

**§ 143-30. Notice requirements for hearing.**

Whenever a hearing is required on an application for development pursuant to N.J.S.A. 40:55D-1 et seq., the applicant shall give notice thereof as follows:

- A. Public notice shall be given by publication in the official newspaper of the municipality at least 10 days prior to the date of the hearing.
- B. Notice shall be given to the owners of all real property as shown on the current tax duplicate or duplicates located within 200 feet in all directions of the property which is the subject of such hearing and whether located within or without the municipality in which the applicant's land is located. Such notice shall be given by serving a copy thereof on the owner as shown on said current tax duplicate or his agent in charge of the property or by mailing a copy thereof by certified mail to the property owner at his address as shown on said current tax duplicate. A return receipt is not required. Notice to a corporate owner may be made by service upon its president, vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation. Notice to a partnership owner may be made by service upon any partner.
- C. Notice of all hearings on applications for development involving property located within 200 feet of an adjoining municipality shall be given by personal service or certified mail to the Clerk of such municipality, which notice shall be in addition to the notice required to be given pursuant to § 143-30B of this article to the owners of lands in such adjoining municipality which are located within 200 feet of the subject premises.
- D. Notice shall be given by personal service or certified mail to the County Planning Board of a hearing on an application for development of property adjacent to an existing county road or proposed road shown on the official County Map or on the County Master Plan, adjoining other county land or situate within 200 feet of a municipal boundary.
- E. Notice shall be given by personal service or certified mail to the Commissioner of Transportation of a hearing on an application for development of property adjacent to a state highway.
- F. Notice shall be given by personal service or certified mail to the Director of the Division of State and Regional Planning in the Department of Community Affairs of a hearing on an application for development of property which exceeds 150 acres or 500 dwelling units. Such 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-10b.
- G. All notices hereinabove specified in this section shall be given at least 10 days prior to the date fixed for hearing, and the applicant shall file an affidavit of proof of service with the Board holding the hearing on the application for development.
- H. Any notice made by certified mail as hereinabove required shall be deemed to be complete upon mailing in accordance with the provisions of N.J.S.A. 40:55D-14.

- I. Form of notice. All notices required to be given pursuant to the terms of this chapter shall state the date, time and place of the hearing, the nature of the matters to be considered and 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 Municipal Tax Assessor's office and the location and times at which any maps and documents for which approval is sought are available as required by law.
- J. In addition to the notices hereinabove set forth, the applicant is hereby given notice of the following requirements of the statutes of the State of New Jersey:
- (1) Any person proposing to construct or causing to be constructed a facility as enumerated in N.J.S.A. 13:19-3c in the coastal area as described in N.J.S.A. 13:19-4 shall also file application for a permit with the State of New Jersey Department of Environmental Protection as required by law.
  - (2) Any applicant presenting an application for development for a project which disturbs more than 5,000 square feet of surface area of land provided for in P.L. 1975, c. 251, Soil Erosion and Sediment Control Act.<sup>1</sup>
  - (3) Any applicant presenting an application for development which involves the design of a central-well water system must obtain approval from the New Jersey Department of Environmental Protection as provided by law.
  - (4) Any applicant presenting an application for development which involves a sewage disposal system must obtain an approval from the Atlantic County Board of Health.
  - (5) Any and all variances, permits and/or approvals which may be granted by the municipality to any applicant in accordance with the provisions of this chapter are subject to the obtaining of the necessary permits and/or approvals required from county and/or state agencies and departments hereinabove set forth.

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1. Editor's Note: See N.J.S.A. 4:24-39 et seq.