Town of Phillipsburg Instructions for Development

Please be advised the first two (2) steps for ANY development are:

1. Prior to making any application to either Board you must file a Zoning Permit with the Zoning Officer of the Town of Phillipsburg, (Per Town of Phillipsburg Town Code 625-72.), $25 fee.

2. All taxes and sewer bills must be paid up to date before the application can proceed. There cannot be any liens against a property. (Per NJ Land Use law NJSA 40:55D-39.)

Applications:

1. Applicants shall make a zoning application to the Zoning Official for determination of approval to apply to the proper Land Use Board.

2. The applicant must submit a formal written application on forms provided online (Phillipsburgnj.org) or by the Administrative Officer for all development proposals to the Planning Board or appeals 28 days in advance of the meeting date along with the non-refundable application fee, escrow fee, and certified property list fee. Forms may be obtained from the Land Use Technical Assistant, located in the Department of Inspections, 120 Filmore Street, Phillipsburg, NJ 08865 (908) 454 5500 ext. 330 or online at www.phillipsburgnj.org.

3. Applicants shall make a request (including a $10 deposit) for a certified list of property owners located within 200 feet of the proposed project or .25 cents whichever is greater. **(Per NJ Land Use law NJSA 40:55D-12C.)**

4. To ensure the expeditious processing of the application, the applicant should be careful to comply fully and promptly with all requirements.

5. Upon receiving your completed application (s) you will be required to remit to the Town of Phillipsburg one or a combination of the following non-refundable application fees (A-G). The application /appeal fees are determined by the nature of the development proposal and the type of appeal to the Board.

ORDINANCE NO. 2024-24

ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 360 ENTITLED "LAND USE PROCEDURES," DELETING IN THEIR ENTIRETY CERTAIN SECTIONS OF ARTICLE VII — FEES — TO INCREASE THE FINANCIAL OBLIGATIONS DESCRIBED THEREIN

WHEREAS, the Town of Phillipsburg wishes to amend certain Sections of Chapter 360 —Land Use Procedures — to increase the fees described therein;

WHEREAS, The Town believes that the fees presently charged are pursuant to Chapter 360 are outdated and need to be updated; and

WHEREAS, in order to effectuate the update, certain Sections of Chapter 360 need to be deleted in their entirety and replaced with the updated language; and

WHEREAS, the update to this Chapter, which shall increase the relevant fees listed therein, is in the best interest of the Town and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey that certain Sections of Chapter 360 — Land Use Procedures — be deleted in their entirety and replaced as follows:

SECTION I:

Section 360-47 — Nonrefundable Application Fees is hereby deleted in its entirety and is replaced as follows:

§ 360-47. Site Plan.

The following fees shall be paid in accordance with the fee schedule, as provided below:

A. Minor Site Plan Lot Size < 5,000 SQ. FT. (Total Lot(s) Area): $365.
B. Minor Site Plan Lot Size > 5,000 SQ. Ft. (Total Lot(s) Area) + $500 per each additional 1,000 SQ. FT. of improved building area (need to pick one option) with a max of $15,000: $1,200.
C. Major/Conventional Preliminary Site Plan Lot Size < 5,000 SQ. FT. (Total Lot(s) Area): $900.
D. Major/Conventional Preliminary Site Plan Lot Size > 5,000 SQ. Ft. (Total Lot(s) Area) + $500 per additional 1,000 SQ. FT. of improved building area (need to pick one option) with a max of $15,000: $5,000.
E. As-Built Site Plan: $425.
F. Site Plan Resubmission: $425.
G. Property Owner's List: $10.
H. Extension of Preliminary Approval: $600.
I. Application for Site Plan Exemption Lot Size < 5,000 SQ. FT. (Total Lot(s) Area): $200.
J. Application for Site Plan Exemption Lot Size > 5,000 SQ. Ft. (Total Lot(s) Area) + $500 per each additional 1,000 SQ. FT. of improved building area (need to pick one option) with a max of $15,000: $750.

[.

SECTION II

Section 360-50. Subdivision and Variance Escrow Accounts is hereby deleted in its entirety and is replaced as follows:

§ 360-50. Subdivision.

The following escrow amounts shall apply to subdivision review:

A. Lot line adjustment not creating an additional building lot: $365.
B. Minor subdivision creating one or more new lots <5,000 SQ. FT. (Total Lot(s) Area): $485.
C. Minor subdivision creating one or more new lots > 5,000 SQ. Ft. (Total Lot(s) Area) + $250 per each additional 1,000 SQ. FT. of lot area with a max of $15,000: $2,500.
D. Major subdivision Preliminary creating one or more new lots < 5,000 SQ. FT. (Total Lot(s) Area): $600.
E. Major subdivision Preliminary creating one or more new lots > 5,000 SQ. Ft. (Total Lot(s) Area) + $500 per each additional 1,000 SQ. FT. of lot area with a max of $15,000: $5,000.
F. Major subdivision Final creating one or more new lots < 5,000 SQ. FT. (Total Lot(s) Area): $600.
G. Major subdivision Final creating one or more new lots > 5,000 SQ. Ft. (Total Lot(s) Area) + $500 per each additional 1,000 SQ. FT. of lot area with a max of $15,000: $5,000.
H. Sketch plan for major subdivision: $600.
I. Preliminary plat for major subdivision
    a. Less than 10 lots (plus $100/lot): $900.
    b. Ten lots or more (plus $100/lot): $1,800.
J. Final plat for major subdivision:
    a. Less than 10 lots (plus $100/lot): $900.
    b. Ten lots or more (plus $100/lot): $1,500.
K. Resubmission: $900.
L. Property Owner's list: $10.
M. Extension of preliminary approval (plus $100/lot) $1,000.
N. Site Plan waiver and/or change of use request: $225.
0. For submission of a sketch plat or boundary line change or merger of portions of adjoining properties where engineering review by the Planning Board Engineer is required: $225.
P. Lot line adjustment not creating an additional building lot: $300.
Q. Special meeting: $1,500.
R. Informal Review: $300.

SECTION III:

Section 360-51 — entitled "Zoning" — is hereby created as follows:

§ 360-51. Zoning.

The following fees shall apply to the situations listed herein below:

A. Planning Permits: $600.
B. Conditional Use Permit: $420.
C. Zoning appeal: $420.
D. Zoning Ordinance/Zoning Map interpretation: $420.
E. Bulk Variance: $420.
F. Use Variance: $900.
G. All other categories of Board of Adjustment Applications: $600.
H. Extension of variance approval: $400.
I. Appeals pursuant to N.J.S.A. 40:55D -70a: $900.
J. Appeals pursuant to N.J.S.A. 40:55D -70b: $900.
K. Appeals pursuant to N.J.S.A. 40:55D-70c: $900.
    a. Bulk or hardship variance: $600.
    b. For an improved residentially zoned lot, a review deposit shall be paid: $600.
    c. For an unimproved residentially zoned lot, a review deposit shall be paid: $1,200.
    d. For a commercially zoned lot, whether improved or unimproved, a review deposit fee: $1,800.
    e. For an industrial zoned lot, whether improved or unimproved, a review deposit fee: $1,800.

SECTION IV:

Section 360-52 — entitled "Wireless Communications Tower & Antennas" — is hereby created as follows:

§ 360-52. Wireless Communications Tower & Antennas.

The following fees shall apply to the situations listed herein below:

A. With new tower: $10,000.
B. Without new tower: $5,000.
C. Appeals pursuant to N.J.S.A. 40:55D-70d: $480.

SECTION V:

Section 360-50 — entitled "Subdivision and variance escrow accounts" — is hereby deleted in its entirety and is replaced with Section 360-53 — entitled "Escrow" —as follows:

§ 360-53. Escrow.

The following escrow amount shall apply as follows:

A. For submission of a sketch plat or boundary line change or merger of portions of adjoining properties where engineering review by the Planning Board Engineer is required: $600.
B. Preliminary site plan: $5,500.
    a. Light industry/warehouse (Plus $500/1,000 SQ. FT. - $1.00 per square foot)
    b. Retail/office (Plus $500/1,000 SQ. FT. - $1.00 per square foot)
    c. Multifamily (Plus $1,000 per unit)
    d. Others (Plus $500/1,000 SQ. FT. or $500 per unit)
C. Final Site Plan: $5,000.
D. Minor subdivision: $2,000.
    a. Lot line adjustment (no new building lots): $2,000.
    b. Minor subdivision (1 or more new lots); $2,000.
E. Conventional/Major Subdivision: $5,000.
    a. Sketch plat for major subdivision (plus $300/lot): $1,000.
    b. Preliminary plat for major subdivision (plus $500/lot): $1,000.
    c. Final plat for major subdivision (plus $200/lot): $2,000.
F. Site Plan Waiver Extension: $2,000.
G. Zoning Appeal: $1,000.
H. Zoning Appeal Subdivision: $2,000.

SECTION VI: This Ordinance shall be a part of the Code of the Town of Phillipsburg as though codified and fully set forth therein. The Township Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Township Clerk and the Township Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Town of Phillipsburg in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

SECTION VII: All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

SECTION VIII: 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.

SECTION IX: This Ordinance shall take effect after adoption and publication thereof as provided by law.

Filling of Applications:

7. All applicants for site plan and subdivision approval, or appeals to the Board of Adjustment must be submitted at **28 days** in advance to the Planning Board or Board of Adjustment.

A. Applicants wishing to make application for preliminary and or final site plan approval shall follow the requirements contained in Chapter 510 of the Town Code of the Town of Phillipsburg.

B. Applicants wishing to make applications for subdivisions shall follow the requirements contained Chapter 555 of the Town Code of the Town of Phillipsburg.

8. Complete applications must be submitted in its entirety including the following:

a. Corresponding letter with a detailed description of the submitted material.
b. Application forms and completed checklist(s).
c. Filing fees made payable to the Town of Phillipsburg.
d. You will need to provide **16 (sixteen copies)** of the original along with an equal number of all the information you are providing to the Board of Adjustment or Planning Board. These may and should include maps, surveys, plot plans, building or other structural details or other information, which the Board will review and consider when making a decision. **ALL THESE MUST BE FOLDED or they will not be accepted.** The more accurate the information you provide the easier it will be for the Board to make its decision.

A. Once you have submitted the application and the 16 (sixteen copies), paid the application and property list fees and established an escrow account; you will be supplied with a list of property owners within 200 feet of your property along with other forms and instructions you will need to fulfill your statutory obligations to notice in accordance with the Municipal Land Use Laws. You will be given a Case #--------or File # ------- (PN-1) that you will put on your notice to the property owners and the date that your case is scheduled to go before the Board. The content of the notices must accurately describe what it is you want to do and what you are appealing.

** Note: You may use the text on the Denial of Zoning Permit to prepare your Notice to property owners.

B. Follow the instructions for public notice on the attached sheets and provide the proofs of Notice to the Land Use Technical Assistant at least 10 days prior to the meeting date. If you do not notice correctly your case cannot by State Stature, be heard by the Board.

C. The regular meetings of the Boards are as follows:

Planning Board meetings are normally held the fourth Thursday of the month at 7:00 PM, except Nov and Dec.

Please contact the Land Use Technical Assistant for the meeting location at 908-454-5500 ext. 330.

(UNLESS OTHERWISE STATED)

INSTRUCTIONS FOR PUBLIC NOTICE
FOR THE PLANNING BOARD and BOARD OF ADJUSTMENT

9. Notice shall be given to all property owners listed on the certified mailing list **10 days** prior to the meeting date. They must be personally served or be notified by certified mail using the completed "Notice of Hearing to Property Owners, **Form PN-1"** which has been supplied to you.

10. Notice shall be given to all public utilities listed on the Public Utilities List **10 days** prior to the meeting date. In addition to the property owners within 200 feet of the subject property, you must serve the Notice to the following public officials if the conditions warrant notice.

    a. If the property is within 200 feet of Lopatcong Township, serve the Lopatcong Township Clerk, Lopatcong Municipal Building, 223 Third Street, Morris Park Phillipsburg, NJ 08865.

    b. If property abuts a County Road*, serve the Secretary of the Warren County Planning Board, 165 County Route 519, Belvidere NJ 07823 - 1949

    c. If the property is on a State Highway**, serve the Commissioner of Transportation, N.J.D.O.T., 1035 Parkway, Trenton NJ 08625, CN 600.

*County Roads
1. North Main from Memorial Parkway to Lopatcong Township.
2. South Main Street from Sawmill to Pohatcong Township.
3. Lincoln Street from Belvidere Road to Memorial Parkway.

** State Highways
1. Rt. 22/ Memorial Parkway
2. South Main Street (Alt. Rt. 22)

11. "Affidavit of Service of Public Notice" **(Form PN-2)** must be completed, notarized, and returned **10 days prior** to the hearing date.

12. You must list the property owners that you have sent the Notice to by certified mail on the Schedule of Property Owners Served by Certified Mail **(Form PN-3). (return 10 days** prior to the meeting date). Attach the copies of the Certified mailing receipts (white) that you have received dated and stamped by the Post Office and **return 10 days** prior to the meeting date. Return green cards showing proof of receipt by the property owner **5 days** prior to the meeting date.

13. You must list the property owners that you have hand delivered the Notice to on the Schedule of Property Owners Served by Personal Service **(Form PN-4).** The person must be the owner of the Property and of legal age. (Do not serve these notices to a tenant or neighbor or anyone other than the owner). **Complete and return (10 days prior) to the hearing date.**

14. You must advertise the contents of Form PN-1 in the Legal section in THE STAR LEDGER or DAILY RECORD (Morris County News) at least 10 DAYS PRIOR TO THE HEARING and meets the planning board attorney's approval. Please Note: Deadline for the Star Gazette is 3 Fridays before the meeting date and the Express Times and at least a 2-day holding period on all legal ads. Please check ahead with the newspaper for any deadlines. You shall obtain from the newspaper a "Proof of Publication" a statement, which you must submit to the Planning & Zoning Department. (Star Ledger or Daily Record (Morris County News), Legal Department; proof of advertisement shall be returned 5 days prior to the meeting date.)

15. To ensure that everything is in proper order we must have the following documents returned to the Planning & Zoning Department, 120 Filmore Street, Phillipsburg, NJ 08865 **10 days** prior to the meeting date (except G & H).

    A. The Notice of Hearing (PN-1) you served to the property owners.
    B. The **original** Affidavit of Service of Public Notice (PN-2)
    C. The **originals** of the Schedule of Property Owners Served by Certified Mail (PN-3).
    D. The **original** Certified Mailing receipts that are dated and stamped by the Post Office (white slip).
    E. The **original** of the Schedule of Property Owners Served by Personal Service (PN-4), (if any).
    F. The **original** Application for Development, Tax & Sewer Utility Certification.
    G. The **original** Proof of Publication from the Star Ledger or Daily Record (Morris County News)
    H. The **original** return green cards showing proof of receipt by the property owner.

You must return items A, B, C, D, E, & F at least 10 days prior to the meeting date. Item G & H may be returned at 5 days prior to the meeting.

****NOTE:** The Notice to the property owners and the Notice in The Express (legal section) **MUST** be performed **AT LEAST 10 DAYS PRIOR** to the night of the hearing. Your file/case will not be placed on the agenda if we do not receive A thru F 10

DAYS PRIOR to the meeting date. Do not count the day of the hearing when counting the 10 days.

Please remit a copy of the application and plans for letters of approvals to the following Town Officials:

Town of Phillipsburg
Fire Chief Richard Hay
120 Filmore Street
Phillipsburg, NJ 08865

Town of Phillipsburg Emergency
Squad Captain
360 Prospect Street
Phillipsburg, NJ 08865

You must also obtain a "Will Serve" letter from the Sewer Engineer:
Remington & Vernick Engineers
232 Kings Hwy E #E
Haddonfield, NJ 0880334907

Leral Representation

While it is in no way mandatory, if the Applicant feels the procedures in following to prepare this Application for relief from provisions of the Code of the Town of Phillipsburg are not clear or there are questions regarding the Application, it is recommended that the Applicant obtain the advice or representation of an attorney licensed in the State of New Jersey and experienced in planning and zoning matters. Corporations, for-profit and not for-profit, must be represented by an attorney licensed in the State of New Jersey.