wildwood Borough, consisting of nine (9) members and two (2) alternate members from the following four (4) classes:

CLASS I The Mayor

CLASS II One (1) of the officials of the municipality, other than a member of the governing body, to be appointed by the mayor; provided that if there be an Environmental Commission, the member of the Environmental Commission, the member of the Environmental Commission who is also a member of the Planning Board as required by Section 1 of P.L. 1968, c.245 (C.40:56A-1), shall be deemed to be the Class II Planning Board member for the purposes of this act in the event that there be among the Class IV or alternate members of the Planning Board both a member of the Zoning Board of Adjustment and a member of the Board of Education.

CLASS III One (1) Class III member (member of the governing body other than the Mayor).

CLASS IV Regular Members

Seven (7) other citizens of the municipality to be appointed by the mayor. The members of Class IV shall hold no other municipal office, position or employment, except that one (1) member may be a member of the Board of Education. If there is a municipal Environmental Commission, the member of the Environmental Commission who is also of the Planning Board, as required by Section 1 of P.L. 1968, c245 (C. 40:56A-1), shall be a Class IV Planning Board member.

CLASS IV Alternate Members

Two other citizens of the municipality may be appointed as alternate members. Alternate members shall be appointed by the Mayor and shall meet the qualifications of Class IV members. Alternate members shall be designated at the time of appointment by the Mayor as "Alternate No. 1" and "Alternate No. 2". The terms of the alternate

members shall be for two (2) years, except that the terms of the alternate members shall be such that the term of no more than one alternate member shall expire in any one (1) year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two (2) years. A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only.

No alternate member shall be permitted to act on any matter in which he has either directly or indirectly any personal or financial interest. An alternate member may, after public hearing if he requests one, be removed by the governing body for cause.

Alternate members may participate in discussions of the proceedings, may not vote except in the absence or disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, alternate No. 1 shall vote.

- B. The term of the member composing Class I shall correspond to his official tenure. The term of the member comprising Class II shall be for one (1) year or terminate at the completion of his/her respective term of office, whichever occurs first except for a Class II member who is also a member of the Environmental Commission. The term of a Class II or Class IV member who is also a member of the Environmental Commission shall be for three (3) years or terminate at the completion of his term of office as a member of the Environmental Commission, whichever comes first. The term of a Class IV member who is also a member of the Board of Education shall terminate whenever he is no longer a member of such other body or at the completion of his Class IV term, whichever occurs first. The terms of all Class IV members shall be so determined that to the greatest practicable extent the expiration of such terms shall be distributed evenly over the first four (4) years after their appointment – provided that the initial Class IV term of no member shall exceed four (4) years. Thereafter, the Class IV term of each such member shall be four (4) years. If a vacancy in any class shall occur otherwise than by expiration of the Planning Board term, it shall be filled by appointment, as above provided, for the unexpired term. All terms shall run from January 1 of the year in which the appointment was made. No member of the Planning Board shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest. Any member other than a Class I member, after a public hearing, if he requests one, may be removed by the governing body for cause. Nothing in this Ordinance shall, however, be construed to affect the terms of any present members of the Planning Board, all of whom shall continue in office until the completion of the terms for which they were appointed.

- C. If a vacancy in any class shall occur otherwise than by expiration of a term, it shall be filled by appointment as above provided for the unexpired term.
- D. Nomination of officers shall be made from the floor at the annual organization meeting which shall be held on the first Thursday in January each year. A candidate receiving a majority vote of the members of the Planning Board present (a quorum being present) shall be declared elected and shall serve for one year or until his successor shall take office. Vacancies in offices shall be filled immediately by the regular election procedure.
- E. The Officers of the Planning Board shall consist of a Chairperson, a Vice Chairperson and a Secretary. The Chairperson shall preside at all meetings and hearings of the Planning Board and shall have the duties normally conferred by parliamentary usage on such officers. The Chairperson shall be one of the citizen members of the Board. He or she shall have the privilege of discussing all matters before the Board and of voting thereon. The Vice Chairperson shall act for the Chairperson in his or her absence and shall be a citizen member of the Board.
- F. The Secretary shall keep the minutes and records of the Board, prepare the agenda of regular and special meetings with the Chairperson, provide notice of meetings to Board members, arrange proper and legal notice of meetings, attend to correspondence of the Board and perform such other duties as are normally carried out by a Secretary. The Secretary need not be a member of the Board. The Board may employ or dismiss a Secretary.
- G. The Planning Board may also employ or contract for and fix the compensation of such experts and other staff and services as it may deem necessary to aid the Board in its work. Appointments shall be made by a majority vote of the members of the Planning Board present (a quorum being present). The Board, however, shall not authorize expenditures which exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.
- H. The governing body shall make provisions in its budget and appropriate funds for the expenses of the Planning Board.
- I. The office of Planning Board Attorney is hereby created. The Planning Board may annually appoint to such office and fix compensation or rate of compensation of an attorney at law of New Jersey other than the municipal attorney.

1-86 Planning Board Meetings

- A. The Planning Board will, at its meetings, conduct hearings and review applications and committee reports. The applicant or applicant's representative will be advised in writing of the meeting location, date, and time. The applicant or applicant's representative and his attorney must be present at the hearing to present the application and answer questions relating thereto.
- B. In addition to those required by law, the Board may, at its discretion, hold public hearings when it decides that such hearings will be in the public interest. Notice of such hearings

shall be published in the official newspaper of the Borough at least ten (10) days before the time of public hearings. Such other notices as shall be required by law shall also be provided. A record shall be kept of those speaking before the Board.

- C. Meetings will be held every month when applications have been submitted for review and hearing.
- D. A majority of the membership for the Board of nine (9) shall constitute a quorum and the number of votes necessary to transact business shall be a majority vote of the members of the Planning Board present (a quorum being present). Voting shall be by roll call. A record of the roll call vote shall be kept as part of the minutes.
- E. Special meetings may be called by the Chairperson. The Chairperson shall also call such special meetings when requested to do so in writing by two (2) or more members of the Board. The notice of such a meeting shall specify the purposes of such a meeting and no other business may be considered except by unanimous consent of the Board. The Secretary shall notify all members of the Board in writing not less than five (5) days in advance of such special meetings.
- F. The following standing subcommittees shall be appointed by the Chairperson:
 - 1. Master Plan Committee
 - 2. Development Review Committee

The standing committees shall be appointed for one (1) year and shall consist of four (4) members. Vacancies shall be filled immediately by the Chairperson of the Planning Board. Other special committees may be appointed by the Chairperson for purposes and terms which the Board approves.

The Development Review Committee meets prior to the regularly scheduled monthly meeting of the Planning Board. Unless advised to the contrary, the applicant and/or the applicant's representative should be present.

1-87 Powers and Jurisdiction of the Planning Board. The Planning Board shall have the powers listed below in addition to other powers established:

- A. Make, adopt, and, from time to time, amend a master plan for the physical development of the Borough, which shall include consideration of any areas outside its boundaries which, in the Board's judgment, bear essential relation to the planning of the Borough according to the provisions of N.J.S.A. 40:55DE-28.
- B. Administer the land subdivision and site plan review provisions of this Ordinance and other development control Ordinances of the Borough in accordance with the applicable provision thereof and the provisions of N.J.S.A. 40:55D-37 et seq.
- C. Participate in the preparation and review of programs or plans required by state or federal law or regulation.
- D. Assemble data on a continuing basis as part of a continuous planning process.

- E. Approve conditional use applications in accordance with the provision of this Ordinance pursuant to N.J.S.A. 40:55D-67.
- F. Approve conditional uses, in accordance with the provisions of this Ordinance and upon making the following:
 - 1. That departures by the proposed development from zoning regulations otherwise applicable in the zoning district are reasonable under the circumstances of the particular conditional use and do not defeat the purpose of the zoning district in question.
 - 2. Any proposals for open space are proper in amount, location and purpose.
 - 3. That the physical design of the proposed development makes adequate provision for public services, control over vehicular and pedestrian traffic, and the amenities of light, air, and visual enjoyment.
 - 4. That the proposed conditional use will not have an unreasonably adverse impact upon the adjoining property and the area in which it is proposed to be established.
 - 5. That the terms and conditions applicable to any approved conditional use are adequate to protect the interest of the general public as well as the property owners and its perspective users.
- G. From time to time, at the request of the governing body prepare or review a program of municipal capital improvement projects projected over a term of six (6) years and recommend same to the governing body.
- H. Consider and make report to the governing body within thirty-five (35) days after referral as to any proposed development regulation submitted to it pursuant to the provisions of N.J.S.A. 40:55D-26(a) and also pass upon other matters specifically referred to the Planning Board by the governing body pursuant to the provisions of N.J.S.A. 40:55D-26(b).
- I. Perform such other advisory functions as may be assigned to it by Ordinance or Resolution of the governing body.
- J. The Planning Board shall have such other powers as prescribed by law, including, but not limited to, the power to grant the following variances, to the same extent and subject to the same restrictions as the Zoning Board of Adjustment, when the Planning Board is reviewing applications for approval of subdivision plats, site plans or conditional uses:
 - 1. Hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision or refusal made by an administrative officer based on or made in the enforcement of the zoning provisions of this Ordinance. The Administrative Official and/or Construction Official shall transmit to the Secretary of the Board all papers constituting the records upon which the action appealed from was taken. The applicant shall provide all the information required on the appeal or variance application form as well as any additional information that may be required by the Board to aid in reaching a decision.
 - 2. Hear and decide in accordance with the provisions of any such Ordinance, requests for interpretation of the Zoning Map or Ordinance or for decisions upon other special questions upon which such Board is authorized to pass by any Zoning or

Official Map Ordinance in accordance with N.J.S.A. 40:55D-1 et seq. An appeal for an interpretation of the Zoning Officer's and/or Construction Official's decision may be taken by any person aggrieved by the Zoning Officer's and/or Construction Official's decision.

3. Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to Article 8 of the Municipal Land Use Law would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property, grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation, so as to relieve such difficulties or hardship; where in an application or appeal relating to a specific piece of property the purposes of this act would be advanced by a deviation from the Zoning Ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from regulations pursuant to Article 8 of the Municipal Land Use Law.
4. Where, in an application or appeal relating to a specific piece of property the purposes of the Municipal Land Use Law would be advanced by a deviation from the Ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from such Ordinance requirements; provided, however, that no variance from those departures enumerated below shall be granted under this subsection.
5. In particular cases and for special reasons, grant a variance to allow departure from the zoning provisions of this Ordinance to permit: 1) a use of principal structure in a district restricted against such use or principal structure; 2) an expansion of a nonconforming use; 3) deviation from a particular specification or standard set forth in this chapter as pertaining solely to a conditional use; 4) an increase in the permitted floor area ratio as defined in this Ordinance and in N.J.S.A. 40:55D-4, except as applied to the required lot area for a lot or lots for detached one or two dwelling units, which lot or lots are either an isolated underside lot or lots resulting from a minor subdivision. A variance under this subsection shall be granted only by affirmative vote of at least five (5) members of the Board.
6. It shall be the responsibility of any applicant for a use variance to assure that the hearing will be recorded verbatim by a court reporter, whether or not the means for doing so are provided by the Board.
7. No variance or other relief may be granted under the terms of this Section unless such variance or other relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning plan and other provisions of this Ordinance. An application under this

section may be referred to any appropriate person or agency, including the Planning Board, pursuant to Section N.J.S.A. 40:55D-26, for its report; provided that such reference shall not extend the period of time within which the Planning Board shall act.

- K. The Planning Board shall have such other powers including the following:
1. Direct issuance of a construction permit pursuant to N.J.S.A. 40:55D-34 for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved pursuant to N.J.S.A. 40:55D-32.
 2. Direct issuance of a construction permit pursuant to N.J.S.A. 40:5d-36 for the construction of a building or structure not related to a street.
 3. Whenever review of approval of the application by the County Planning Board is required by N.J.S.A. 40:27-6.3 in the case of a subdivision, or N.J.S.A. 40:27-6.6 in the case of a site plan, the Board shall condition any approval that it grants upon time 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.

Whenever relief is requested pursuant to this subsection, notice of a hearing on the application for development shall include reference to the request for a variance or direction for issuance of a permit as the case may be.

The developer may elect to submit a separate application requesting approval for the variance or direction of the issuance of a permit, and subsequent application for any required approval for a subdivision, site plan or conditional use. The separate approval of the variance or direction of the issuance of a permit, shall be conditioned upon grant of all required subsequent approvals. No such subsequent approval shall be granted unless the approval can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and the zoning provisions of this Section.

1-88 Provisions Applicable to Planning Board

A. Meetings

1. Meetings of the Planning Board shall be scheduled no less often than once a month and shall be held as scheduled unless canceled for lack of pending applications.
2. Special meetings may be held at the call of the Chair or at the request of any two (2) Board members. The members of the respective Board and the public shall be given notice of such meeting in accordance with all applicable legal requirements.
3. No action shall be taken at any meeting without a quorum being present, said quorum to be the majority of the full authorized membership of the Board.
4. All actions shall be taken by majority vote of the members of the Board present at the meeting except as otherwise required by a provision of N.J.S.A. 40:55D-1 et seq.

A member of the Board who was absent for one or more of the meetings at which a hearing was held shall be eligible to vote on a matter upon which the hearing was conducted, notwithstanding his absence from one or more of the meetings; provided, however, that a transcript or recording of all of the hearing from which he was absent exists; and provided, further, that such Board member certifies in writing to the Board that he has read such transcript or listened to such recording.

5. All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meeting Law C.231, Laws of New Jersey, 1975. Such other notices as shall be required by law shall also be provided. An executive session for the purpose of discussing and studying any matters to come before either Board shall not be deemed a regular meeting or a special meeting in accordance with the provision of N.J.S.A. 40:55D-9.
6. Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the municipal agency and of the persons appearing by attorney, the action taken by the municipal agency, the findings, if any, made by it and reasons therefore. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the administrative officer. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceedings concerning the subject matter of such minutes. Such interested party may be charged a reasonable fee for reproduction of the minutes for his use.

B. Public Notice and Hearing Structure

1. The Planning Board shall hold a hearing on each application for development or adoption, revision or amendment of the master plan. The Board shall make the rules governing such hearings. Applications for preliminary major subdivision approval, preliminary major site plan approval, conditional use approved, or variance relief require advertisement and legal notice as provided by statute, Ordinance, Resolution and By-Laws. Applications for final major subdivision approval, final major site plan approval, minor subdivision approval and minor site plan approval would not require such notice. The Board cannot act upon applications requiring legal notice and advertisement unless and until the requirements governing each action have been met. The Development Review Committee will not review applications prior to when the requirements are met. The advertisement and legal notice requirements are as set forth in the Municipal Land Use Law with the additional requirement that notwithstanding N.J.S.A. 40:55-D-12b, in the case of condominiums, each individual unit owner must be served in addition to the condominium association. Applicants must secure from the Borough Tax Office a listing of those owners of property situated within 200 feet surrounding the entire property included within the scope of the application as measured from all boundaries of said property. There is a fee for the said list, and Gazette Leader at

least ten (10) days before the hearing. The notice form must be completed before delivery to the newspaper. A proof of publication will be presented to the applicant by the newspaper after the notice appears in the publication. This proof of publication must be presented to the Administrative Officer one (1) full week prior to the meeting at which the application is to be heard.

2. Any maps and documents for which approval is sought at a hearing shall be on file and available for public inspection at least ten (10) days before the date of the hearing during normal business hours in the office of the Administrative Officer. The applicant may produce other documents, records or testimony at the hearing to substantiate, clarify or supplement the previously filed maps and documents. Notwithstanding the foregoing, all items required for a complete application must be filed with the Administrative Officer at least twenty-five (25) days before the hearing date.
3. Every application for development submitted to the Planning Board shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of such application.
4. The officer presiding at the hearings, or such person as he may designate, shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the "County and Municipality Investigations Law," P.L. 1953, c38 (C 2A:67A-1 et seq.) shall apply.
5. The testimony of all witnesses to an application for development shall be taken under oath or affirmation by the presiding officer, and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.
6. Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence.

The Board shall not be bound by the strict rules of evidence, but it may exclude irrelevant, immaterial, incompetent, or unduly argumentative or repetitious testimony or evidence.

The Chairperson shall rule on all questions relating to the admissibility of evidence, which may be overruled by a majority of the Board.

7. The municipal agency shall provide for the verbatim recording of the proceedings by either stenographer, mechanical or electronic means at the developers expense.
8. The municipal agency shall include findings of fact and conclusions based thereon in each decision on any application for development and shall reduce the decision to writing. The municipal agency shall provide the findings and conclusions through:

- a. A Resolution adopted at a meeting held within the time period provided in the act for action by the municipal agency on the application for development, or;
 - b. A memorializing Resolution adopted at a meeting held not later than forty-five (45) days after the date of the meeting at which the municipal agency voted to grant or deny approval. Only the members of the municipal agency who voted for the action taken may vote on the memorializing Resolution, and the vote of a majority of such members present at the meeting at which the Resolution is presented for adoption shall be sufficient to adopt the Resolution. An action resulting from the failure of a motion to approve an application shall be memorialized by Resolution as provided above, with those members voting against the motion for approval being the members eligible to vote on the memorializing Resolution. The vote on any such Resolution shall be deemed to be a memorialization of the action of the municipal agency and not to be an action of the municipal agency; however, the date of the adoption of the Resolution shall constitute the date of the decision for purposes of the mailings, filings and publications. If the municipal agency fails to adopt a Resolution or memorializing Resolution as herein above specified, any interested party may apply to the Superior Court in a summary manner for an order compelling the municipal agency to reduce its findings and conclusions to writing within a stated time and the cost of the applications, including attorney's fees, shall be assessed against the municipality.
9. A copy of the decision shall be mailed by the municipal agency within ten (10) days of the date of decision to the applicant or if represented then to his attorney without separate charge, and to all who request a copy of the decision for a reasonable fee. A copy of the decision shall also be retained by the municipal agency and will be available upon request to the appropriate Board Secretary upon the payment of a reasonable fee.
 10. A brief notice of the decision shall be published in the official newspaper of the municipality. Such publication shall be arranged by the Board Secretary; provided that nothing in this Ordinance shall be construed as preventing the applicant from arranging such publication if he so desires. The municipality may make a reasonable charge for its publication. The period of time in which an appeal of the decision may be made shall run from the first publication of the decision whether arranged by the municipality or the applicant.
- C. Notice of Applications
1. Public notice of a hearing shall be given by the applicant for the following applications for development:
 - a. Any request for a variance;
 - b. Any request for conditional use approval;

- c. Any request for issuance of a permit to build within the bed of a mapped street or public drainageway or on a lot not abutting a street;
 - d. Any request for preliminary approval of a major site plan or subdivision plat, and;
 - e. Any request for approval of a planned development.
2. The Secretary of the Planning Board shall notify the applicant at least ten (10) working days prior to the public hearing at which the application will be discussed. Notice of a hearing requiring public notice shall be given by the applicant at least ten (10) days prior to the date of the hearing in the following manner:
- a. By publication in the official newspaper of the Borough.
 - b. To all owners of real property as shown on the current Tax Map duplicate, located in the State and within two hundred feet (200') in all directions of the property which is the subject of such hearings, notwithstanding N.J.S.A. 40:55D-126 in the case of a condominium unit owner, and a horizontal property regime owner, notice shall be required to be given to the individual unit owners and not simply served upon the Condominium Association. The Condominium Association may be served because of its ownership of common elements or areas located within two hundred feet (200') of the property which is the subject of the hearing, but not with respect to the ownership of the individual units.
 - c. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice president, or secretary or other person authorized by appointment or by law to accept service on behalf of the corporation.
 - d. To the Clerk of any adjoining municipality or municipalities when the property involved is located within 200 feet of said adjoining municipality or municipalities. Notice shall be given by personal service or certified mail.
 - e. To the County Planning Board when the application for development involved property adjacent to an existing county road or proposed road as shown on the county official map or the county master plan, adjoining other county land or situated within two hundred feet (200') of a municipal boundary. Notice shall be given by personal service or certified mail.
 - f. To the Commissioner of Transportation of the State of New Jersey when the property abuts a State highway. Notice shall be given by personal service or certified mail.
 - g. To the State Planning Commission for any hearing which involves an application for development of property which exceeds 150 acres or 500 dwelling units. The notice shall include a copy of any maps or documents required to be on file with the Municipal Clerk pursuant to N.J.S.A. 40:55D-10.

3. Upon the written request of an applicant, the Borough Tax Collector shall, within seven (7) days, make and certify a list from current tax duplicates of names and addresses of owners within the Borough to whom the applicant is required to give notice. Failure to give notice to any lot owner not on the list obtained in such manner shall not invalidate any hearing or proceeding. A sum not to exceed the maximum set forth in N.J.S.A. 40:55D-12C may be charged for such lists.
4. The applicant shall be responsible for giving proper notice to all property owners.
5. The applicant shall file an Affidavit of Proof with the Planning Board in accordance with the provisions of this Ordinance.
6. The notice shall state the date, time and place of the hearing and the nature of the matters to be discussed, including a precise description of any requested variances or design standards waivers; an identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the Borough's Tax Assessor's office; and the location and times at which any maps or documents for which approval is sought are available for inspection.

1-89 Appeal of Decisions – Any interested party may appeal to the Superior Court any final decision of the Planning Board. There shall be no appeal to the governing body.

1-90 Notice of Decisions – Any decision of the Planning Board when acting upon an application for development shall be given notice in the following manner:

- A. Within ten (10) days of the date of decision or date of memorialization a copy thereof shall be mailed without separate charge by the appropriate municipal authority to the applicant or appellant or to any attorney by whom represented. A copy of the decision shall also be mailed within ten (10) days to any interested party who has requested it and who has paid the fee prescribed by the municipal authority for such service.
- B. A brief notice of every decision shall be published in the official newspaper of the Borough. Such publication shall be arranged by the Secretary of the Planning Board or the Borough Clerk, as the case may be. The notice shall be sent to the official newspaper for publication within ten (10) days of the date of any such decision.
- C. A copy of the decision shall also be filed in the office of the Borough Clerk, who shall make a copy of such filed decision available to any interested party upon payment of a fee calculated in the same manner as that established for copies of other public documents in the Borough.

1-91 Fees – Fees for applications or for the rendering of any service by the Planning Board or any member of their administrative staffs which is not otherwise provided by Ordinance may be provided for and adopted as part of the rules of the Board and copies of said rules or of the separate fee schedule shall be available to the public.

1-92 Application by Corporation or Partnership

- A. A corporation or partnership applying to the Planning Board or the governing body for permission to subdivide a parcel of land into six (6) or more lots, or applying for a variance to construct a multiple dwelling of twenty-five (25) or more family units or for approval of a site to be used for commercial purposes shall list the names and addresses of all stockholders or individual partners owning at least ten percent (10%) of its stock of any class or at least ten percent (10%) of the interest in the partnership, as the case may be.
- B. If a corporation or partnership owns ten percent (10%) or more of the stock of a corporation or ten percent (10%) or greater interest in a partnership, either of which is subject to disclosure, that corporation or partnership shall list the names and addresses of its stockholders holding ten percent (10%) or more of its stock or of ten percent (10%) or greater interest in the partnership, as the case may be, and this requirement shall be followed by every corporate stockholder or partner in the said partnership, until the names and addresses of the non-corporate stockholders and individual partners exceeding the ten percent (10%) ownership criterion have been listed.
- C. The Planning Board, Zoning Board of Adjustment, or the governing body shall not approve the application of any corporation or partnership which does not comply with Section 91A or Section 91B of this Ordinance.
- D. Any corporation or partnership which conceals the names of the stockholders owning ten percent (10%) or more of its stock, or of the individual partners owning a ten percent (10%) or greater interest in the partnership, as the case may be, shall be subject to a fine of \$1,000 to \$10,000 which shall be recovered in the name of the Borough of West Wildwood in any court of record in the State in a summary manner pursuant to "The Penalty Enforcement Law" (N.J.S.A. 2A:58-1 et seq.)

1-93 Payment of Taxes – Pursuant to the provisions of N.J.S.A. 40:55D-39 and 40:55D, every application for development submitted to the Planning Board shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of such application.