

STARK & STARK

A PROFESSIONAL CORPORATION

Mercer County Bar Association
Real Estate Section
February 9, 2005

ATTORNEYS AT LAW

OFFICE: 993 LENOX DRIVE LAWRENCEVILLE, NJ 08648-2389

MAILING: PO BOX 5315 PRINCETON, NJ 08543-5315

609-896-9060 (PHONE) 609-896-0629 (FAX)

WWW.STARK-STARK.COM

Planning & Zoning 101

I. What is it?

- A. Site Plan
- B. Subdivision
- C. Variances - Bulk v. Use
- D. Condition Use Approval/Variances
- E. Zoning Permits
- F. Interpretations
- G. Appeals from Administrative Officer
- H. Certification of Preexisting Nonconforming Use
- I. Special Questions
- J. Distinguish from Building Code
- K. 150+ Possible Permits and Approvals
- L. 588+ Sets of Laws
 - 1. 566 Municipalities
 - 2. 21 Counties
 - 3. 1 State and Myriad of Divisions
 - 4. Meadowlands Commission
 - 5. Pinelands Commission
 - 6. Highlands Commission
 - 7. D&R Canal Commission
- M. Residential Site Improvement Standards
- N. Master Plan
- O. State Development and Redevelopment Plan

II. Role of Municipal Officials and Boards

- A. Zoning Officer
- B. Construction Code Official
- C. Planning Board
- D. Zoning Board

STARK & STARK

A PROFESSIONAL CORPORATION

III. Superior Court - Complaints in Lieu of Prerogative Writs

- A. Standard on Appeal - Arbitrary, Capricious and Unreasonable
- B. Trial on the Record Below

IV. Contract Issues

- A. Due Diligence
- B. Contingencies
- C. Zoning Permit
- D. Subdivision Permits
- E. Change of Use

V. Process and Procedures

A. Municipal

- 1. Application
- 2. Rider
- 3. Checklist
- 4. W-9
- 5. Tax Certification
- 6. Property Owners List
- 7. Disclosure of Ownership
- 8. Application and Escrow Fees

B. County

C. State

- 1. DEP
 - a. Stream Encroachment Permits
 - b. Wetlands
 - c. Potable Water
 - d. Treatment Works
 - e. CAFRA
- 2. DOT - Highway Access Permits
- 3. DCA
 - a. PREDFDA
 - b. Building Code
- 4. Etc.

STARK & STARK

A PROFESSIONAL CORPORATION

D. Other

1. Meadowlands Commission
2. Pinelands Commission
3. Highlands Commission
4. D&R Canal Commission
5. Soil Conservation District

E. Professionals

1. Surveyor
2. Civil Engineer
3. Traffic Engineer
4. Planner
5. Architect
6. Court Reporter
7. Others

VI. Miscellaneous Issues

- A. Loechner
- B. Nash
- C. Case History
- D. Title Insurance
- E. Case Histories

VII. Practice Pointers

- A. Demeanor - Schmooze and Smile First
- B. Cox/The Bible - With Biblical Commentaries and Interpretations not Incorporated
- C. Municipal Officials - Not the Omnipotent
- D. Zoning Ordinances Do Not Override State Law Despite Best Efforts
- E. Professionals Can Make or Break/Brake an Application

VIII. Handouts

- A. Due Diligence Clause
- B. Zoning Contingency Clause
- C. Loechner Decision
- D. Nash Decision
- E. Sample Title Policy