

BOARD OF CHOSEN FREEHOLDERS
COUNTY OF HUDSON
RESOLUTION

No. 565-12-2010

On Motion of Freeholder Dublin
Seconded by Freeholder O'Dea

APPROVAL OF AMENDMENTS TO THE HUDSON
COUNTY LAND DEVELOPMENT REGULATIONS

WHEREAS, by way of Resolution No. 461-10-2008, adopted on October 23, 2008, the Board of Chosen Freeholders adopted the Hudson County Land Development Regulations ("Land Development Regulations") as prepared and administered by the Hudson County Planning Board ("Planning Board") pursuant to the County Planning Act ("Act"); N.J.S.A. 40:27-1, et seq., as amended and supplemented; and

WHEREAS, the Planning Board has met to discuss and formulate proposed amendments ("Amendments") to the Land Development Regulations to clarify and amend the Land Development Regulations to better conform to the Act; and

WHEREAS, the Planning Board has reviewed the proposed amendments and has approved of the amendments at its public meeting of December 15, 2010; and

WHEREAS, the Hudson County Land Development Regulations are available for public inspection as they are on file with the Clerk of this Board; and

WHEREAS, said regulations are by this resolution amended and supplemented by the language which appears below. Those sections unchanged by these amendments shall remain in full force and effect; and

Section I
Administration

D. Approving Agency

The approving provisions of this Resolution shall be administered by the Hudson County Planning Board in accordance with the County Planning Act (N.J.S.A. 40:27-6.1, et seq., as amended and supplemented).

Except as provided herein, the Hudson County Planning Board has retained full authority to review and approve all applications for subdivision and site plan approval over which it has jurisdiction, as provided in the County Planning Act.

The Hudson County Planning Board has, by the adoption of a Resolution, vested its power to review and approve site plan applications for telecommunications installations with the Subdivision and Site Plan Review Committee, hereafter sometimes referred to as the "Committee," and the County Planning Director.

The County Planning Board also has authorized the Committee and the Planning Director to issue a jurisdictional determination, upon an applicant's request, regarding the Board's authority to review and take action upon a proposed development in accordance with the standards of the County Planning Act. Any person aggrieved by any action of the Committee and the Planning Director may file an appeal in writing to the County Planning Board within 10 days after the date of notice of the said action, in accordance with the procedures contained in N.J.S.A. 40:27-6.9.

Other than as set forth in this subsection, the Committee and the Planning Director function in an advisory capacity to the Planning Board, and are responsible for reviewing the plans and supporting documents submitted in support of an application for development for consistency with the standards contained herein, and are to make recommendations to the Planning Board regarding proposed action on the application.

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Section II
Definitions

ABUT / ALONG: Those properties in part or in whole that have frontage on or border a County road.

Section III
Applicability

B. Site Plans

1. Approval Required.

A site plan application shall be submitted to the County Planning Board for its review and approval, as set forth and limited in N.J.S.A. 40:27-6.6, for any development located along a County road or roads or which affects County drainage facilities. "Development" is defined as follows:

- a. The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure.
- b. Any use or change in the use of any building or other structure, or land or extension of use of land.

2. Exemptions.

- a. Development on land not located along a County road that includes less than a combined total of one (1) acre of existing and proposed impervious surface is exempt from County site plan review.
- b. Development of a single family home is exempt from County site plan review, as long as no driveway or other curb cut into the County roadway is a part of the development.

Section IV
Application Submission Procedures

J. Jurisdictional Determination

A prospective applicant may request a determination of whether the County Planning Board has jurisdiction over a proposed development.

1. Required items.

Applicants seeking a jurisdictional determination shall submit a request describing the proposed development, along with one (1) copy of the subdivision plat or site plans filed with the municipal planning or zoning board, a completed copy of the Development Review Checklist contained in Appendix C; and an application fee of \$100.00.

2. Review.

The Subdivision and Site Plan Review Committee and the County Planning Director shall review the submission and issue a jurisdictional determination. The jurisdictional determination shall state the reasons for the determination and shall either state that the County Planning Board has no interest in the proposed development or instruct the applicant to file a full application for subdivision or site plan approval.

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**APPENDIX B
FEE SCHEDULE**

	Request for Jurisdictional Determination	Application Fee	Technical Review Escrow Deposit	Inspection and Compliance Escrow Deposit
All Telecommunications Antennas, Facilities, and Towers	\$100.00	\$500.00	\$1,000.00	\$500.00
All Other Site Plans	\$100.00	\$100.00 plus \$10.00 per parking space or \$10.00 per 300 SF of total impervious lot coverage <i>(whichever is greater, but not to exceed \$20,000.00)</i>	\$1,000.00 plus \$20.00 per parking space or \$20.00 per 300 SF of total impervious lot coverage <i>(whichever is greater)</i>	\$500.00 plus \$5.00 per parking space or \$5.00 per 300 SF of total impervious lot coverage <i>(whichever is greater)</i>
Subdivision	\$100.00	\$100.00 plus \$100.00 per proposed lot <i>(Not to exceed \$20,000.00)</i>	\$1,000.00 plus \$100.00 per proposed lot	\$500.00 plus \$50.00 per proposed lot

1. The application fee for US Green Building Council LEED (Leadership in Energy & Environmental Design) certified projects shall be reduced or eliminated as follows: Platinum certified projects shall pay no application fee; Gold certified projects shall pay 25% of the application fee; Silver certified projects shall pay 50% of the application fee; and LEED certified projects shall pay 75% of the application fee.
2. Federal, state, county, and municipal governments, churches, hospitals, and 501(c)(3) non-profit organizations are not required to submit an application fee, but may be asked to submit appropriate escrow deposits.
3. At the discretion of the Subdivision and Site Plan and Review Committee and the County Planning Director, and upon an applicant's request, escrow deposits may be made in increments of \$10,000.00, including initial deposits of \$10,000.00 for each escrow with the submission of the application, to be periodically replenished by the applicant.
4. Certified Checks, Cashier Checks, or Money Orders shall be made payable to the "County of Hudson." Cash or personal checks will not be accepted. Separate checks must be submitted for the application fee and each escrow deposit.

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NOW, THEREFORE, BE IT RESOLVED by the Board of Chosen Freeholders of the County of Hudson, that:

1. The aforesaid recitals are incorporated herein as though fully set forth at length.
2. The Board of Chosen Freeholders does hereby approve of the Amendments to the Land Development Regulations as recited hereinabove.
3. The Clerk of the Board shall attach a certified copy of this Resolution to the filed copy of Resolution No. 461-10-2008
4. The Clerk shall transmit a certified copy of this Resolution to the Hudson County Planning Board.
5. This resolution shall take effect immediately.

Freeholder	Aye	Nay	Abst	N.P.	Freeholder	Aye	Nay	Abst.	N.P.
Cifelli	✓				O'Dea	✓			
DiDomenico	✓				Rivera	✓			
Dublin	✓				Romano	✓			
Liggio	✓				Chairperson Rivas	✓			
Munoz	✓								

SOURCE:
Parks and
Community Services
MEM/up

It is hereby certified that at a regular meeting of the Board of Freeholders of the County of Hudson held on the 21 day of Dec. A.D. 2010, the foregoing resolution was adopted with 9 members voting in the affirmative and 0 in the negative.

Clerk

APPROVED AS TO LEGAL FORM

BY: _____
DONATO J. BATTISTA
HUDSON COUNTY COUNSEL